

SCHEDULE

TRANSITIONAL PROVISIONS AND SAVINGS: THE COMPETITION AND MARKETS AUTHORITY AND COMPETITION REFORM

General

Enactments applied by other enactments

16.—(1) Subject as follows, this Schedule applies in relation to enactments as applied by other enactments as it applies in relation to the enactments themselves.

(2) In its application to provisions applied by Part 4 of the 2002 Act, paragraph 3(1) has effect as if the references to sections 22, 33, 45 or 62 of the 2002 Act were references to sections 131 or 132 of that Act.

(3) Paragraph 4(1) does not apply in relation to any notice given before the commencement date under section 109 of the 2002 Act as applied by section 176 of that Act (for which see paragraph 10).

(4) In its application to provisions applied by the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003⁽¹⁾, paragraph 3 has effect as if the references to sections 22, 33, 45 or 62 of the 2002 Act were references to article 5 of that Order.

(5) In its application to provisions applied by virtue of Schedule 4ZA to the Water Industry Act 1991⁽²⁾, paragraph 3 has effect as if the references to sections 22, 33, 45 or 62 of the 2002 Act were references to section 32 of the Act of 1991⁽³⁾.

(6) In their application to functions exercisable under the 2002 Act concurrently with a sectoral regulator, paragraphs 8 to 12 (other than paragraphs 9(2), 10(3) and 11(1)) have effect as if any reference to the OFT includes a reference to the sectoral regulator concerned.

(7) In their application to sectoral regulators (and without prejudice to paragraphs 8(1) and 9(1)), sections 139(A1)(b) and (1B) and 140A(2)(a) of the 2002 Act and any related provisions have effect as if the references to consultation under section 169 of that Act in respect of a decision of the kind mentioned in section 169(6)(a)(i) of that Act included references to consultation begun before the commencement date in respect of a decision of the kind mentioned in section 169(6)(a)(i) of that Act as it had effect before that date.

(8) In this paragraph “sectoral regulator” means—

- (a) the Office of Communications,
- (b) the Gas and Electricity Markets Authority,
- (c) the Water Services Regulation Authority,
- (d) the Office of Rail Regulation,
- (e) the Northern Ireland Authority for Utility Regulation, ^{F1}, or]
- (f) the Civil Aviation Authority, ^{F2}...

^{F3}(g)

(9) This paragraph is subject to any provision made otherwise than by this Schedule and dealing specifically with the enactments as applied.

(1) S.I. 2003/1592, amended by S.I. 2013/610, 2003/3180.

(2) 1991 c.56. Schedule 4ZA was inserted by paragraph 1 of Schedule 6 to the Enterprise Act 2002 and amended by section 36 of the Water Act 2003 (c. 37).

(3) Section 32 was amended by section 70 of the Enterprise Act 2002.

Changes to legislation: *There are currently no known outstanding effects for the The Enterprise and Regulatory Reform Act 2013 (Commencement No. 6, Transitional Provisions and Savings) Order 2014, Cross Heading: General. (See end of Document for details)*

- F1** Word in Sch. para. 16(8)(e) inserted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **114(2)(a)**
- F2** Word in Sch. para. 16(8) omitted (1.7.2022) by virtue of The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **114(2)(b)**
- F3** Sch. para. 16(8)(g) omitted (1.7.2022) by virtue of The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **114(2)(c)**

Commencement Information

- I1** Sch. para. 16 in force at made date

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