

SCHEDULE

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

Markets

General: existing matters

8.—(1) The amendments made by Chapter 2 of Part 4 of the Act or section 49 or 50 of the Act (markets) apply in relation to—

- (a) any reference made under section 131 or 132 of the 2002 Act⁽¹⁾ before the commencement date, or
- (b) any possible reference under section 131 or 132 of the 2002 Act which arose before that date,

as they apply in relation to any such reference made, or arising, on or after that date.

(2) In particular, the amendments mentioned in sub-paragraph (1) apply in relation to investigations begun, notices given, reports published, undertakings accepted and orders made before the commencement date as they apply in relation to investigations begun, notices given, reports published, undertakings accepted and orders made on or after that date.

(3) Sub-paragraph (2) is without prejudice to the generality of sub-paragraph (1).

(4) This paragraph is subject to paragraphs 9 to 12 and 16.

Commencement Information

II Sch. para. 8 in force at made date

Public interest interventions

9.—(1) The amendments made by section 35 of, and Schedule 10 to, the Act (public interest interventions in markets investigations) do not apply in relation to—

- (a) any reference made under section 131 or 132 of the 2002 Act before the commencement date, or
- (b) any case where the OFT has published a notice of a proposed undertaking in lieu under section 155(1) or (4) of the 2002 Act⁽²⁾ before the commencement date.

(2) In their application to cases where the OFT has publicly launched a market study before the commencement date but sub-paragraph (1) does not apply, sections 139 to 140A of the 2002 Act have effect as if—

- (a) section 139(A1) provided for section 139 to apply where the OFT has publicly launched a market study in relation to a matter,
- (b) the permitted period for the purposes of section 139(1) were the period beginning with the public launch of the market study and ending with—

(1) Section 131 was amended by section 33 of, and paragraph 2 of Schedule 10 and paragraph 163 of Schedule 5 to, the Enterprise and Regulatory Reform Act 2013. Section 132 was amended by section 34 of, and paragraph 164 of Schedule 5, paragraph 3 of Schedule 10 and paragraph 10 of Schedule 12 to, the Enterprise and Regulatory Reform Act 2013.

(2) Section 155 was amended by paragraph 188 of Schedule 5 and paragraph 23 of Schedule 10 to the Enterprise and Regulatory Reform Act 2013.

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: Markets. (See end of Document for details)

- (i) the acceptance by the CMA of an undertaking under section 154 instead of the making of a reference under section 131 in relation to the matter,
 - (ii) the publication of notice of the fact that the CMA has otherwise decided not to make such a reference in relation to the matter, or
 - (iii) the making of such a reference in relation to the matter,
- (c) section 140(1)(a) and (b) required an intervention notice under section 139(1) to state—
- (i) the matter to which the publicly launched market study relates, and
 - (ii) the date of the public launch,
- (d) the references in section 140(4B)(b) and 140A(1) to preparing a market study report in relation to a matter within the period permitted by section 131B(4) were references to preparing a report on the market study concerned in relation to a matter,
- (e) sections 140(4C) and (5)(zc) and 140A(2), (3)(c) and (11) were omitted,
- (f) in section 140(6)(a) the word ““(zc),” were omitted,
- (g) the reference in section 140A(1)(b) to the CMA being required to publish the report were a reference to the CMA publishing the report on the market study concerned,
- (h) section 140A(3)(b) required the CMA not to publish the report but to give it to the Secretary of State, and
- (i) the reference in section 140A(10) to the market study report were a reference to the report.

Commencement Information

I2 Sch. para. 9 in force at made date

Investigation powers

10.—(1) The amendments made by section 36 of, and Schedule 11 to, the Act (investigation powers) do not apply in relation to any notice given before the commencement date under section 174 of the 2002 Act⁽³⁾ or section 109 of that Act⁽⁴⁾ as applied by section 176 of that Act⁽⁵⁾.

(2) In their continued application by virtue of sub-paragraph (1), sections 109 to 116 of the 2002 Act⁽⁶⁾ and any related provisions have effect without the amendments made by section 29 of the Act.

(3) In its application to cases where the OFT has publicly launched a market study before the commencement date—

- (a) section 174(1)(a) of the 2002 Act has effect as if the reference to the publication of a market study notice were a reference to the public launch of a market study,
- (b) section 174C(1) has effect as if for paragraphs (a) and (b) there were substituted “the CMA publishes the report on the market study concerned or (as the case may be) gives it to the Secretary of State under section 140A(3)(b)”, and
- (c) section 174C(2) has effect as if for paragraphs (a) and (b) there were substituted “the publication of the report or (as the case may be) the giving of it to the Secretary of State”.

⁽³⁾ Section 174 was amended by section 36 and paragraph 204 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

⁽⁴⁾ Section 109 was amended by section 29 of and paragraph 143 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

⁽⁵⁾ Section 176 was repealed by paragraph 4 of Schedule 11 to the Enterprise and Regulatory Reform Act 2013.

⁽⁶⁾ Section 116 was amended by paragraph 150 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

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Commencement Information

I3 Sch. para. 10 in force at made date

Time-limits for market studies and market references

11.—(1) The amendments made by paragraphs 1, 2, and 10 of Schedule 12 to the Act (market studies and time-limits) do not apply in relation to any market study publicly launched by the OFT before the commencement date (or any reference made under section 131 or 132 of that Act before that date).

(2) The amendments made by paragraphs 3 and 6 of Schedule 12 to the Act (time-limits for market investigations and reports) do not apply in relation to any reference made under section 131 or 132 of the 2002 Act before the commencement date.

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Commencement Information

I4 Sch. para. 11 in force at made date

Time-limits for duty to remedy adverse effects

12. The amendments made by paragraphs 4 and 5 of Schedule 12 to the Act (time-limits for remedying adverse effects) do not apply in relation to a report of the Commission—

- (a) of the kind mentioned in section 138(1) of the 2002 Act⁽⁷⁾, and
- (b) published before the commencement date.

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Commencement Information

I5 Sch. para. 12 in force at made date

(7) Section 138 was amended by paragraph 171 of Schedule 5, paragraph 4 of Schedule 9 and paragraph 4 of Schedule 12 to the Enterprise and Regulatory Reform Act 2013.

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: Markets.