

## SCHEDULE 2

Article 3(10)

### Transitional provision and savings

#### **Merger Notices: The Enterprise Act 2002 (Merger Prenotification) Regulations 2003**

1. The revocations made by paragraph 9(2), (5)(a) and (c) and (6) of Schedule 1 do not apply insofar as the continued application of the provisions so revoked is necessary for the purposes of or in consequence of paragraphs 4(2) or 6 of the Schedule to the Enterprise and Regulatory Reform Act 2013 (Commencement No. 6, Transitional Provisions and Savings) Order 2014(1).

2. In their continued application by virtue of paragraph 1, regulations 8 to 11 of the Enterprise Act 2002 (Merger Prenotification) Regulations 2003(2) are to have effect as if any references to the OFT were references to the CMA.

#### **Water mergers: investigation powers**

3. The amendments made by paragraph 22(19) and (20) of Schedule 1 do not apply in relation to any notice given before the commencement date under section 109 of the 2002 Act as applied by virtue of Schedule 4ZA to the Water Industry Act 1991(3).

4. The amendments made by paragraph 22(5) and (6) of Schedule 1 do not apply in relation to any notice given before the commencement date under section 31 of the 2002 Act(4) as applied by virtue of Schedule 4ZA to the Water Industry Act 1991.

#### **Water mergers: undertakings**

5. The amendment made by paragraph 22(13) of Schedule 1 does not apply in relation to undertakings accepted before the commencement date under section 71 of the 2002 Act(5) as applied by virtue of Schedule 4ZA to the Water Industry Act 1991.

#### **Postal services: investigation powers in connection with regulatory appeals**

6. The amendments made by section 29 of the Act, to sections 109 to 111 of the 2002 Act, do not have effect in relation to those sections as applied by the Postal Services Act 2011 (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011(6) in relation to any notice given under section 109 of the 2002 Act before the commencement date.

7. The amendments made by paragraph 51(3) and (4) of Schedule 1 do not apply in relation to any notice given before the commencement date under section 109 of the 2002 Act as applied by the Postal Services Act 2011 (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011.

---

(1) [S.I. 2014/416 \(C. 17\)](#).

(2) [S.I. 2003/1369](#).

(3) [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).

(4) Section 31 is repealed by paragraph 17 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013.

(5) Section 71 is repealed by section 30 of the Enterprise and Regulatory Reform Act 2013.

(6) [S.I. 2011/2749](#).