

SCHEDULE 1

TRANSFER OF FUNCTIONS OF OFT AND COMPETITION COMMISSION TO CMA AND AMENDMENTS CONSEQUENTIAL ON PARTS 3 AND 4 OF THE ACT

PART 2

Amendments to other Acts of Parliament

Railways Act 1993

102.—(1) Section 15C (sections 15A and 15B: supplementary)(1) is amended as follows.

(2) In subsection (2D), after “subsections” insert “(2DA),”.

(3) After subsection (2D), insert—

“(2DA) Section 109 shall, in its application by virtue of subsection (2D) above, have effect as if—

(a) for subsection (A1), there were substituted—

“(A1) For the purposes of this section, a permitted purpose is assisting the CMA in carrying out any functions exercisable by it in connection with an investigation for the purposes of the exercise of its functions under section 15A or 15B of the Railways Act 1993.”; and

(b) subsection (8A) were omitted.”

(4) In subsection (2E)—

(a) for paragraph (b), substitute—

“(b) after subsection (3), there were inserted—

“(3A) No penalty shall be imposed by virtue of subsection (1) or (3) if more than 4 weeks have passed since the sending of a copy to the Office of Rail Regulation under section 15B(5) of the Railways Act 1993 of the modifications made by the CMA in connection with the reference concerned or, if no direction has been given by the CMA under section 15A(1) of that Act in connection with the reference concerned and within the period permitted for that purpose, the latest day on which it was possible to give such a direction within the permitted period; but this subsection shall not apply in relation to any variation or substitution of the penalty which is permitted by virtue of this Part.”; and”.

(1) Inserted by section 242 of the Transport Act 2000 and amended by Schedule 25 to the Enterprise Act 2002 and Schedule 6 to the Enterprise and Regulatory Reform Act 2013. There are other amendments to section 15C but none is relevant to this Order.