

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

- 105.**—(1) Section 67 (competition functions)(1) is amended as follows.
- (2) In subsection (2), for “OFT” substitute “CMA”.
- (3) In subsection (2A)—
- (a) for “OFT” substitute “CMA”,
 - (b) for “and 171” substitute “, 171 and 174E”, and
 - (c) for “relating to” substitute—
“those functions—
 - (a) are exercisable by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013), and
 - (b) relate to”.
- (4) In subsection (2B)—
- (a) for “above, references” substitute—
“above—
 - (a) references”,
 - (b) for “OFT” substitute “CMA”,
 - (c) for “and 171” substitute “, 171 and 174E”, and
 - (d) for “requires).” substitute—
“requires);
 - (b) references in that Part to section 5 of the Act of 2002 are to be construed as including references to section 69(1) of this Act.”
- (5) After subsection (2B) insert—
- “(2C) Section 130A of the Act of 2002 is to have effect in its application in relation to the Office of Rail Regulation by virtue of subsections (2) and (2A)—
- (a) as if for subsection (1) of that section there were substituted—
“(1) Where the Office of Rail Regulation—
 - (a) is proposing to carry out its functions under section 69(1) of the Railways Act 1993 in relation to a matter for the purposes mentioned in subsection (2), and

(1) Amended by Schedules 4 and 17 to the Deregulation and Contracting Out Act 1994, Schedule 10 to the Competition Act 1998, S.I. 1999/506, Schedules 9 and 25 to the Enterprise Act 2002, by Schedule 2 to the Railways and Transport Safety Act 2003, by S.I. 2003/1398, S.I. 2004/1261, S.I. 2012/1809 and by Schedules 14 and 15 to the Enterprise and Regulatory Reform Act 2013. There are other amendments to section 67 but none is relevant to this Order.

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- (b) considers that the matter is one in respect of which it would be appropriate for it to exercise its powers under section 174 (investigation) in connection with deciding whether to make a reference under section 131,
the Office of Rail Regulation must publish a notice under this section (referred to in this Part as a “market study notice”).”, and
 - (b) as if in subsection (2)(a) of that section, for “the acquisition or supply of goods or services of one or more than one description in the United Kingdom” there were substituted “the supply of services relating to railways within the meaning of section 67(3ZA) of the Railways Act 1993”.
- (6) In subsections (3), (4) and (4A), for “OFT” (in each place where it occurs) substitute “CMA”.
 - (7) In subsection (3A), for “the OFT” substitute “the CMA”
 - (8) In subsection (5)—
 - (a) in the words before paragraph (a), for “the Competition Commission” substitute “a CMA group”, and
 - (b) for “Commission” (in each place where it occurs) substitute “group”.
 - (9) In subsection (6)—
 - (a) in paragraph (a) for “reference made to the Competition Commission by the Office of Rail Regulation” substitute “market investigation reference made by the Office of Rail Regulation (under section 131 of the Enterprise Act 2002)”, and
 - (b) in paragraph (b) for “Commission” substitute “CMA”.
 - (10) After subsection (6) insert—
 - “(6A) In subsection (5) “CMA group” has the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013.”
 - (11) In subsection (7)—
 - (a) for “Competition Commission” substitute “CMA”, and
 - (b) for “Commission” substitute “CMA”.
 - (12) In subsection (8), for “the OFT” substitute “the CMA”.
 - (13) In subsection (9), for “OFT” substitute “CMA”.
 - (14) For the heading substitute “Competition functions of the Office of Rail Regulation”.