

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

Transport Act 2000

- 154.**—(1) Section 86 (concurrent competition functions)(1) is amended as follows.
- (2) In subsection (1), for “the OFT” substitute “the CMA”.
- (3) In subsection (2)—
- (a) for “OFT’s” substitute “CMA’s”,
 - (b) for “and 171” substitute “, 171 and 174E”, and
 - (c) for “they” 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)”.
- (4) In subsection (3), for “OFT’s” substitute “CMA’s”.
- (5) In subsection (4)—
- (a) for “the OFT” substitute “the CMA”, and
 - (b) for “and 171” substitute “, 171 and 174E”.
- (6) After subsection (4) insert—
“(4A) References to section 5 of the 2002 Act in Part 4 of that Act must be read as including a reference to section 91(1) of this Act.”
- (7) In subsection (5)—
- (a) omit “subsection (4) applies”,
 - (b) in paragraph (a), for “only so far as it is” substitute “subsections (4) and (4A) apply only so far as they are”, and
 - (c) in paragraph (b), at the beginning, insert “subsection (4) applies”.
- (8) After subsection (5) insert—
“(5A) Section 130A of the 2002 Act is to have effect in its application in relation to the CAA by virtue of subsections (1) and (2)—
(a) as if for subsection (1) of that section there were substituted—
“(1) Where the Civil Aviation Authority—
(a) is proposing to carry out its functions under section 91(1) of the Transport Act 2000 in relation to a matter for the purposes mentioned in subsection (2), and

(1) Amended by Schedules 9 and 25 to the Enterprise Act 2002, by [S.I. 2004/1261](#), [S.I. 2012/1809](#) and by Schedules 15 to the Enterprise and Regulatory Reform Act 2013.

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- (b) considers that the matter is one in respect of which it would be appropriate for the Authority to exercise its powers under section 174 (investigation) in connection with deciding whether to make a reference under section 131,

the Authority 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 air traffic services (within the meaning given by section 98 of the Transport Act 2000)”.

(9) In subsection (7), for “the OFT” substitute “the CMA”.

(10) In the heading, for “OFT” substitute “CMA”.