

SCHEDULE 1

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

PART 3

Amendments to other enactments

Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005

- 246.**—(1) Article 10 (article 9: supplementary)(1) is amended as follows.
- (2) In paragraph (3), for “(4)” substitute “(3A)”.
- (3) After paragraph (3), insert—
- “**(3A)** Section 109 shall, in its application by virtue of paragraph (3), 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 article 9 of the Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005.”; and
- (b) subsection (8A) were omitted.”
- (4) In paragraph (4), for sub-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 publication by the CMA of a notice under article 9(8) of the Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 in connection with the reference concerned or, if no direction has been given by the CMA under article 9(1) of that Order 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) Amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.