

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 and Sewerage Services (Northern Ireland) Order 2006

253.—(1) Article 29 (functions of the Authority with respect to competition) is amended as follows.

(2) In paragraph (1), for “OFT” substitute “CMA”.

(3) In paragraph (2)—

(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 paragraph (3) and paragraphs (5) to (7), for “OFT” (in each place where it occurs) substitute “CMA”.

(5) In paragraph (4)—

(a) for “(1) and (2), references” substitute—

“(1) and (2)—

(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 Article 60(1) and (2) of this Order.”

(6) After paragraph (4) insert—

“(4A) Section 130A of the Enterprise Act 2002 is to have effect in its application to the Authority by virtue of paragraphs (1) and (2)—

(a) as if for subsection (1) of that section there were substituted—

“(1) Where the Northern Ireland Authority for Utility Regulation—

(a) is proposing to carry out its functions under Article 60(1) and (2) of the Water and Sewerage Services (Northern Ireland) Order 2006 in relation to a matter for the purposes mentioned in subsection (2), and

(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

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(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 “commercial activities connected with the supply of water or the provision of sewerage services (within the meaning given by Article 2 of the Water and Sewerage Services (Northern Ireland) Order 2006)”.

(7) In paragraph (8)—

(a) in the words before paragraph (a)—

- (i) for “the Competition Commission” substitute “a CMA group”,
- (ii) for “reference made to the Commission by the Authority” substitute “market investigation reference made by the Authority (under section 131 of the Act of 2002), and

(b) for “Commission” (in each place where it occurs) substitute “group”.

(8) In paragraphs (9) and (10), for “OFT” (in each place where it occurs) substitute “CMA”.

(9) In Article 56 (power of the Council to investigate other matters), in paragraph (2), for “OFT” substitute “CMA”.