

## 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

#### Competition Act 1980

**36.**—(1) Section 11B (references under section 11: powers of investigation and penalties)<sup>(1)</sup> is amended as follows.

(2) In subsection (1)—

(a) in the words before paragraph (a), for “(2) and” substitute “(1A) to”, and

(b) after paragraph (b), insert—

“(ba) section 110A (restriction on powers to impose penalties under section 110)<sup>(2)</sup>”.

(3) After subsection (1), insert—

“(1A) Section 109 shall in its application by virtue of subsection (1) above, have effect as if—

(a) in subsection (A1)<sup>(3)</sup>, for paragraphs (a) and (b) there were substituted—

“(a) assisting the CMA in carrying out any functions, including enforcement functions, in connection with a reference under section 11 of the Competition Act 1980 (the “1980 Act”) (references of public bodies and certain other persons to the CMA);

(b) assisting the Secretary of State in carrying out any functions, including enforcement functions, in connection with an order under section 11D of that Act (interim orders) or section 12 of that Act (orders following report under section 11 of that Act).” and

(b) in subsection (8A)<sup>(4)</sup>, for paragraphs (a) and (b) there were substituted—

“(a) in relation to the CMA, functions conferred by virtue of section 87 on the CMA by orders under section 11D or 12 of the 1980 Act;

(b) in relation to the Secretary of State—

(i) functions conferred by virtue of section 87 on the Secretary of State by orders under section 11D or 12 of the 1980 Act;

(ii) the functions of the Secretary of State in relation to the variation or revocation of orders under section 11D or 12 of the 1980 Act.””

(4) In subsection (2), omit paragraph (b).

(5) After subsection (2), insert—

---

(1) Inserted by Schedule 25 to the Enterprise Act 2002.

(2) Section 110A was inserted into Part 3 of the Enterprise Act 2002 by section 29 of the Enterprise and Regulatory Reform Act 2013.

(3) Subsection (A1) was inserted into section 109 by section 29 of the Enterprise and Regulatory Reform Act 2013.

(4) Subsection (8A) was inserted into section 109 by section 29 of the Enterprise and Regulatory Reform Act 2013.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(2A) Section 110A shall, in its application by virtue of subsection (1) above, have effect as if for subsections (5) to (8) there were substituted—

“(5) Where the section 109 power is exercised for the purpose mentioned in subsection (A1)(a) of that section, in connection with a reference under section 11 of the 1980 Act, the relevant day is the day when the report of the CMA on the reference concerned is laid before both Houses of Parliament.

(6) Where the section 109 power is exercised for the purpose mentioned in subsection (A1)(b) of that section, in connection with an order under section 11D of the 1980 Act (interim orders) or section 12 of that Act (orders following report under section 11 of that Act), the relevant day is the day when the Secretary of State makes the order concerned or decides not to make an order under section 11D or 12 of that Act, as the case may be.””

(6) For subsection (3) substitute—

“(3) Section 111(5)(b) shall, in its application by virtue of subsection (1) above, have effect as if for sub-paragraph (ii) there were substituted—

“(ii) if earlier, the day on which the report of the CMA on the reference concerned is made or, if no such report is made within the period permitted for that purpose, the latest day on which the report may be made within the permitted period.””