

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

Water Industry Act 1991

76.—(1) Section 16B (competition authority’s power of veto following report: supplementary)(**1**) is amended as follows.

(2) In subsection (6), after “subsections” insert “(6A),”.

(3) After subsection (6), insert—

“(6A) Section 109 shall, in its application by virtue of subsection (6) above, 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 section 16A of the Water Industry Act 1991.”, and

(b) subsection (8A) were omitted.”

(4) In subsection (7), for 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 section 16A(9) of the Water Industry Act 1991 in connection with the reference concerned or, if no direction has been given by the CMA under section 16A(1) of that Act 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) Inserted by section 55 of the Water Act 2003 and amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.