

SCHEDULE 1

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

PART 1

Amendments to the Enterprise Act 2002

1. The Enterprise Act 2002(1) is amended as follows.
2. In section 8A (exclusion of public consumer advice scheme)(2), for “OFT” substitute “CMA”.
3. In section 109 (attendance of witnesses and production of documents etc), in subsection (1) (b), for “Commission” (in both places where it occurs) substitute “CMA”.
4. In section 205 (super-complaints to regulators other than OFT), in subsection (1) and in the heading, for “OFT” substitute “CMA”.
5. In section 206 (power to modify Schedule 8), in subsection (9) for “OFT and the Commission” substitute “CMA”.
6. In section 213 (enforcers)(3), in subsections (1)(a) and (5A)(a), for “OFT” substitute “CMA”.
7. In section 214 (consultation)(4), in subsections (1)(b) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
8. In section 215 (applications)(5), in subsection (9), for “OFT” (in both places where it occurs) substitute “CMA”.
9. In section 216 (applications: directions by OFT), in subsections (1) to (5) and in the heading, for “OFT” (in each place where it occurs) substitute “CMA”.
10. In section 219 (undertakings)(6), in subsection (6), for “OFT” substitute “CMA”.
11. In section 220 (further proceedings), in subsections (2) and (6), for “OFT” (in each place where it occurs) substitute “CMA”.
12. In section 224 (OFT), in subsections (1) and (2) and in the heading, for “OFT” substitute “CMA”.
13. In section 225 (other enforcers)(7), in subsections (1)(a) and (c), for “OFT” substitute “CMA”.
- 14.—(1) Section 229 (advice and information)(8) is amended as follows.
 - (2) In subsection (1)—
 - (a) for the words from the beginning to “the OFT” substitute “The CMA”, and
 - (b) in paragraph (b), for “OFT” substitute “CMA”.
 - (3) In subsections (2) to (5), for “OFT” substitute “CMA”.

(1) [2002 c.40](#).

(2) Inserted by [S.I. 2013/783](#).

(3) Subsection (5A) was inserted by [S.I. 2006/3363](#) and further amended by Schedule 18 to the Financial Services Act 2012 ([c. 21](#)). There are other amendments to section 213 but they are not relevant to this Order.

(4) Amended by [S.I. 2013/783](#).

(5) There are amendments to section 215 but none is relevant to this Order.

(6) There are amendments to section 219 but none is relevant to this Order.

(7) Subsection (1)(c) was inserted by [S.I. 2006/3363](#).

(8) There is an amendment to section 229 but it is not relevant to this Order.

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

15.—(1) Section 230 (notice to OFT of intended prosecution) is amended as follows.

(2) In subsection (2)—

- (a) in the wording before paragraph (a), for “OFT” substitute “CMA”, and
- (b) omit paragraph (b).

(3) In subsection (3), in paragraph (b)—

- (a) for “OFT” (in both places where it occurs) substitute “CMA”, and
- (b) omit “and summary”.

(4) In subsection (4), for “OFT” substitute “CMA”.

16. In section 231 (notice of convictions and judgments to OFT), in subsection (2) and in the heading, for “OFT” (in each place where it occurs) substitute “CMA”.

17. In Schedules 14 and 15 (provisions concerning disclosure of information)(9), at the appropriate place, insert—

“Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013.”

18.—(1) Schedule 24 (transitional and transitory provisions and savings)(10) is amended as follows.

(2) Omit paragraphs 1 and 3 to 5.

(3) In paragraph 15 (transitional provisions regarding enforcement undertakings and orders)—

(a) after sub-paragraph (2), insert—

“(2A) Subject to sub-paragraph (3), the functions of the CMA under section 94(6) as applied by virtue of sub-paragraph (1) or (2) are to be carried out on its behalf by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013).”, and

(b) in sub-paragraph (3), in the wording after paragraph (b), for “the Commission” substitute “a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013”.

(4) In paragraph 16 (powers to supersede, vary or release undertakings)—

(a) in sub-paragraphs (2) and (3), for “relevant authority” (in each place where it occurs) substitute “CMA”,

(b) in sub-paragraph (4), for “OFT” substitute “CMA”,

(c) in sub-paragraph (5), for “relevant authority” substitute “CMA”, and

(d) for sub-paragraph (6) substitute—

“(6) The functions of the CMA under this paragraph are to be carried out on its behalf—

(a) in the case of an undertaking accepted in pursuance of a proposal under section 56A of the 1973 Act or an undertaking under section 56F or 75G of that Act, by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013), and

(b) in the case of an undertaking accepted under section 88 of that Act, by a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013.”

(5) In paragraph 17—

(9) There are amendments to Schedules 14 and 15 but none is relevant to this Order.

(10) There is an amendment to Schedule 24 but it is not relevant to this Order.

- (a) in sub-paragraph (1), for “Commission” substitute “CMA”,
- (b) in sub-paragraph (2), for “OFT” substitute “CMA”,
- (c) in sub-paragraph (3)—
 - (i) for “Commission” substitute “CMA”, and
 - (ii) for the words from “sub-paragraph (1)” to “sub-paragraph (2),” substitute “sub-paragraphs (1) and (2)”,
- (d) in sub-paragraph (4)—
 - (i) for “Commission” substitute “CMA”, and
 - (ii) for the words from “sub-paragraph (1)” to “sub-paragraph (2),” substitute “sub-paragraphs (1) and (2)”,
- (e) in sub-paragraph (5), for “Commission or the OFT” substitute “CMA”, and
- (f) after sub-paragraph (5) insert—
 - “(6) The functions of the CMA under this paragraph are to be carried out on its behalf—
 - (a) in the case of an order under sub-paragraph (1), by a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, and
 - (b) in the case of an order under sub-paragraph (2), by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013).”
- (6) In paragraph 18—
 - (a) after sub-paragraph (1), insert—
 - “(1A) Subject to sub-paragraph (2), the functions of the CMA under section 94(6) as applied by virtue of sub-paragraph (1) are to be carried out on its behalf by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013).”
 - (b) in sub-paragraph (2)—
 - (i) for “the Commission” (where it first appears) substitute “a group constituted by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (“CMA group””,
 - (ii) for “it” substitute “a CMA group”,
 - (iii) for “the Commission” (where it next appears) substitute “a CMA group”.