

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

Agricultural Marketing Act (Northern Ireland) 1964

209. In section 23 of the Agricultural Marketing Act (Northern Ireland) 1964 (restrictions on disclosing information or returns)(1), in subsection (2), for paragraph (aaa)(2) substitute—

“(aaa) made to the Competition and Markets Authority, if it is made for the purpose of enabling the Authority to perform any of its functions under the Fair Trading Act 1973, the Competition Act 1980 or Part 3 of the Enterprise and Regulatory Reform Act 2013;”.

Agricultural Marketing (Northern Ireland) Order 1982

210.—(1) The Agricultural Marketing (Northern Ireland) Order 1982(3) is amended as follows.

(2) In Article 23 (action following report by Competition Commission)(4)—

(a) in paragraph (3), after “147(2)” insert “or 147A(2)”, and

(b) in paragraph (4)(a) and in the heading, for “Competition Commission” substitute “Competition and Markets Authority”.

(3) In Article 29 (restrictions on disclosing certain information obtained under Part II)(5), in paragraph (3), for sub-paragraph (c) substitute—

“(c) made to the Competition and Markets Authority, if it is made for the purpose of enabling the Authority to perform any of its functions under the Fair Trading Act 1973, the Competition Act 1980 or Part 3 of the Enterprise and Regulatory Reform Act 2013;”.

(4) In Article 42 (action following report by Monopolies and Mergers Commission)(6)—

(a) in paragraph (1B), after “147(2)” insert “or 147A(2)”, and

(b) in paragraph (1C)(a), for “Competition Commission” substitute “Competition and Markets Authority”, and

(c) in the heading, for “Monopolies and Mergers Commission” substitute “Competition and Markets Authority”.

(1) 1964 c. 13. Whole Act repealed in relation to the Milk Marketing Board (SR 1989 No. 47) and the Pigs Marketing Board (SR 1984 No. 422)

(2) Sub-paragraph (aaa) was inserted by Schedule 12 to the Fair Trading Act 1973 (c. 41) and subsequently amended by section 19(4)(b) of the Competition Act 1980 (c. 21). There are other amendments to section 23 but none is relevant to this Order.

(3) SI 1982/1080 (N.I. 12).

(4) Substituted by Schedule 25 to the Enterprise Act 2002.

(5) Amended by the Natural Environment and Rural Communities Act 2006 (c. 16). There are other amendments to article 29 but none is relevant to this Order.

(6) Amended by Schedule 25 to the Enterprise Act 2002.

Status: This is the original version (as it was originally made).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

Electricity (Northern Ireland) Order 1992

211. The Electricity (Northern Ireland) Order 1992(7) is amended as follows.

212. In Article 15 (modification references)(8), in paragraph (9A)—

- (a) for “Commission’s” substitute “CMA’s”, and
- (b) for “chairman of the Commission” substitute “chair of the CMA”.

213.—(1) Article 15B (references under Article 15: powers of investigation)(9) is amended as follows.

(2) In paragraph (1), after “paragraphs” insert “(1A),”.

(3) After paragraph (1), insert—

“(1A) Section 109 shall, in its application by virtue of paragraph (1), 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 a reference under Article 15 of the Electricity (Northern Ireland) Order 1992.”, and

(b) subsection (8A) were omitted.”

(4) In paragraph (2)—

- (a) at the end of sub-paragraph (a), omit “and”,
- (b) after sub-paragraph (a), insert—

“(aa) 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 of the report of the CMA on the reference concerned; 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”.

(5) For paragraph (3) substitute—

“(3) Section 111(5)(b) shall, in its application by virtue of paragraph (1), 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.”.”

214.—(1) Article 17A (competition authority’s power to veto modifications following report)(10) is amended as follows.

(2) In paragraph (14), after “paragraphs” insert “(14A),”.

(3) After paragraph (14), insert—

“(14A) Section 109 shall, in its application by virtue of paragraph (14), 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

(7) [S.I. 1992/231 \(N.I. 1\)](#).

(8) Amended by Schedule 10 to the Competition Act 1998, [S.I. 1999/506](#) and Schedule 6 to the Enterprise and Regulatory Reform Act 2013. There are other amendments to article 15 but none is relevant to this Order.

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

(10) Inserted by [S.I. 2003/419 \(N.I. 6\)](#) and subsequently amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.

investigation for the purposes of the exercise of its functions under Article 17A of the Electricity (Northern Ireland) Order 1992.”, and

(b) subsection (8A) were omitted.”

(4) In paragraph (15), 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 17A(8) of the Electricity (Northern Ireland) Order 1992 in connection with the reference concerned or, if no direction has been given by the CMA under Article 17A(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”.

215. In Article 18 (modification by order under other statutory provisions)(**11**), in paragraph (2) (b), after “the market” insert “or markets”.

216.—(1) Article 46 (functions with respect to competition)(**12**) is amended as follows.

(2) In paragraph (2), for “Office of Fair Trading” substitute “CMA”.

(3) In paragraph (2A)—

(a) for “and 171” substitute “, 171 and 174E”,

(b) for “Office of Fair Trading” substitute “CMA”, 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 (2B)—

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

“(2) and (2A)—

(a) references”,

(b) for “Office of Fair Trading” 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 50(1) of this Order.”

(5) After paragraph (2B) insert—

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

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

(11) Substituted by Schedule 9 to the Enterprise Act 2002 and subsequently amended by [SR 2007/321](#) and Schedule 6 to the Enterprise and Regulatory Reform Act 2013.

(12) Amended by Schedule 2 to the Deregulation and Contracting Out Act 1994, Schedule 10 to the Competition Act 1998, [S.I. 1999/506](#), Schedules 9 and 25 to the Enterprise Act 2002 and [S.I. 2004/1261](#),

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

- “(1) Where the Northern Ireland Authority for Utility Regulation—
- (a) is proposing to carry out its functions under Article 50(1) of the Electricity (Northern Ireland) Order 1992 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 (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 generation, transmission, distribution or supply of electricity”.

(6) In paragraphs (3), (4), (4A) and (6A), for “Office of Fair Trading” (in each place where it occurs) substitute “CMA”.

(7) In paragraph (3A) for “the Office of Fair Trading” substitute “the CMA”.

(8) In paragraph (5)—

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

(i) for “the Competition Commission” substitute “a CMA group”,

(ii) for “reference made to them by the Director” 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”.

(9) After paragraph (5) insert—

“(5A) In paragraph (5) “CMA group” has the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013.”

(10) In paragraph (6)—

(a) for “reports of Competition Commission” substitute “market investigations”, and

(b) for “the Office of Fair Trading” substitute “the CMA”.

(11) In Article 50 (general functions)(13), in paragraph (3), for “the Office of Fair Trading” (in each place where it occurs) substitute “the CMA”.

Gas (Northern Ireland) Order 1996

217. The Gas (Northern Ireland) Order 1996(14) is amended as follows.

218.—(1) Article 15B (references under Article 15: powers of investigation)(15) is amended as follows.

(2) In paragraph (1), after “paragraphs” insert “(1A),”.

(3) After paragraph (1), insert—

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

(13) Amended by Schedule 25 to the Enterprise Act 2002 and [S.I. 2003/419 \(N.I. 6\)](#). There are other amendments to Article 50 but none is relevant to this Order.

(14) [S.I. 1996/275 \(N.I. 2\)](#)

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

- (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 a reference under Article 15 of the Gas (Northern Ireland) Order 1996.”, and
 - (b) subsection (8A) were omitted.”
- (4) In paragraph (2)—
 - (a) at the end of sub-paragraph (a), omit “and”,
 - (b) after that sub-paragraph, insert—
 - “(aa) 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 of the report of the CMA on the reference concerned; 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”.
- (5) For paragraph (3) substitute—
 - “(3) Section 111(5)(b) shall, in its application by virtue of paragraph (1), 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.””

219.—(1) Article 17A (competition authority’s power to veto modifications following report)(16) is amended as follows.

- (2) In paragraph (17), after “paragraphs” insert “(17A),”.
- (3) After paragraph (17), insert—
 - “(17A) Section 109 shall, in its application by virtue of paragraph (17), 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 17A of the Gas (Northern Ireland) Order 1996.”, and
 - (b) subsection (8A) were omitted.”
- (4) In paragraph (18)—
 - (a) at the end of sub-paragraph (a), omit “and”,
 - (b) 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 17A(8) of the Gas (Northern Ireland) Order 1996 in connection with the reference concerned or, if no direction has been given by the CMA under Article 17A(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

(16) Inserted by [S.I. 2003/419 \(N.I. 6\)](#) and subsequently amended by [S.R. 2013 No. 92](#) and Schedule 6 to 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.

in relation to any variation or substitution of the penalty which is permitted by virtue of this Part.”; and”.

220. In Article 18 (modification by order under other statutory provisions)(**17**), in paragraph (1A) (b), after “the market” insert “or markets”.

221.—(1) Article 23 (functions with respect to competition)(**18**) is amended as follows.

(2) In paragraph (2), for “Office of Fair Trading” substitute “CMA”.

(3) In paragraph (2A)—

(a) for “Office of Fair Trading” 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 (2B)—

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

“(2) and (2A)—

(a) references”,

(b) for “Office of Fair Trading” 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 27(1) of this Order.”

(5) After paragraph (2B) insert—

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

(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 27(1) of the Gas (Northern Ireland) Order 1996 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 (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

(17) Amended by Schedule 9 to the Enterprise Act 2002, [SR 2007/321](#) and Schedule 6 to the Enterprise and Regulatory Reform Act 2013. There are other amendments to Article 18 but none is relevant to this Order.

(18) Amended by Schedule 10 to the Competition Act 1998, [S.I. 1999/506](#), Schedules 9 and 25 to the Enterprise Act 2002 and [S.I. 2004/1261](#).

- (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 conveyance, storage or supply of gas”.
- (6) In paragraphs (3), (4), (4A) and (7), for “Office of Fair Trading” (in each place where it occurs) substitute “CMA”.
- (7) In paragraph (3A), for “the Office of Fair Trading” substitute “the CMA”.
- (8) In paragraph (5)—
 - (a) in the words before paragraph (a)—
 - (i) for “the Competition Commission” substitute “a CMA group”,
 - (ii) for “reference made to them by the Director” 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”.
- (9) After paragraph (5) insert—

“(5A) In paragraph (5) “CMA group” has the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013.”
- (10) In paragraph (6)—
 - (a) for “reports of Competition Commission” substitute “market investigations”, and
 - (b) for “Office of Fair Trading” substitute “CMA”.
- (11) In Article 27 (general functions)(**19**), in paragraph (3), for “the Office of Fair Trading” (in each place where it occurs) substitute “the CMA”.

Water (Northern Ireland) Order 1999

222. In Article 29A of the Water (Northern Ireland) Order 1999 (restriction on disclosure of information)(**20**), in paragraph (2)(a), for “Competition Commission” substitute “Competition and Markets Authority”.

Company Directors Disqualification (Northern Ireland) Order 2002

223. The Company Directors Disqualification (Northern Ireland) Order 2002(**21**) is amended as follows.

224. In Article 2 (interpretation)(**22**), in paragraph (2)—

- (a) omit the definition of “the OFT”, and
- (b) in the appropriate place, insert—

““CMA” means the Competition and Markets Authority;”.

225. In Article 12 (variation etc. of disqualification undertaking)(**23**), in paragraph (3), for “OFT” substitute “CMA”.

(19) Amended by Schedule 25 to the Enterprise Act 2002 and [S.I. 2003/419 \(N.I. 6\)](#). There are other amendments to Article 27 but none is relevant to this Order.

(20) [S.I. 1999/662 \(N.I. 6\)](#); Article 29A was inserted by [S.I. 2006/3336 \(N.I. 21\)](#)

(21) [S.I. 2002/3150 \(N.I. 4\)](#).

(22) The definition of “the OFT” was inserted by [S.I. 2005/1454 \(N.I. 9\)](#). There are other amendments to article 2 but none is relevant to this Order.

(23) Paragraph (3) was inserted by [S.I. 2005/1454 \(N.I. 9\)](#).

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

226. In Article 13A (competition disqualification order)(**24**), in paragraph (10), for “OFT” substitute “CMA”.

227. In Article 13B (competition undertakings)(**25**), in paragraphs (1), (2) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.

228. In Article 13C (competition investigations)(**26**), for “OFT” (in each place where it occurs) substitute “CMA”.

229. In Article 13D (co-ordination)(**27**), in paragraph (2), after sub-paragraph (a), insert—

“(aa) the reference in subsection (6A)(b) to notice under section 31(1) of the Competition Act 1998 that the regulator proposes to make a decision within the meaning given by section 31(2) of that Act is to be read as notice under Article 13C(4) that the specified regulator proposes to apply under Article 13A for a disqualification order;”.

230. In Article 20 (application for disqualification order)(**28**), in paragraph (4), for “OFT” substitute “CMA”.

231. In Article 21 (application for leave under an order or undertaking)(**29**), in paragraph (3), for “OFT” substitute “CMA”.

232. In Article 22 (register of disqualification orders and undertakings)(**30**), in paragraph (3), for “OFT” substitute “CMA”.

Energy (Northern Ireland) Order 2003

233. The Energy (Northern Ireland) Order 2003(**31**) is amended as follows.

234. In Article 2 (interpretation)(**32**), in paragraph (1), after the definition of “the Authority” insert—

““the CMA” means the Competition and Markets Authority;”.

235. In Article 7 ((publication by Authority of advice and information about consumer matters)(**33**), in paragraph (4), for “Office of Fair Trading” substitute “CMA”.

236. In Article 8A (duty on the Authority to have regard to the need for consultation and co-operation with other authorities)(**34**), in paragraph (3), in the definition of “relevant national authority”—

- (a) for “any” substitute “either”,
- (b) omit paragraph (a), and
- (c) in paragraph (c), for “Office of Fair Trading” substitute “CMA”.

237. In Article 13 (exceptions from the general duties)(**35**), in paragraph (3), for “Office of Fair Trading” substitute “CMA”.

(24) Article 13A was inserted by [S.I. 2005/1454 \(N.I. 9\)](#).

(25) Article 13B was inserted by [S.I. 2005/1454 \(N.I. 9\)](#).

(26) Article 13C was inserted by [S.I. 2005/1454 \(N.I. 9\)](#).

(27) Article 13D was inserted by [S.I. 2005/1454 \(N.I. 9\)](#).

(28) Paragraph (4) was inserted by [S.I. 2005/1454 \(N.I. 9\)](#).

(29) Paragraph (3) was inserted by [S.I. 2005/1454 \(N.I. 9\)](#).

(30) Paragraph (3) was inserted by [S.I. 2005/1454 \(N.I. 9\)](#). There are other amendments to article 22 but none is relevant to this Order.

(31) [SI 2003/419 \(N.I. 6\)](#).

(32) There are amendments to Article 2 but none is relevant to this Order.

(33) There are amendments to Article 7 but none is relevant to this Order.

(34) Inserted by [S.R. 2011 No. 155](#). There are amendments to Article 8A but none is relevant to this Order.

(35) There are amendments to Article 13 but none is relevant to this Order.

238. In Article 15 (exceptions from the general duties)(**36**), in paragraph (3), for “Office of Fair Trading” substitute “CMA”.

239. In Article 18 (provision of advice and information to public authorities and other persons) in paragraph (5), for “Competition Commission” substitute “CMA”.

240. In Article 23 (power of Council to investigate other matters), in paragraph (2), for “Office of Fair Trading” substitute “CMA”.

241.—(1) Article 63 (general restrictions on disclosure of information)(**37**) is amended as follows.

(2) In paragraph (3), in sub-paragraph (a), for “Competition Commission” substitute “CMA”.

(3) In paragraph (5)—

(a) in sub-paragraph (c), for “Competition Commission” substitute “CMA”, and

(b) omit sub-paragraph (d).

(4) In paragraph (6), after sub-paragraph (w), insert—

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

(5) In paragraph (8), in sub-paragraph (c), for “Competition Commission” substitute “CMA”.

(6) In paragraph (10), for “Office of Fair Trading” substitute “CMA”.

242. Schedule 2 (orders altering licensable activities)(**38**) is amended as follows.

243.—(1) Paragraph 5 (references under paragraph 3: application of Enterprise Act 2002) is amended as follows.

(2) In sub-paragraph (1), after “sub-paragraphs” insert “(1A)”.

(3) After sub-paragraph (1), insert—

“(1A) Section 109 shall, in its application by virtue of sub-paragraph (1), 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 a reference under paragraph 3 of Schedule 2 to the Energy (Northern Ireland) Order 2003.”, and

(b) subsection (8A) were omitted.”

(4) In sub-paragraph (2)—

(a) at the end of paragraph (a), omit “and”,

(b) after that paragraph, insert—

“(aa) 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 of the report of the CMA on the reference concerned; 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”.

(5) For sub-paragraph (3) substitute—

(36) There are amendments to Article 15 but none is relevant to this Order.

(37) Amended by S.I. 2007/913 (N.I. 7). There are other amendments to Article 63 but none is relevant to this Order.

(38) Amended by Schedule 6 to 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.

“(3) Section 111(5)(b) shall, in its application by virtue of sub-paragraph (1), 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.””

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

244. The Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005⁽³⁹⁾ is amended as follows.

245.—(1) Article 5 (references: powers of investigation)⁽⁴⁰⁾ is amended as follows.

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

(3) After paragraph (1), insert—

“(1A) Section 109 shall, in its application by virtue of paragraph (1), 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 a reference under article 3 of the Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005.”, and

(b) subsection (8A) were omitted.”

(4) In paragraph (2), after sub-paragraph (a), insert—

“(aa) 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 of the report of the CMA on the reference concerned; but this subsection shall not apply in relation to any variation or substitution of the penalty which is permitted by virtue of this Part.””

(5) In paragraph (3), for sub-paragraph (b) substitute—

“(b) in subsection (5)(b), 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.””

246.—(1) Article 10 (article 9: supplementary)⁽⁴¹⁾ 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

⁽³⁹⁾ S.I. 2005/3172.

⁽⁴⁰⁾ Amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.

⁽⁴¹⁾ Amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.

- (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”.

Water and Sewerage Services (Northern Ireland) Order 2006

247. The Water and Sewerage Services (Northern Ireland) Order 2006(42) is amended as follows.

248. In Article 5 (annual report of the Authority), in paragraph (1), in sub-paragraph (b), for “Competition Commission” substitute “CMA”.

249. In Article 6 (general duties with respect to water industry), in paragraph (10), for “OFT” substitute “CMA”.

250.—(1) Article 23 (references under Article 21: powers of investigation) is amended as follows.

(2) In paragraph (1), after “paragraphs” insert “(1A)”.

(3) After paragraph (1), insert—

“(1A) Section 109 shall, in its application by virtue of paragraph (1), 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 a reference under Article 21 of the Water and Sewerage Services (Northern Ireland) Order 2006.”, and

(b) subsection (8A) were omitted.”

(4) In paragraph (2)—

(a) at the end of sub-paragraph (a), omit “and”,

(b) after that sub-paragraph, insert—

“(aa) 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 of the report of the CMA on the reference concerned; 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”.

(5) For paragraph (3) substitute—

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

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

“(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.””

251.—(1) Article 27 (competition authority’s power to veto modifications following report)(**43**) is amended as follows.

(2) In paragraph (6), after “paragraphs” insert “(6A),”.

(3) After paragraph (6), insert—

“(6A) Section 109 shall, in its application by virtue of paragraph (6), 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 26 of the Water and Sewerage Services (Northern Ireland) Order 2006.”, and

(b) subsection (8A) were omitted.”

(4) In paragraph (7), 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 26(9) of the Water and Sewerage Services (Northern Ireland) Order 2006 in connection with the reference concerned or, if no direction has been given by the CMA under Article 26(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”.

252. In Article 28 (modification by order under other statutory provisions)(**44**), in paragraph (2) (b), after “the market” insert “or markets”.

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—

(43) Amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.

(44) Amended by Schedule 6 to 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.

- “(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 (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”.
- 254.** In Article 60 (general duty of the Authority to keep matters under review) in paragraph (4), for “OFT” (in each place where it occurs) substitute “CMA”.
- 255.** In Article 253 (the Authority’s register), in paragraph (2), in sub-paragraph (b), for “Competition Commission” substitute “CMA”.

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

256. In Article 259 (publication of certain information and advice)(**45**), in paragraph (5), for “OFT” substitute “CMA”.

257.—(1) Article 265 (restriction on disclosure of information) is amended as follows.

(2) In paragraph (3), in sub-paragraph (a), for “Competition Commission” substitute “CMA”.

(3) In paragraph (4)—

(a) in sub-paragraph (c), for “Competition Commission” substitute “CMA”, and

(b) omit sub-paragraph (d).

(4) In paragraph (5), after sub-paragraph (s), insert—

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

(5) In paragraph (7), in sub-paragraph (a), for “Competition Commission” substitute “CMA”.

(6) In paragraph (13), for “OFT” substitute “CMA”.

Electricity (Single Wholesale Market) (Northern Ireland) Order 2007

258. In Article 10 of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007(**46**), in paragraph (3), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

Welsh Language (Wales) Measure 2011

259. In Schedule 6 to the Welsh Language (Wales) Measure 2011 (public bodies etc: standards)(**47**)—

(a) in the Welsh text, omit the entry relating to “Y Comisiwn Cystadlu (“the Competition Commission”)", and

(b) in the English text, omit the entry relating to “the Competition Commission (“Y Comisiwn Cystadlu”)”.

(45) There are amendments to Article 265 but none is relevant to this Order.

(46) S.I. 2007/913 (N.I. 7).

(47) 2011 (nawm 1).