

SCHEDULE 2

Article 3(10)

Transitional provision: investigation powers of the CMA

1. The amendments made by section 29 of the Act, to sections 109 to 111 of the Enterprise Act 2002 (“the 2002 Act”), do not have effect in relation to those sections as applied by the enactments listed in column 2 of the Table below in relation to any notice given under section 109 of the 2002 Act before 1st April 2014.

2. The amendments made by the paragraphs of Schedule 1 listed in column 1 of the Table below to the enactments listed in column 2 of that Table do not apply in relation to any notice given before 1st April 2014 under section 109 of the 2002 Act as applied by those enactments.

<i>(1)</i>	<i>(2)</i>
<i>Paragraph of Schedule 1</i>	<i>Provision of sectoral legislation amended</i>
Paragraph 36	Section 11B of the Competition Act 1980 (references under section 11: powers of investigation and penalties)(1)
Paragraph 51	Section 41EB of the Gas Act 1986 (references under section 41E: application of Enterprise Act 2002)(2)
Paragraph 68	Section 56CB of the Electricity Act 1989 (references under section 56C: application of Enterprise Act 2002)(3)
Paragraph 75	Section 14B of the Water Industry Act 1991 (references under section 14: powers of investigation)(4)
Paragraph 76	Section 16B of the Water Industry Act 1991 (competition authority’s power of veto following report: supplementary)(5)
Paragraph 78	Section 17M of the Water Industry Act 1991 (references under section 17K: powers of investigation)(6)
Paragraph 79	Section 17Q of the Water Industry Act 1991 (section 17P: supplementary)(7)
Paragraph 101	Section 13B of the Railways Act 1993 (references under section 13: application of Enterprise Act 2002)(8)

(1) 1980 c. 21. Section 11B was inserted by Schedule 25 to the Enterprise Act 2002.

(2) 1986 c. 44. Section 41EB was inserted by Schedule 25 to the Enterprise Act 2002 and subsequently amended by Schedule 16 to the Communications Act 2003 and Schedule 6 to the Enterprise and Regulatory Reform Act 2012.

(3) 1989 c. 29. Section 56CB was inserted by Schedule 25 to the Enterprise Act 2002 and subsequently amended by Schedule 16 to the Communications Act 2003 and Schedule 6 to the Enterprise and Regulatory Reform Act 2013.

(4) 1991 c. 56. Section 14B was inserted by Schedule 25 to the Enterprise Act 2002.

(5) Inserted by section 55 of the Water Act 2003 and amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.

(6) Inserted by Schedule 4 to the Water Act 2003.

(7) Inserted by Schedule 4 to the Water Act 2003 and amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.

(8) 1993 c. 43. Section 13B was inserted by Schedule 25 to the Enterprise Act 2002 and amended by Schedule 16 to the Communications Act 2003 and 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.

<i>(1)</i>	<i>(2)</i>
<i>Paragraph of Schedule 1</i>	<i>Provision of sectoral legislation amended</i>
Paragraph 102	Section 15C of the Railways Act 1993 (sections 15A and 15B: supplementary)(9)
Paragraph 111	Paragraph 10A of Schedule 4A to the Railways Act 1993 (references under paragraph 9: application of Enterprise Act 2002)(10)
Paragraph 112	Paragraph 15 of Schedule 4A to the Railways Act 1993 (paragraphs 13 and 14: supplementary)(11)
Paragraph 150	Section 12B of the Transport Act 2000 (references under section 12: application of Enterprise Act 2002)(12)
Paragraph 151	Section 18 of the Transport Act 2000 (sections 15 and 16: general)(13)
Paragraph 177	Section 60(9) of the Legal Services Act 2007 (duties of the competition authority)(14)
Paragraph 195	Paragraph 10 of Schedule 10 to the Health and Social Care Act 2012 (references by Monitor to the CMA: powers of investigation)(15)
Paragraph 213	Article 15B of the Electricity (Northern Ireland) Order 1992 (references under Article 15: powers of investigation)(16)
Paragraph 214	Article 17A of the Electricity (Northern Ireland) Order 1992 (competition authority's power to veto modifications following report)(17)
Paragraph 218	Article 15B of the Gas (Northern Ireland) Order 1996 (references under Article 15: powers of investigation)(18)
Paragraph 219	Article 17A of the Gas (Northern Ireland) Order 1996 (competition authority's power to veto modifications following report)(19)

- (9) Inserted by section 242 of the Transport Act 2000 and amended by Schedule 25 to the Enterprise Act 2002 and Schedule 6 to the Enterprise and Regulatory Reform Act 2013. There are other amendments to section 15C but none is relevant to this Order.
- (10) Substituted by Schedule 25 to the Enterprise Act 2002 and amended by Schedule 16 to the Communications Act 2003 and Schedule 6 to the Enterprise and Regulatory Reform Act 2013.
- (11) Substituted by Schedule 25 to the Enterprise Act 2002 and amended by Schedule 16 to the Communications Act 2003 and Schedule 6 to the Enterprise and Regulatory Reform Act 2013. There are other amendments not relevant to this Order.
- (12) 2000 c. 38. Section 12B was inserted by Schedule 25 to the Enterprise Act 2002 and is amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.
- (13) Substituted by Schedule 25 to the Enterprise Act 2002 and amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013. There are other amendments but none is relevant to this Order.
- (14) 2007 c. 29. Section 60 is amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.
- (15) 2012 c. 7.
- (16) S.I. 1992/231 (N.I. 1). Article 15B was inserted by Schedule 25 to the Enterprise Act 2002.
- (17) Inserted by S.I. 2003/419 (N.I. 6) and subsequently amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.
- (18) S.I. 1996/275 (N.I. 2). Article 15B was inserted by Schedule 25 to the Enterprise Act 2002.
- (19) S.I. 2003/419 (N.I. 6). Schedule 2 was 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.

<i>(1)</i>	<i>(2)</i>
<i>Paragraph of Schedule 1</i>	<i>Provision of sectoral legislation amended</i>
Paragraph 243	Paragraph 5 of Schedule 2 to the Energy (Northern Ireland) Order 2003 (orders altering licensable activities: references under paragraph 3: application of Enterprise Act 2002)
Paragraph 245	Article 5 of the Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (references: powers of investigation)(20)
Paragraph 246	Article 10 the Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (article 9: supplementary)(21)
Paragraph 250	Article 23 of the Water and Sewerage Services (Northern Ireland) Order 2006(22) (references under Article 21: powers of investigation)
Paragraph 251	Article 27 of the Water and Sewerage Services (Northern Ireland) Order 2006 (competition authority's power to veto modifications following report)(23)

3. The amendments made by section 36 of, and Schedule 11 to, the Act, to sections 174 and 175 of the 2002 Act, do not have effect in relation to those sections as applied by or by virtue of—

- (a) section 140D of the Financial Services and Markets Act 2000 (investigation powers of OFT)(**24**), and
- (b) section 57 of the Legal Services Act 2007 (reports by competition authority)(**25**),

in relation to any notice given under section 174 of the 2002 Act before 1st April 2014.

4. The amendments made—

- (a) by paragraph 124 of Schedule 1 to section 140D of the Financial Services and Markets Act 2000, and
- (b) by paragraph 176 of that Schedule to section 57 of the Legal Services Act 2007,

do not apply in relation to any notice given before 1st April 2014 under section 174 of the 2002 Act as applied by those enactments.

(20) S.I. 2005/3172. Article 5 is amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.

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

(22) S.I. 2006/3336 (N.I. 21).

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

(24) 2000 c. 8. Section 140D was substituted by section 24 of the Financial Services Act 2012.

(25) 2007 c. 29. Section 57 is amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.