

SCHEDULE 2

Regulation 61

Amendment of subordinate legislation

PART 1

Amendment of subordinate legislation made under the Competition Act 1998

Competition Act 1998 (Small Agreements and Conduct of Minor Significance) Regulations 2000

1.—(1) The Schedule to the Competition Act 1998 (Small Agreements and Conduct of Minor Significance) Regulations 2000(1) is amended as follows.

(2) In paragraph 1—

- (a) in the definition of “financial institution”, for “EEA” substitute “United Kingdom”;
- (b) for the definition of “insurance undertaking” substitute—

““insurance undertaking” means—

- (a) an insurance undertaking carrying on the business of direct insurance of a class set out in Article 2 of, or Annex 1 to, [Directive 2009/138/EC](#) of the European Parliament and Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)(2);
- (b) a reinsurance undertaking; or
- (c) a third-country reinsurance undertaking;”;

- (c) omit the “and” at the end of the definition of “insurance undertaking” and after that definition insert—

““reinsurance undertaking” means an undertaking which—

- (a) has its head office in the United Kingdom;
- (b) has permission under Part 4A of the Financial Services and Markets Act 2000(3) to carry on one or more regulated activities;
- (c) effects or carries out contracts of insurance that are limited to reinsurance contracts; and
- (d) would require authorisation in accordance with Article 14 of [Directive 2009/138/EC](#), if the United Kingdom were a Member State;

“third-country reinsurance undertaking” means an undertaking which, if its head office were in the United Kingdom—

- (a) would require permission under Part 4A of the Financial Services and Markets Act 2000 to carry out regulated activities relating to reinsurance; and
- (b) immediately before exit day, would have required authorisation as a reinsurance undertaking in accordance with Article 14 of [Directive 2009/138/EC](#); and”.

(1) [S.I. 2000/262](#); relevant amending instruments are [S.I. 2013/3115](#) and [2015/575](#).

(2) O.J. L 335, 17.12.2009, p. 1, as last amended by Directive (EU) 2018/843 (O.J. L 156, 19.6.2018).

(3) Part 4A of the Financial Services and Markets Act 2008 ((sections 55A–55Z, 55Z1–55Z4) was substituted for Part IV (sections 40–55) by section 11(2) of the Financial Services Act 2012; there are amendments to Part 4A but none is relevant to these Regulations.

Competition Act 1998 (Determination of Turnover for Penalties) Order 2000

2.—(1) The Schedule to the Competition Act 1998 (Determination of Turnover for Penalties) Order 2000(4) is amended as follows.

(2) In paragraph 1—

- (a) in the definition of “financial institution”, for “EEA” substitute “United Kingdom”;
- (b) for the definition of “insurance undertaking” substitute—

““insurance undertaking” means—

- (a) an insurance undertaking carrying on the business of direct insurance of a class set out in Article 2 of, or Annex 1 to, [Directive 2009/138/EC](#) of the European Parliament and Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II);
 - (b) a reinsurance undertaking; or
 - (c) a third-country reinsurance undertaking;”;
- (c) omit the “and” at the end of the definition of “insurance undertaking” and after that definition insert—

““reinsurance undertaking” means an undertaking which—

- (a) has its head office in the United Kingdom;
- (b) has permission under Part 4A of the Financial Services and Markets Act 2000 to carry on one or more regulated activities;
- (c) effects or carries out contracts of insurance that are limited to reinsurance contracts; and
- (d) would require authorisation in accordance with Article 14 of [Directive 2009/138/EC](#), if the United Kingdom were a Member State;

“third-country reinsurance undertaking” means an undertaking which, if its head office were in the United Kingdom—

- (a) would require permission under Part 4A of the Financial Services and Markets Act 2000 to carry out regulated activities relating to reinsurance; and
- (b) immediately before exit day, would have required authorisation as a reinsurance undertaking in accordance with Article 14 of [Directive 2009/138/EC](#); and”.

Competition Act 1998 (Appealable Decisions and Revocation of Notification of Excluded Agreements) Regulations 2004

3.—(1) The Competition Act 1998 (Appealable Decisions and Revocation of Notification of Excluded Agreements) Regulations 2004(5) are amended as follows.

(2) In regulation 2, for “parallel exemption” in both places it occurs substitute “retained exemption”.

Competition Act 1998 (Competition and Markets Authority’s Rules) Order 2014

4.—(1) The Schedule to the Competition Act 1998 (Competition and Markets Authority’s Rules) Order 2014(6) is amended as follows.

(4) [S.I. 2000/309](#); relevant amending instruments are [S.I. 2004/1259](#), [2013/3115](#) and [2015/575](#).

(5) [S.I. 2004/1078](#); amended by [S.I. 2014/549](#).

(6) [S.I. 2014/458](#).

- (2) In rule 1—
 - (a) for the definition of “infringement decision” substitute—

““infringement decision” means a decision of the CMA that the Chapter I prohibition or the Chapter II prohibition has been infringed;”;
 - (b) in the definition of “notice”—
 - (i) at the end of paragraph (b), insert “or”;
 - (ii) omit paragraph (d) and the “or” before it.
- (3) In rule 2—
 - (a) in paragraph (1)—
 - (i) omit “Subject to paragraphs (2) and (3),”;
 - (ii) for the words from “any one or more” to the end substitute “the Chapter I prohibition or the Chapter II prohibition.”;
 - (b) omit paragraphs (2) and (3).
- (4) In rule 4—
 - (a) in paragraph (2), omit “or section 65E(6)(a)(ii) or (b)”;
 - (b) in paragraph (5)—
 - (i) omit “or 65F(1)”;
 - (ii) for “, 28A, 65G or 65H” substitute “or 28A”.
- (5) In rule 5—
 - (a) in paragraph (1), for “one or more” substitute “either or both”;
 - (b) in paragraph (2), for the words from “which one” to “considers” substitute “whether it considers the Chapter I prohibition or the Chapter II prohibition or both”;
 - (c) in paragraph (3), omit “or the prohibition in Article 101(1)”.
- (6) In rule 9(1)(a), for the words from “one or more of” to “Article 102” substitute “the Chapter I prohibition or the Chapter II prohibition”.
- (7) In rule 10—
 - (a) in paragraph (2), omit “or the prohibition in Article 101(1)”;
 - (b) in paragraph (4)—
 - (i) omit sub-paragraph (b) and the “or” at the end;
 - (ii) in sub-paragraph (c) omit “or the prohibition in Article 102”.
- (8) In rule 11(a), for the words from “which one” to “considers” substitute “whether it considers the Chapter I prohibition or the Chapter II prohibition or both”.
- (9) In rule 14—
 - (a) in paragraph (1), for the words from “to a case” to “Article 102” substitute “the Chapter I prohibition or the Chapter II prohibition to a case”;
 - (b) omit paragraphs (2) to (4).
- (10) In rule 15, in paragraph (1) and in the heading, for “parallel exemption” substitute “retained exemption”.
- (11) Omit rule 16.
- (12) In rule 19—
 - (a) in paragraph (1)(a) omit “, 16(1) 16(3)(a)”;

- (b) in paragraph (1)(b) omit “, 16(1), 16(3)(a)”.

Competition Act 1998 (Concurrency) Regulations 2014

- 5.—(1) The Competition Act 1998 (Concurrency) Regulations 2014(7) are amended as follows.
- (2) In regulation 3—
 - (a) at the end of paragraph (a), insert “or”;
 - (b) omit paragraphs (c) and (d).
- (3) In regulation 9(1)(a)—
 - (a) at the end of paragraph (i), insert “or”;
 - (b) omit paragraphs (iii) and (iv).
- (4) In regulation 9(1)(g), for “parallel exemption” substitute “retained exemption”.

PART 2

Amendment of subordinate legislation made under the Enterprise Act 2002

Enterprise Act 2002 (Anticipated Mergers) Order 2003

- 6.—(1) The Enterprise Act 2002 (Anticipated Mergers) Order 2003(8) is amended as follows.
- (2) In article 2, in the definition of “notice”, for “, 59(2) or 67(2)” substitute “or 59(2)”.

Enterprise Act 2002 (Mergers) (Interim Measures: Financial Penalties) (Determination of Control and Turnover) Order 2014

- 7.—(1) The Schedule to the Enterprise Act 2002 (Mergers) (Interim Measures: Financial Penalties) (Determination of Control and Turnover) Order 2014(9) is amended as follows.
- (2) In paragraph 1(1), in the definition of “financial institution”—
 - (a) for “EU” substitute “United Kingdom”;
 - (b) omit the “and” at the end;
- (3) In paragraph 1(1), in the definition of “insurance undertaking”—
 - (a) in paragraphs (a) and (b), for “European Economic Area” substitute “United Kingdom”;
 - (b) omit the “or” at the end of paragraph (b); and
 - (c) for paragraph (c) substitute—
 - “(c) a reinsurance undertaking; or
 - (d) a third-country reinsurance undertaking;”.
- (4) In paragraph 1(1), after the definition of “insurance undertaking” insert—
 - ““reinsurance undertaking” means an undertaking which—
 - (a) has its head office in the United Kingdom;
 - (b) has permission under Part 4A of the Financial Services and Markets Act 2000 to carry on one or more regulated activities;

(7) [S.I. 2014/536](#).

(8) [S.I. 2003/1595](#), to which there is an amendment not relevant to these Regulations.

(9) [S.I. 2014/533](#), as amended by [S.I. 2015/575](#).

- (c) effects or carries out contracts of insurance that are limited to reinsurance contracts; and
- (d) would require authorisation in accordance with Article 14 of [Directive 2009/138/EC](#) of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), if the United Kingdom were a Member State; and

“third-country reinsurance undertaking” means an undertaking which, if its head office were in the United Kingdom—

- (a) would require permission under Part 4A of the Financial Services and Markets Act 2000 to carry out regulated activities relating to reinsurance; and
- (b) immediately before exit day, would have required authorisation as a reinsurance undertaking in accordance with Article 14 of [Directive 2009/138/EC](#).”.

Competition Appeal Tribunal Rules 2015

- 8.**—(1) The Competition Appeal Tribunal Rules 2015(**10**) are amended as follows.
- (2) In rule 2, paragraph (1), omit the definition of “TFEU”.
 - (3) In rule 50(2), omit “Article 101 or 102 of the TFEU or”.
 - (4) Omit rule 59(5)(a)(ii) and the “but” before it.
 - (5) Omit rule 109.
 - (6) In rule 110(1), omit paragraph (m).

PART 3

Amendment of other subordinate legislation

EEC Merger Control (Distinct Market Investigations) Regulations 1990

- 9.** The EEC Merger Control (Distinct Market Investigations) Regulations 1990(**11**) are revoked.

Restriction on Agreements and Conduct (Specified Domestic Electrical Goods) Order 1998

10.—(1) Article 12 of the Restriction on Agreements and Conduct (Specified Domestic Electrical Goods) Order 1998(**12**) is amended as follows.

- (2) In paragraph (2), for the words from “pursuant” to the end substitute—
“the agreement is exempt from the Chapter 1 prohibition as a result of—
 - (a) section 9 of the Competition Act 1998; or
 - (b) a block exemption or a retained exemption.”.
- (3) Omit paragraph (3).
- (4) In paragraph (4)—
 - (a) in the definition of “agreement” for “within the meaning of Article 85.1” substitute “and those expressions have the same meaning as they do for the purposes of the Competition Act 1998”;
 - (b) omit the definition of “Article 85.1” and “Article 85.3”;

(10) [S.I. 2015/1648](#).

(11) [S.I. 1990/1715](#), as amended by [S.I. 2003/1398](#), [S.I. 2004/1079](#) and [S.I. 2014/549](#).

(12) [S.I. 1998/1271](#); there are amending instruments, but none is relevant to these Regulations.

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(c) in the appropriate place insert—

““the Chapter 1 prohibition” has the meaning given by section 2(8) of the Competition Act 1998;

“block exemption” has the meaning given by section 6(4) of the Competition Act 1998;

“retained exemption” has the meaning given by section 10(3) of the Competition Act 1998.”.

(5) For the heading substitute “Part 1 of the Competition Act 1998”.

Competition Act 1998 and other Enactments (Amendment) Regulations 2004

11.—(1) The Competition Act 1998 and other Enactments (Amendment) Regulations 2004⁽¹³⁾ are amended as follows.

(2) In regulation 2, omit the definition of “the EC Competition Regulation”.

(3) Omit regulation 3.

Water Mergers (Modification of Enactments) Regulations 2004

12.—(1) The Water Mergers (Modification of Enactments) Regulations 2004⁽¹⁴⁾ are amended as follows.

(2) In regulation 3(1)—

(a) omit sub-paragraph (b);

(b) in sub-paragraph (d), for “to 68” substitute “to 66”.

(3) In regulation 5—

(a) insert “and” at the end of paragraph (aa);

(b) omit paragraphs (b) and (d);

(4) In regulation 10ZA, in paragraph (d), for “subsections (4) and (5)” substitute “subsection 4”.

(5) Omit regulations 10ZB and 10ZC.

(6) In regulation 17A(a), omit sub-paragraph (ii).

(7) In regulation 29(a), omit sub-paragraph (iv).

(8) In regulation 30B—

(a) in paragraph (a)—

(i) insert “and” at the end of sub-paragraph (i);

(ii) omit sub-paragraph (iii) and the “and” before it;

(b) in paragraph (b), omit sub-paragraph (ii) (together with the final “and”).

(9) Omit regulation 33.

Designation of the Competition and Markets Authority as a National Competition Authority Regulations 2014

13. The Designation of the Competition and Markets Authority as a National Competition Authority Regulations 2014⁽¹⁵⁾ are revoked.

⁽¹³⁾ S.I. 2004/1261; relevant amending instruments are S.I. 2012/1809 and S.I. 2014/549.

⁽¹⁴⁾ S.I. 2004/3202, relevant amending instruments are S.I. 2011/1043, S.I. 2014/549 and S.I. 2015/1936.

⁽¹⁵⁾ S.I. 2014/537.

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