

*Status: Point in time view as at 01/04/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, PART 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

#### AMENDMENTS RELATED TO PART 3

##### PART 1

###### TRANSFER OF FUNCTIONS UNDER THE 1998 ACT TO THE CMA

1 The Competition Act 1998 is amended as follows.

**Commencement Information**

**I1** Sch. 5 para. 1 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

2 In section 6 (block exemptions), in subsections (1) and (6), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I2** Sch. 5 para. 2 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

3 In section 8 (block exemptions: procedure), in subsections (1) to (3) and (5), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I3** Sch. 5 para. 3 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

4 In section 10 (parallel exemptions), in subsections (5), (7) and (8), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I4** Sch. 5 para. 4 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

5 (1) Section 25 (power to investigate) is amended as follows.

(2) In subsections (1) and (8) to (11), for “OFT” (in each place where it occurs) substitute “ CMA ”.

(3) In the heading, for “OFT” substitute “ CMA ”.

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**Commencement Information**

**I5** Sch. 5 para. 5 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 6 In section 26 (powers when conducting investigations), in subsections (1) and (5), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I6** Sch. 5 para. 6 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 7 In section 27 (power to enter business premises without a warrant), in subsections (1) and (3), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I7** Sch. 5 para. 7 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 8 (1) Section 28 (power to enter business premises under a warrant) is amended as follows.
- (2) In subsection (1)(b)(i), for “OFT” substitute “ CMA ”.
- (3) In subsection (2)—
- (a) for “OFT” (in each place where it occurs) substitute “ CMA ”, and
  - (b) for “OFT's” substitute “CMA's”.

**Commencement Information**

**I8** Sch. 5 para. 8 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 9 In section 28A (power to enter domestic premises under a warrant), in subsections (1)(b)(i) and (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I9** Sch. 5 para. 9 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 10 In section 31 (decisions following an investigation), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I10** Sch. 5 para. 10 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 11 In section 31A (commitments), in subsections (1) to (4), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I11** Sch. 5 para. 11 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 12 In section 31B (effect of commitments under section 31A), in subsections (1) to (5), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I12** Sch. 5 para. 12 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 13 In section 31C (review of commitments), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I13** Sch. 5 para. 13 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 14 In section 31D (guidance), in subsections (1) to (3), (5), (6) and (8), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I14** Sch. 5 para. 14 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 15 In section 31E (enforcement of commitments), in subsection (1), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I15** Sch. 5 para. 15 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 16 In section 32 (directions in relation to agreements), in subsection (1), for “OFT” substitute “ CMA ”.

**Commencement Information**

**I16** Sch. 5 para. 16 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 17 In section 33 (directions in relation to conduct), in subsection (1), for “OFT” substitute “ CMA ”.

**Commencement Information**

**I17** Sch. 5 para. 17 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 18 In section 34 (enforcement of directions), in subsection (1), for “OFT” substitute “ CMA ”.

**Commencement Information**

**I18** Sch. 5 para. 18 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 19 In section 35 (interim measures), in subsections (1) to (4), (8) and (9), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I19** Sch. 5 para. 19 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 20 In section 36 (penalties), in subsections (1) to (5), (8) and (9), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I20** Sch. 5 para. 20 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 21 In section 37 (recovery of penalties), in subsection (1), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I21** Sch. 5 para. 21 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 22 In section 38 (the appropriate level of a penalty), in subsections (1) to (3), (5), (6), (8) and (9), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I22** Sch. 5 para. 22 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 23 In section 39 (limited immunity in relation to the Chapter 1 prohibition), in subsections (3) to (5) and (8), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I23** Sch. 5 para. 23 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 24 In section 40 (limited immunity in relation to the Chapter 2 prohibition), in subsections (3) to (5) and (8), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I24** Sch. 5 para. 24 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 25 In section 44 (false or misleading information), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I25** Sch. 5 para. 25 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 26 In section 46 (appealable decisions), in subsections (1) to (3), for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I26** Sch. 5 para. 26 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 27 In section 47 (third party appeals), in subsection (1), for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I27** Sch. 5 para. 27 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 28 In section 47A (monetary claims before Tribunal), in subsections (6) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I28** Sch. 5 para. 28 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 29 In section 50 (vertical agreements and land agreements), in subsection (3), for “OFT” substitute “CMA”.

**Commencement Information**

**I29** Sch. 5 para. 29 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 30 In the cross-heading preceding section 51, for “OFT's” substitute “CMA's”.

**Commencement Information**

**I30** Sch. 5 para. 30 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 31 (1) Section 51 (rules) is amended as follows.  
(2) In subsection (1), for “OFT” substitute “CMA”.  
(3) In subsection (2), for “OFT's” substitute “CMA's”.  
(4) In subsections (3) and (5) to (10), for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I31** Sch. 5 para. 31 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 32 (1) Section 52 (advice and information) is amended as follows.  
(2) In subsection (1), for the words from the beginning to “the Director” substitute “The CMA”.

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(3) In subsection (1A), for the words from the beginning to “the OFT” substitute “ The CMA ”.

(4) In subsections (2) to (6) and (8), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I32** Sch. 5 para. 32 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

33 In section 54 (regulators), in subsections (2), (5) and (7), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I33** Sch. 5 para. 33 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

34 In section 57 (defamation), for “OFT” substitute “ CMA ”.

**Commencement Information**

**I34** Sch. 5 para. 34 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

35 In the cross-heading preceding section 58, for “OFT” substitute “ CMA ”.

**Commencement Information**

**I35** Sch. 5 para. 35 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

36 (1) Section 58 (findings of fact) is amended as follows.

(2) In subsection (1), for “an OFT's” substitute “a CMA's”.

(3) In subsection (2)—

(a) for “an OFT's” substitute “a CMA's”, and

(b) for “OFT” (in each place where it occurs) substitute “ CMA ”.

(4) In subsection (3), for “OFT” substitute “ CMA ”.

(5) In the heading, for “OFT” substitute “ CMA ”.

**Commencement Information**

**I36** Sch. 5 para. 36 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

37 In section 58A (findings of infringements), in subsections (3) and (4), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I37** Sch. 5 para. 37 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 38 (1) Section 59 (interpretation of Part 1) is amended as follows.
- (2) In subsection (1)—
- (a) after the definition of “the Chapter II prohibition” insert—
- ““the CMA” means the Competition and Markets Authority;”, and
- (b) omit the definition of “the OFT”.
- (3) In subsection (4), for “OFT” substitute “ CMA ”.

**Commencement Information**

**I38** Sch. 5 para. 38 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 39 In section 60 (principles to be applied in determining questions), in subsection (4), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I39** Sch. 5 para. 39 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 40 In section 61 (interpretation of Part 2), in subsection (1)—
- (a) after the definition of “books and records” insert—
- ““the CMA” means the Competition and Markets Authority;”, and
- (b) omit the definition of “the OFT”.

**Commencement Information**

**I40** Sch. 5 para. 40 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 41 In section 62 (power to enter business premises under a warrant: Article 20 inspections), in subsections (5) and (10), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I41** Sch. 5 para. 41 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 42 In section 62A (power to enter non-business premises under a warrant: Article 21 inspections), in subsections (3) to (5), and (12), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I42** Sch. 5 para. 42 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 43 In section 62B (powers when conducting Article 22(2) inspection), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.

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**Commencement Information**

**I43** Sch. 5 para. 43 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 44 In section 63 (power to enter business premises under a warrant: Article 22(2) inspections), in subsections (1)(a), (2) to (5) and (10), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I44** Sch. 5 para. 44 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 45 (1) Section 65C (interpretation of Part 2A) is amended as follows.
- (2) In subsection (1), in the definition of “Article 22(1) investigation”, for “OFT” substitute “ CMA ”.
- (3) In subsection (2)—
- (a) after the entry for “Article 82” insert— “ “the CMA”; ”, and
- (b) omit the entry for “the OFT”.
- (4) In subsection (4), for “OFT” substitute “ CMA ”.

**Commencement Information**

**I45** Sch. 5 para. 45 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 46 In section 65D (power to conduct an Article 22(1) investigation), in subsection (1), for “OFT” substitute “ CMA ”.

**Commencement Information**

**I46** Sch. 5 para. 46 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 47 In section 65E (powers when conducting Article 22(1) investigations), in subsections (1) and (5), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I47** Sch. 5 para. 47 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 48 In section 65F (power to enter business premises without a warrant), in subsections (1) and (3), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I48** Sch. 5 para. 48 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 49 In section 65G (power to enter business premises under a warrant), in subsections (1)(b)(i) and (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.



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**Commencement Information**

**I49** Sch. 5 para. 49 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 50 In section 65H (power to enter domestic premises under a warrant), in subsections (1)(b)(i) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I50** Sch. 5 para. 50 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 51 In section 65N (false or misleading information), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I51** Sch. 5 para. 51 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 52 In section 75A (rules in relation to Parts 2 and 2A), in subsections (1) to (8), for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I52** Sch. 5 para. 52 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 53 (1) Schedule 1 (exclusions: mergers and concentrations) is amended as follows.
- (2) In paragraph 4, in sub-paragraphs (1) to (5), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In paragraph 5, for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I53** Sch. 5 para. 53 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 54 In Schedule 2 (exclusions: other competition scrutiny), in Part 3, in paragraph 5(3)(a), for “Director” substitute “CMA”.

**Commencement Information**

**I54** Sch. 5 para. 54 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 55 (1) Schedule 3 (general exclusions) is amended as follows.
- (2) In paragraph 9, in sub-paragraphs (3) to (7), for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I55** Sch. 5 para. 55 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 56 (1) Schedule 6A (commitments) is amended as follows.
- (2) In paragraph 1, for “OFT” substitute “ CMA ”.
- (3) In paragraph 2—
- (a) in sub-paragraph (1), for “OFT” substitute “ CMA ”, and
- (b) in sub-paragraph (2)—
- (i) for “OFT” (in each place where it occurs) substitute “ CMA ”, and
- (ii) for “OFT's” substitute “CMA's”.
- (4) In paragraph 3, in sub-paragraph (1), for “OFT” substitute “ CMA ”.
- (5) In paragraph 4, for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (6) In paragraph 5, for “OFT” substitute “ CMA ”.
- (7) In paragraph 6, for “OFT” substitute “ CMA ”.
- (8) In paragraph 7, for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (9) In paragraph 8, for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (10) In paragraph 10, for “OFT” substitute “ CMA ”.
- (11) In paragraph 11, in sub-paragraph (1), for “OFT” substitute “ CMA ”.
- (12) In paragraph 12, for “OFT” substitute “ CMA ”.
- (13) In paragraph 13, for “OFT” substitute “ CMA ”.
- (14) In paragraph 14, for “OFT” (in each place where it occurs) substitute “ CMA ”.

#### Commencement Information

**I56** Sch. 5 para. 56 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 57 (1) Schedule 8 (appeals) is amended as follows.
- (2) In paragraph 2, in sub-paragraph (2), for “OFT's” substitute “CMA's”.
- (3) In paragraph 3, in sub-paragraphs (2) and (3), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (4) In paragraph 3A, in sub-paragraph (3), for “OFT” substitute “ CMA ”.

#### Commencement Information

**I57** Sch. 5 para. 57 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 58 (1) Schedule 9 (rules under section 51) is amended as follows.
- (2) In the heading, for “OFT's” substitute “CMA's”.
- (3) In paragraph 1, for “OFT” substitute “ CMA ”.
- (4) In paragraph 5, in sub-paragraphs (1) and (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.

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- (5) In paragraph 8, for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (6) In paragraph 9, for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (7) In paragraph 11, for “OFT” substitute “ CMA ”.
- (8) In paragraph 12, in sub-paragraph (1)—
  - (a) for “OFT” substitute “ CMA ”, and
  - (b) for “OFT's” substitute “CMA's”.
- (9) In paragraph 13—
  - (a) for “OFT” substitute “ CMA ”, and
  - (b) for “OFT's” substitute “CMA's”.
- (10) In paragraph 14, for “OFT” substitute “ CMA ”.

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**Commencement Information**

**I58** Sch. 5 para. 58 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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