
DRAFT STATUTORY INSTRUMENTS

2014 No. 0000

COMPETITION

The Enterprise and Regulatory Reform Act 2013 (Competition)
(Consequential, Transitional and Saving Provisions) Order 2014

Made - - - -

Coming into force

1st April 2014

THE ENTERPRISE AND REGULATORY REFORM
ACT 2013 (COMPETITION) (CONSEQUENTIAL,
TRANSITIONAL AND SAVING PROVISIONS) ORDER 2014

1. Citation, commencement, interpretation and extent
 2. Consequential amendments to other legislation etc.
 3. Continuity of functions
- Signature

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 is amended as follows.
2. In section 8A (exclusion of public consumer advice scheme), for...
3. In section 109 (attendance of witnesses and production of documents...
4. In section 205 (super-complaints to regulators other than OFT), in...
5. In section 206 (power to modify Schedule 8), in subsection...
6. In section 213 (enforcers), in subsections (1)(a) and (5A)(a), for...
7. In section 214 (consultation), in subsections (1)(b) and (3), for...
8. In section 215 (applications), in subsection (9), for “OFT” (in...
9. In section 216 (applications: directions by OFT), in subsections (1)...
10. In section 219 (undertakings), in subsection (6), for “OFT” substitute...
11. In section 220 (further proceedings), in subsections (2) and (6),...
12. In section 224 (OFT), in subsections (1) and (2) and...
13. In section 225 (other enforcers), in subsections (1)(a) and (c),...
14. (1) Section 229 (advice and information) is amended as follows....
15. (1) Section 230 (notice to OFT of intended prosecution) is...

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16. In section 231 (notice of convictions and judgments to OFT),...
17. In Schedules 14 and 15 (provisions concerning disclosure of information),...
18. (1) Schedule 24 (transitional and transitory provisions and savings) is...
PART 2 — Amendments to other Acts of Parliament
19. Registered Designs Act 1949
20. (1) Section 11A (powers exercisable for protection of the public...
21. (1) Section 11AB (powers exercisable following merger and market investigations)...
22. Agricultural Marketing Act 1958
23. In section 19A (agricultural marketing schemes – intervention on competition...
24. In section 47(2) (restrictions on disclosing certain information obtained under...
25. Public Records Act 1958
26. Parliamentary Commissioner Act 1967
27. Superannuation Act 1972
28. Fair Trading Act 1973
29. House of Commons Disqualification Act 1975
30. Northern Ireland Assembly Disqualification Act 1975
31. Patents Act 1977
32. (1) Section 50A (powers exercisable following merger and market investigations)...
33. (1) Section 51 (powers exercisable in consequence of report of...
34. In section 53 (compulsory licences; supplementary provisions), in subsection (2),...
35. Competition Act 1980
36. (1) Section 11B (references under section 11: powers of investigation...
37. In section 11D (interim orders), in subsection (7)—
38. Civil Aviation Act 1982
39. Telecommunications Act 1984
40. (1) Section 101 (general restrictions on disclosure of information) is...
41. In section 106 (general interpretation), omit the definition of “the...
42. Companies Act 1985
43. Airports Act 1986
44. Gas Act 1986
45. In section 4B (exceptions from sections 4AA to 4A), in...
46. In section 4D (Authority to consult and cooperate with other...
47. In section 27 (modification by order under other enactments), in...
48. In section 34 (general functions), in subsection (4), for “the...
49. In section 35 (publication of advice and information about consumer...
50. (1) Section 36A (functions with respect to competition) is amended...
51. (1) Section 41EB (references under section 41E: application of Enterprise...
52. Company Directors Disqualification Act 1986
53. In the following provisions, for “OFT” (in each place where...
54. In section 9D (co-ordination), in subsection (2), after paragraph (b),...
55. Copyright, Designs and Patents Act 1988
56. In section 98 (undertaking to take licence of right in...
57. (1) Section 144 (powers exercisable in consequence of report of...
58. In section 238 (powers exercisable for protection of the public...
59. In paragraph 17 of Schedule 2A (licensing of performer’s rights:...
60. Water Act 1989
61. Electricity Act 1989
62. In section 3D (exceptions from sections 3A to 3C), in...

63. In section 3F (Authority to consult and cooperate with other...
64. In section 15 (modification by order under other enactments), in...
65. (1) Section 43 (functions with respect to competition) is amended...
66. In section 47 (general functions), in subsection (3), for “the...
67. In section 48 (publication of information and advice), in subsection...
68. (1) Section 56CB (references under section 56C: application of Enterprise...
69. Companies Act 1989
70. Broadcasting Act 1990
71. In section 193 (modification of networking arrangements in consequence of...
72. (1) Section 194A (modification of Restrictive Trade Practices Act 1976...
73. Water Industry Act 1991
74. In section 2 (general duties with respect to water industry),...
75. (1) Section 14B (references under section 14: powers of investigation)...
76. (1) Section 16B (competition authority’s power of veto following report:...
77. In section 17 (modification by order under other enactments), in...
78. (1) Section 17M (references under section 17K: powers of investigation)...
79. (1) Section 17Q (section 17P: supplementary) is amended as follows....
80. In section 17R (modification by order under other enactments), in...
81. In section 27 (general duty of Authority to keep matters...
82. In section 27E (provision of advice and information to public...
83. In section 29A (power of Council to investigate other matters),...
84. (1) Section 31 (functions of Authority with respect to competition)...
85. In section 32 (duty to refer merger of water or...
86. In section 33 (exclusion of small mergers from duty to...
87. In section 35 (construction of merger provisions), in subsections (3)...
88. In section 66D (sections 66A to 66C: determinations and agreements),...
89. In section 192B (annual and other reports), in subsection (1),...
90. In section 195 (the Authority’s register), in subsection (2)(b), for...
91. In section 201 (publication of certain information and advice), in...
92. (1) Section 206 (restriction on disclosure of information) is amended...
93. (1) Schedule 4ZA (application of provisions of Enterprise Act 2002...
94. In Schedule 15 (disclosure of information)— (a) in Part 1...
95. Water Resources Act 1991
96. In section 204 (restriction on disclosure of information), in subsections...
97. In Schedule 24 (disclosure of information)— (a) in Part 1...
98. Tribunals and Inquiries Act 1992
99. Railways Act 1993
100. In section 4 (general duties of the Secretary of State...
101. (1) Section 13B (references under section 13: application of Enterprise...
102. (1) Section 15C (sections 15A and 15B: supplementary) is amended...
103. In section 16 (modification by order under other enactments), in...
104. In section 22 (amendment of access agreements), in subsection (6A),...
105. (1) Section 67 (competition functions) is amended as follows.
106. In section 69 (general functions), in subsection (3), for “the...
107. In section 71 (publication of information and advice), in subsection...
108. In section 72 (keeping of register by the Office of...
109. (1) Section 145 (general restrictions on disclosure of information) is...
110. Schedule 4A (review of access charges by the Regulator) is...
111. (1) Paragraph 10A (references under paragraph 9: application of Enterprise...
112. (1) Paragraph 15 (paragraphs 13 and 14: supplementary) is amended...
113. Coal Industry Act 1994

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114. Channel Tunnel Rail Link Act 1996
115. Police Act 1997
116. (1) Section 93 (authorisations to interfere with property etc) is...
117. In section 94 (authorisations given in absence of authorising officer),...
118. Data Protection Act 1998
119. Greater London Authority Act 1999
120. Financial Services and Markets Act 2000
121. (1) Section 140A (interpretation) is amended as follows.
122. Section 140B (advice about effect of regulating provision or practice)...
123. In section 140C (consultation with regulator), for “a competition authority”...
124. (1) Section 140D (investigation powers of OFT) is amended as...
125. For section 140E (publication by OFT of section 140B advice)...
126. (1) Section 140F (duty of Competition Commission to send report...
127. (1) Section 140H (role of the Treasury) is amended as...
128. (1) Section 234H (power of FCA to make request to...
129. In section 313 (interpretation of Part 18), omit the definition...
130. In section 399 (misleading the OFT)— (a) for “the Office...
131. In section 417 (definitions), in the definition of “the Commission”...
132. In section 427 (transitional provisions), in subsection (3)(a), for “,...
133. Regulation of Investigatory Powers Act 2000
134. In section 32 (authorisation of intrusive surveillance), in subsections (3A)...
135. (1) Section 33 (rules for grant of authorisations) is amended...
136. (1) Section 34 (grant of authorisations in the senior officer’s...
137. (1) Section 35 (notification of authorisations for intrusive surveillance) is...
138. (1) Section 36 (approval required for authorisations to take effect)...
139. In section 37 (quashing of police and Revenue and Customs...
140. In section 40 (information to be provided to Surveillance Commissioners),...
141. In section 46 (restrictions on authorisations extending to Scotland), in...
142. In section 48 (interpretation of Part 2)—
143. In Part 1 of Schedule 1 (relevant authorities for the...
144. Utilities Act 2000
145. In section 8 (payments by licence holders relating to new...
146. (1) Section 105 (general restrictions on disclosure of information) is...
147. Freedom of Information Act 2000
148. Terrorism Act 2000
149. Transport Act 2000
150. (1) Section 12B (references under section 12: application of Enterprise...
151. (1) Section 18 (sections 15 and 16: general) is amended...
152. In section 19 (modification by order under other enactments), in...
153. In section 85(1) (interpretation of Chapter 5), for paragraph (c)...
154. (1) Section 86 (concurrent competition functions) is amended as follows....
155. (1) Section 89 (carrying out functions) is amended as follows....
156. In section 90 (publication of information and advice), in subsection...
157. In section 91 (review and information), in subsections (3) and...
158. In Schedule 9 (air traffic: information)— (a) in paragraph 3(1)(a),...
159. Proceeds of Crime Act 2002
160. Communications Act 2003
161. (1) Section 370 (OFCOM’s functions under Part 4 of the...
162. (1) In section 371 (OFCOM’s functions under the Competition Act...
163. Omit section 388 (alterations concerning newspaper panel of Competition Commission)...

164. (1) In section 393 (general restrictions on disclosure of information)—...
165. In Schedule 11 (approval, imposition and modification of networking arrangements),...
166. Gambling Act 2005
167. Companies Act 2006
168. In Part 2 of Schedule 2 (specified descriptions of disclosures),...
169. In Part 2 of Schedule 11A (specified descriptions of disclosures)—...
170. Compensation Act 2006
171. Wireless Telegraphy Act 2006
172. Consumers, Estate Agents and Redress Act 2007
173. In section 24 (provision of information to the Council), in...
174. In section 27 (provision of information by the Council), in...
175. Legal Services Act 2007
176. (1) Section 57 (reports by competition authority) is amended as...
177. In section 60(9) (duties of the competition authority)—
178. Regulatory Enforcement and Sanctions Act 2008
179. In section 12 (relationship with other regulators), in subsection (2)(e),...
180. In section 73 (functions to which section 72 applies), in...
181. In Schedule 5 (designated regulators), in the list of regulators—...
182. Equality Act 2010
183. Public Bodies Act 2011
184. Postal Services Act 2011
185. In section 51 (consumer protection conditions), in subsection (4A), for...
186. In section 56 (general restriction on disclosure of information), in...
187. Health and Social Care Act 2012
188. (1) In section 72 (functions under the Competition Act 1998),...
189. (1) Section 73 (functions under Part 4 of the Enterprise...
190. In section 74 (competition functions: supplementary), in subsections (1) and...
191. In section 79 (mergers involving NHS foundation trusts), for “Office...
192. (1) Section 80 (co-operation) is amended as follows.
193. In section 97 (conditions: supplementary), in subsection (1)(d), for “Office...
194. In section 102 (modification by order under other enactments), in...
195. (1) Paragraph 10 of Schedule 10 (references by Monitor to...
196. Civil Aviation Act 2012
197. (1) Section 60 (functions under Part 4 of the Enterprise...
198. (1) Section 61 (Enterprise Act 2002: supplementary) is amended as...
199. (1) Section 62 (functions under Competition Act 1998) is amended...
200. In section 63 (Competition Act 1998: supplementary), for “Office of...
201. In section 64 (review etc of airport operation services), in...
202. In section 65 (power to modify CAA’s competition powers) in...
203. (1) Schedule 6 (restrictions on disclosing information) is amended as...
204. Groceries Code Adjudicator Act 2013
205. In section 13 (recommendations to Office of Fair Trading), at...
206. In section 14 (annual report), in subsections (4) and (5)(b),...
207. In section 15 (review of Adjudicator and guidance from Secretary...
208. In Schedule 1 (the Adjudicator), in paragraph 17 (assistance from...
PART 3 — Amendments to other enactments
209. Agricultural Marketing Act (Northern Ireland) 1964
210. Agricultural Marketing (Northern Ireland) Order 1982
211. Electricity (Northern Ireland) Order 1992
212. In Article 15 (modification references), in paragraph (9A)—

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- 213. (1) Article 15B (references under Article 15: powers of investigation)...
- 214. (1) Article 17A (competition authority’s power to veto modifications following...
- 215. In Article 18 (modification by order under other statutory provisions),...
- 216. (1) Article 46 (functions with respect to competition) is amended...
- 217. Gas (Northern Ireland) Order 1996
- 218. (1) Article 15B (references under Article 15: powers of investigation)...
- 219. (1) Article 17A (competition authority’s power to veto modifications following...
- 220. In Article 18 (modification by order under other statutory provisions),...
- 221. (1) Article 23 (functions with respect to competition) is amended...
- 222. Water (Northern Ireland) Order 1999
- 223. Company Directors Disqualification (Northern Ireland) Order 2002
- 224. In Article 2 (interpretation), in paragraph (2)—
- 225. In Article 12 (variation etc. of disqualification undertaking), in paragraph...
- 226. In Article 13A (competition disqualification order), in paragraph (10), for...
- 227. In Article 13B (competition undertakings), in paragraphs (1), (2) and...
- 228. In Article 13C (competition investigations), for “OFT” (in each place...
- 229. In Article 13D (co-ordination), in paragraph (2), after sub-paragraph (a),...
- 230. In Article 20 (application for disqualification order), in paragraph (4),...
- 231. In Article 21 (application for leave under an order or...
- 232. In Article 22 (register of disqualification orders and undertakings), in...
- 233. Energy (Northern Ireland) Order 2003
- 234. In Article 2 (interpretation), in paragraph (1), after the definition...
- 235. In Article 7 ((publication by Authority of advice and information...
- 236. In Article 8A (duty on the Authority to have regard...
- 237. In Article 13 (exceptions from the general duties), in paragraph...
- 238. In Article 15 (exceptions from the general duties), in paragraph...
- 239. In Article 18 (provision of advice and information to public...
- 240. In Article 23 (power of Council to investigate other matters),...
- 241. (1) Article 63 (general restrictions on disclosure of information) is...
- 242. Schedule 2 (orders altering licensable activities) is amended as follows...
- 243. (1) Paragraph 5 (references under paragraph 3: application of Enterprise...
- 244. Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005
- 245. (1) Article 5 (references: powers of investigation) is amended as...
- 246. (1) Article 10 (article 9: supplementary) is amended as follows....
- 247. Water and Sewerage Services (Northern Ireland) Order 2006
- 248. In Article 5 (annual report of the Authority), in paragraph...
- 249. In Article 6 (general duties with respect to water industry),...
- 250. (1) Article 23 (references under Article 21: powers of investigation)...
- 251. (1) Article 27 (competition authority’s power to veto modifications following...
- 252. In Article 28 (modification by order under other statutory provisions),...
- 253. (1) Article 29 (functions of the Authority with respect to...
- 254. In Article 60 (general duty of the Authority to keep...
- 255. In Article 253 (the Authority’s register), in paragraph (2), in...
- 256. In Article 259 (publication of certain information and advice), in...
- 257. (1) Article 265 (restriction on disclosure of information) is amended...
- 258. Electricity (Single Wholesale Market) (Northern Ireland) Order 2007
- 259. Welsh Language (Wales) Measure 2011

1. The amendments made by section 29 of the Act, to...
2. The amendments made by the paragraphs of Schedule 1 listed...
3. The amendments made by section 36 of, and Schedule 11...
4. The amendments made— (a) by paragraph 124 of Schedule 1...

Explanatory Note