

## SCHEDULES

### SCHEDULE 2

Section 7.

#### SECTION 7: SECTORAL REGULATORS

##### *Telecommunications*

- 1 (1) The Director General of Telecommunications shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions inserted in the Fair Trading Act 1973 by section 7 above, so far as relating to monopoly situations which exist or may exist in relation to commercial activities connected with telecommunications; and references in those provisions to that Director shall be construed accordingly.
- (2) In sub-paragraph (1) above, “commercial activities connected with telecommunications” has the same meaning as in the Telecommunications Act 1984.
- 2 In section 50(4) of the Telecommunications Act 1984 (which makes provision about the exercise of functions exercised concurrently by the Director General of Fair Trading and the Director General of Telecommunications) after paragraph (c) there shall be inserted “and
- (d) paragraph 1 of Schedule 2 to the Deregulation and Contracting Out Act 1994,”.
- 3 In section 50(6) of the Telecommunications Act 1984 (power of Secretary of State to determine any question as to the application of certain provisions) after “above” there shall be inserted “or paragraph 1 of Schedule 2 to the Deregulation and Contracting Out Act 1994”.

##### *Electricity*

- 4 (1) The Director General of Electricity Supply shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions inserted in the Fair Trading Act 1973 by section 7 above, so far as relating to monopoly situations which exist or may exist in relation to commercial activities connected with the generation, transmission or supply of electricity; and references in those provisions to that Director shall be construed accordingly.
- (2) In sub-paragraph (1) above, “commercial activities connected with the generation, transmission or supply of electricity” has the same meaning as in section 43(2) of the Electricity Act 1989.
- 5 (1) The Director General of Electricity Supply for Northern Ireland shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions inserted in the Fair Trading Act 1973 by section 7 above, so far as relating to monopoly situations which exist or may exist in relation to commercial activities connected with the generation, transmission or supply of electricity; and references in those provisions to that Director shall be construed accordingly.

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- (2) In sub-paragraph (1) above, “commercial activities connected with the generation, transmission or supply of electricity” has the same meaning as in Article 46(2) of the Electricity (Northern Ireland) Order 1992.
- 6 (1) In section 43(4) of the Electricity Act 1989 (which makes provision about the exercise of functions exercised concurrently by the Director General of Fair Trading and the Director General of Electricity Supply) after paragraph (c) there shall be inserted “and
- (d) paragraph 4 of Schedule 2 to the Deregulation and Contracting Out Act 1994,”.
- (2) In Article 46(4) of the Electricity (Northern Ireland) Order 1992 (which makes similar provision in relation to the Director General of Fair Trading and the Director General of Electricity Supply for Northern Ireland) after sub-paragraph (c) there shall be inserted “and
- (d) paragraph 5 of Schedule 2 to the Deregulation and Contracting Out Act 1994,”.
- 7 (1) In section 43(6) of the Electricity Act 1989 (power of Secretary of State to determine any question as to the application of certain provisions) after “above” there shall be inserted “or paragraph 4 of Schedule 2 to the Deregulation and Contracting Out Act 1994”.
- (2) In Article 46(6) of the Electricity (Northern Ireland) Order 1992 (corresponding power of Department of Economic Development) after “(3)” there shall be inserted “or paragraph 5 of Schedule 2 to the Deregulation and Contracting Out Act 1994”.

#### *Water*

- 8 (1) The Director General of Water Services shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions inserted in the Fair Trading Act 1973 by section 7 above, so far as relating to monopoly situations which exist or may exist in relation to commercial activities connected with the supply of water or the provision of sewerage services.
- (2) In sub-paragraph (1) above, “commercial activities connected with the supply of water or the provision of sewerage services” has the same meaning as in section 31(2) of the Water Industry Act 1991.
- 9 So far as necessary for the purposes of, or in connection with, sub-paragraph (1) of paragraph 8 above, the references to the Director General of Fair Trading in the provisions mentioned in that sub-paragraph shall be construed as if they were or, as the case may require, as if they included references to the Director General of Water Services.
- 10 (1) Section 31 of the Water Industry Act 1991 shall be amended as follows.
- (2) In subsection (5) (duty to consult other Director in case of functions exercisable concurrently by Director General of Water Services and Director General of Fair Trading) after “subsection (3) above” there shall be inserted “or in paragraph 8 of Schedule 2 to the Deregulation and Contracting Out Act 1994”.
- (3) In subsection (6) (exercise of function by one Director to exclude exercise in the same matter by the other Director)—

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- (a) after the words “subsection (3) above”, in the first place where they occur, there shall be inserted “or in paragraph 8 of Schedule 2 to the Deregulation and Contracting Out Act 1994”, and
  - (b) for “that paragraph or, as the case may be, in subsection (3) above” there shall be substituted “that provision”.
- (4) In subsection (8) (power of Secretary of State to determine any question as to the application of certain provisions) after “above” there shall be inserted “or paragraph 8 of Schedule 2 to the Deregulation and Contracting Out Act 1994”.

#### *Railways*

- 11 (1) The Rail Regulator shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions inserted in the Fair Trading Act 1973 by section 7 above, so far as relating to monopoly situations which exist or may exist in relation to the supply of railway services; and references in those provisions to the Director shall be construed accordingly.
- (2) In sub-paragraph (1) above, “the supply of railway services” has the same meaning as in section 67(2) of the Railways Act 1993.
- 12 In section 67(4) of the Railways Act 1993 (which makes provision about the exercise of functions exercised concurrently by the Director General of Fair Trading and the Rail Regulator) after paragraph (c) there shall be inserted “and
- (d) paragraph 11 of Schedule 2 to the Deregulation and Contracting Out Act 1994.”.
- 13 In section 67(8) of the Railways Act 1993 (power of Secretary of State to determine any question as to the application of certain provisions) after “above” there shall be inserted “or paragraph 11 of Schedule 2 to the Deregulation and Contracting Out Act 1994”.
- 14 Section 93B of the Fair Trading Act 1973 (offences of furnishing false or misleading information in connection with functions of the Director General of Fair Trading under Part IV of that Act) shall have effect, so far as relating to functions exercisable by the Rail Regulator by virtue of paragraph 11 above, as if the reference in subsection (1)(a) of that section to the Director included a reference to the Rail Regulator.

#### *Interpretation*

- 15 Expressions used in this Schedule which are also used in the Fair Trading Act 1973 have the same meanings as in that Act.