
Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Paragraph 21. (See end of Document for details)

SCHEDULES

SCHEDULE 9

CERTAIN AMENDMENTS OF SECTORAL ENACTMENTS

PART 2

APPLICATION OF PART 4 OF THIS ACT TO SECTORAL REGULATORS

Railways Act 1993 (c. 43)

- 21 (1) Section 67 of the Railways Act 1993 (application of monopoly provisions etc. to the Rail Regulator) shall be amended as follows.
- (2) For subsection (2) (monopoly functions to be exercisable concurrently by the Rail Regulator) there shall be substituted—
- “(2) The functions to which subsection (2A) below applies shall be concurrent functions of the Regulator and the OFT.
- (2A) This subsection applies to the functions of the OFT under Part 4 of the Enterprise Act 2002 (other than sections 166 and 171) so far as relating to the supply of services relating to railways.
- (2B) So far as necessary for the purposes of, or in connection with, subsections (2) and (2A) above, references in Part 4 of the Act of 2002 to the OFT (including references in provisions of that Act applied by that Part) shall be construed as including references to the Regulator (except in sections 166 and 171 of that Act and in any other provision of that Act where the context otherwise requires).”
- (3) In subsection (3ZA) for the words “subsection (3)” there shall be substituted “subsections (2A) and (3) ”.
- (4) For subsection (4) there shall be substituted—
- “(4) Before the OFT or the Regulator first exercises in relation to any matter functions which are exercisable concurrently by virtue of subsection (2) above, that person shall consult the other.
- (4A) Neither the OFT nor the Regulator shall exercise in relation to any matter functions which are exercisable concurrently by virtue of subsection (2) above if functions which are so exercisable have been exercised in relation to that matter by the other.”
- (5) In subsection (7)—
- (a) for the words “on a monopoly reference” there shall be substituted “ under section 136 or 142 of the Enterprise Act 2002 ”;

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- (b) the words from “was made” to “that it” shall cease to have effect; and
- (c) for the word “him” there shall be substituted “ the Regulator ”.

(6) In subsection (8)—

- (a) for the word “(2)” there shall be substituted “ (2A) ”;
- (b) the words from “or paragraph” to “Act 1994” shall cease to have effect; and
- (c) for the words “Part IV or section 86 or 88 of the 1973 Act” there shall be substituted “ Part 4 of the Enterprise Act 2002 ”.

(7) For subsection (9) there shall be substituted—

“(9) Section 117 of the Enterprise Act 2002 (offences of supplying false or misleading information) as applied by section 180 of that Act shall have effect so far as relating to functions exercisable by the Regulator by virtue of subsection (2) above as if the references in section 117(1)(a) and (2) to the OFT included references to the Regulator.”

(8) Subsection (10) shall cease to have effect.

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