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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Paragraph 22. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 9

#### CERTAIN AMENDMENTS OF SECTORAL ENACTMENTS

#### PART 2

##### APPLICATION OF PART 4 OF THIS ACT TO SECTORAL REGULATORS

*Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))*

- 22 (1) Article 23 of the Gas (Northern Ireland) Order 1996 (application of monopoly provisions etc. to the Director General of Gas for Northern Ireland) shall be amended as follows.
- (2) For paragraph (2) (monopoly functions to be exercisable concurrently by the Director) there shall be substituted—
- “(2) The functions to which paragraph (2A) applies shall be concurrent functions of the Director and the Office of Fair Trading.
- (2A) This paragraph applies to the functions of the Office of Fair Trading under Part 4 of the Enterprise Act 2002 (other than sections 166 and 171) so far as relating to commercial activities connected with the conveyance, storage or supply of gas.
- (2B) So far as necessary for the purposes of, or in connection with, paragraphs (2) and (2A), references in Part 4 of the Act of 2002 to the Office of Fair Trading (including references in provisions of that Act applied by that Part) shall be construed as including references to the Director (except in sections 166 and 171 of that Act and in any other provision of that Act where the context otherwise requires).”
- (3) For paragraph (4) there shall be substituted—
- “(4) Before the Office of Fair Trading or the Director first exercises in relation to any matter functions which are exercisable concurrently by virtue of paragraph (2), it or he shall consult the other.
- (4A) Neither the Office of Fair Trading nor the Director shall exercise in relation to any matter functions which are exercisable concurrently by virtue of paragraph (2) if functions which are so exercisable have been exercised in relation to that matter by the other.”
- (4) In paragraph (6) 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 ”.
- (5) For paragraph (7) there shall be substituted—

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“(7) 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 Director by virtue of paragraph (2) as if the references in section 117(1)(a) and (2) to the Office of Fair Trading included references to the Director.”

(6) Paragraph (8) shall cease to have effect.

(7) In paragraph (9) for the words “mentioned in paragraph (2) or (3)” there shall be substituted “exercisable by the Director by virtue of paragraph (2) or (3)”.

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Paragraph 22.