
Changes to legislation: Enterprise and Regulatory Reform Act 2013, Cross Heading: Time-limits: consequential and other minor amendments is up to date with all changes known to be in force on or before 11 April 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 12

MARKETS: TIME-LIMITS

Time-limits: consequential and other minor amendments

7 Part 4 of the 2002 Act (market investigations) is amended as follows.

Annotations:

Commencement Information

I1 Sch. 12 para. 7 in force at 1.4.2014 by [S.I. 2014/416](#), **art. 2(1)(d)** (with [Sch.](#))

8 In the heading of that Part, at the beginning insert “ Market Studies and ”.

Annotations:

Commencement Information

I2 Sch. 12 para. 8 in force at 1.4.2014 by [S.I. 2014/416](#), **art. 2(1)(d)** (with [Sch.](#))

9 In the heading of Chapter 1, at the beginning insert “ Market Studies and ”.

Annotations:

Commencement Information

I3 Sch. 12 para. 9 in force at 1.4.2014 by [S.I. 2014/416](#), **art. 2(1)(d)** (with [Sch.](#))

10 (1) Section 132 (ministerial power to make references) is amended as follows.

(2) In subsection (1)—

(a) after “services” insert “—

(a)”,

and

(b) at the end insert “; and

(b) in a case in which the CMA has published a market study notice under section 130A, the period permitted by section 131B for the preparation and publication by the CMA of the market study report has expired.”

(3) In subsection (2)(b), for “to make such a reference” substitute “ to publish a market study notice in relation to the matter concerned ”.

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Annotations:**Commencement Information**

I4 Sch. 12 para. 10 in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

11 In section 135 (variation of references), omit subsection (4).

Annotations:**Commencement Information**

I5 Sch. 12 para. 11 in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

12 In section 156 (effect of undertakings under section 154), after subsection (2) insert

“(3) The expiry of the period mentioned in section 131B(4) does not prevent the making of a market investigation reference if the CMA has accepted an undertaking or group of undertakings under section 154 and—

- (a) the CMA considers that any undertaking concerned has been breached and has given notice of that fact to the person responsible for giving the undertaking; or
- (b) the person responsible for giving any undertaking concerned supplied, in connection with the matter, information to the OFT which was false or misleading in a material respect.”

Annotations:**Commencement Information**

I6 Sch. 12 para. 12 in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

13 In section 169 (certain duties of relevant authorities to consult: Part 4), in subsection (6), in the definition of “relevant decision”—

- (a) in paragraph (a), for sub-paragraph (i) substitute—
 - “(i) to make a reference under section 131 in a case where the CMA has not published a market study notice under section 130A in relation to the matter concerned;
 - (ia) as to whether to accept undertakings under section 154 instead of making any reference under section 131;”, and
- (b) in paragraph (b)(i), omit “as to whether”.

Annotations:**Commencement Information**

I7 Sch. 12 para. 13 in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

14 (1) Section 172 (further publicity requirements: Part 4) is amended as follows.

(2) In subsection (1), after paragraph (a) insert—

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“(aa) any decision not to make a reference under section 131 following a consultation in relation to the matter concerned under section 169;”.

(3) In subsection (2)—

(a) before paragraph (a) insert—

“(za) any extension by it under section 137 of the period within which a report under section 136 is to be prepared and published;

(zb) any extension by it under section 138A of the period within which its duty under section 138(2) is to be discharged;”, and

(b) after paragraph (b) insert—

“(ba) any extension by it under section 144 of the period within which a report under section 142 is to be prepared and action is to be taken in relation to it;”.

(4) After subsection (7) insert—

“(7A) Subsection (6) shall not apply in relation to any case falling within subsection (1)(a).”

Annotations:

Commencement Information

I8 Sch. 12 para. 14 in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

15 In section 179 (review of decisions under Part 4), in subsection (2), before paragraph (a) insert—

“(za) does not include a decision whether to carry out functions under section 5 in a case where the CMA is, or would have been, required to publish a market study notice (see section 130A(1));”.

Annotations:

Commencement Information

I9 Sch. 12 para. 17 in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

16 (1) Section 181 (orders under Part 4) is amended as follows.

(2) In subsection (3), for “136(9), 137(3)” substitute “ 131C(1), 136(9), 137(3), 138B(6) ”.

(3) In subsection (4), for “137(3)” substitute “ 131C(1), 137(3), 138B(6) ”.

Annotations:

Commencement Information

I10 Sch. 12 para. 16 in force for specified purposes at Royal Assent, see s.103(1)(i)

I11 Sch. 12 para. 16 in force at 1.4.2014 in so far as not already in force by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

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17 In section 184 (index of defined expressions in Part 4), after the entry in the table for “market investigation reference” insert—

“Market study notice	Section 130A(1)
“Market study report	Section 131B(4)”

Annotations:

Commencement Information

I9 Sch. 12 para. 17 in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

Changes to legislation:

Enterprise and Regulatory Reform Act 2013, Cross Heading: Time-limits: consequential and other minor amendments is up to date with all changes known to be in force on or before 11 April 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2013/1455 art. 3 4 Sch. 3 by [S.I. 2013/2271 art. 2](#)
- specified provision(s) revocation of earlier commencing SI 2015/641 by [S.I. 2015/1558 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 85(4A) inserted by [2019 c. 4 s. 29\(2\)\(a\)](#)
- s. 85(6)(7) inserted by [2019 c. 4 s. 29\(2\)\(b\)](#)