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**Changes to legislation:** There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Paragraph 16. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 4

#### THE COMPETITION AND MARKETS AUTHORITY

##### PART 1

##### GENERAL

##### *Concurrency report*

- 16 (1) As soon as practicable after the end of each financial year, the CMA must prepare a report containing an assessment of how the concurrency arrangements have operated during the year.
- (2) The concurrency arrangements are the arrangements for co-operation between the CMA and the sectoral regulators in respect of functions which are exercisable concurrently by the CMA and one or more of the regulators under Part 1 of the Competition Act 1998 (the “1998 Act”) and Part 4 of the Enterprise Act 2002 (the “2002 Act”).
- (3) The report must, in particular, include information about—
- (a) the exercise during the year by the CMA of its functions under Part 1 of the 1998 Act or Part 4 of the 2002 Act in cases in which the functions are or were exercisable concurrently by one or more sectoral regulators,
  - (b) the exercise during the year by each sectoral regulator of its functions under Part 1 of the 1998 Act or Part 4 of the 2002 Act, and
  - (c) any decision made during the year by a sectoral regulator, in respect of a case in relation to which the regulator considers that its functions under Part 1 of the 1998 Act were exercisable, that it was more appropriate for it to proceed by exercising functions other than those it has under that Part of that Act.
- (4) The CMA is not required to include information in a report under this paragraph if it considers that doing so would, or would be likely to, prejudice the exercise of any of the functions of the CMA or a sectoral regulator.
- (5) In preparing a report under this paragraph, the CMA must consult each sectoral regulator.
- (6) The CMA must publish a report prepared under this paragraph in whatever way it considers appropriate.
- (7) Each of the following is a sectoral regulator—
- (a) the Office of Communications;
  - (b) the Gas and Electricity Markets Authority;
  - (c) the Water Services Regulation Authority;
  - (d) [<sup>F1</sup>the Office of Rail and Road] ;

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- (e) the Northern Ireland Authority for Utility Regulation;
- (f) the Civil Aviation Authority;
- <sup>F2</sup>(g) .....
- [<sup>F3</sup>(h) the Payment Systems Regulator established under section 40 of the Financial Services (Banking Reform) Act 2013.]
- [<sup>F4</sup>(i) the Financial Conduct Authority.]

#### **Textual Amendments**

- F1** Words in [Sch. 4 para. 16\(7\)\(d\)](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 4(v)(iii)**
- F2** [Sch. 4 para. 16\(7\)\(g\)](#) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 12 para. 8**; [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)
- F3** [Sch. 4 para. 16\(7\)\(h\)](#) inserted (1.4.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), **ss. 67(5)**, 148(5); [S.I. 2014/823](#), art. 2(g)
- F4** [Sch. 4 para. 16\(7\)\(i\)](#) inserted (1.4.2015) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), s. 148(5), **Sch. 8 para. 12**; [S.I. 2014/2458](#), art. 3(b)(v)

#### **Commencement Information**

- I1** [Sch. 4 para. 16](#) in force at 1.10.2013 by [S.I. 2013/2227](#), **art. 2(j)** (with art. 3)

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