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# SCHEDULES

## SCHEDULE 4

### THE COMPETITION AND MARKETS AUTHORITY

#### PART 3

##### THE CMA PANEL

###### *Membership of CMA panel*

- 35 (1) The CMA panel is to consist of—
- (a) at least one person (a “newspaper panel member”) appointed to the CMA panel under paragraph 1(1)(b) for the purpose of being available for selection as a member of a group constituted to carry out functions on behalf of the CMA with respect to a newspaper merger reference (a “newspaper merger reference group”);
  - (b) at least three persons (“specialist communications panel members”) appointed to the CMA panel under paragraph 1(1)(b) for the purpose of being available for selection as members of a group constituted to carry out functions on behalf of the CMA with respect to a specialist communications reference (a “specialist communications reference group”);
  - (c) at least six persons (“specialist utility panel members”) appointed to the CMA panel under paragraph 1(1)(b) for the purpose of being available for selection as members of a group constituted to carry out specialist utility functions on behalf of the CMA (a “specialist utility group”);
  - [<sup>F1</sup>(ca) at least one person (a “payment systems panel member”) appointed to the CMA panel under paragraph 1(1)(b) for the purpose of being available for selection as a member of a group constituted to carry out functions on behalf of the CMA with respect to an appeal made in accordance with section 79 of the Financial Services (Banking Reform) Act 2013 (a “specialist payment systems group”);]
  - (d) at least one person (a “reporting panel member”) appointed to the CMA panel under paragraph 1(1)(b) for the purpose of being available for selection as a member of any group constituted to carry out functions on behalf of the CMA;
  - <sup>F2</sup>(e) .....
- (2) A person who is appointed to the CMA panel as a member of a kind mentioned in one of paragraphs (a) to [<sup>F3</sup>(d)] of sub-paragraph (1) may also be appointed as a member of one or more of the other kinds mentioned in those paragraphs.
- (3) For the purposes of this paragraph and paragraph 38—  
a “newspaper merger reference” is—

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- (a) a reference under section 45 of the Enterprise Act 2002 that specifies a newspaper public interest consideration (within the meaning of paragraph 20A of Schedule 8 to that Act);
  - (b) a reference under section 62 of that Act that specifies a consideration specified in section 58(2A) or (2B) of that Act;
- a “specialist communications reference” is a reference under section 193 of the Communications Act 2003;
- “specialist utility functions” are functions with respect to—
- (a) an appeal under section 23B, or a reference under section 41E, of the Gas Act 1986;
  - (b) an appeal under section 11C, or a reference under section 56C, of the Electricity Act 1989;
  - (ba) [<sup>F4</sup>an appeal under [section 20](#) of the Energy Act 2023;]
  - (c) a reference under section 12, 14 or 17K of the Water Industry Act 1991;
  - (ca) [<sup>F5</sup>an appeal under section [12D](#) of that Act;]
  - (d) the giving of a direction or the making of modifications under section 16A or 17P of that Act;
  - (dza) [<sup>F6</sup>a reference under section [68B](#) or [68C](#) of the Enterprise Act 2002;]
  - (da) [<sup>F7</sup> an appeal under article 14B of the Electricity (Northern Ireland) Order 1992 ([SI 1992/231 \(NI 1\)](#));]
  - (db) [<sup>F7</sup> an appeal under article 14B of the Gas (Northern Ireland) Order 1996 ([SI 1996/275 \(NI 2\)](#));]
  - (e) an appeal under section 173 of the Energy Act 2004;
  - (ea) [<sup>F8</sup>an appeal under regulation 4 of the Water Industry Designated Codes (Appeals to the Competition and Markets Authority) Regulations 2017 ([SI 2017/447](#));]
  - (f) a reference under article 3 of the Water Services etc (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 ([SI 2005/3172](#));
  - (g) the giving of a direction or the making of modifications under article 9 of that Order.

#### Textual Amendments

- F1** Sch. 4 para. 35(1)(ca) inserted (1.3.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), s. 148(5), [Sch. 5 para. 2\(2\)](#); S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1
- F2** Sch. 4 para. 35(1)(e) omitted (6.2.2015) by virtue of [The Enterprise and Regulatory Reform Act 2013 \(Amendment\) \(Gas and Electricity Appeals\) Regulations 2015 \(S.I. 2015/16\)](#), regs. 1(1), [2\(2\)\(a\)](#) (with regs. 3, 4)
- F3** Word in Sch. 4 para. 35(2) substituted (6.2.2015) by [The Enterprise and Regulatory Reform Act 2013 \(Amendment\) \(Gas and Electricity Appeals\) Regulations 2015 \(S.I. 2015/16\)](#), regs. 1(1), [2\(2\)\(b\)](#) (with regs. 3, 4)
- F4** Words in [Sch. 4 para. 35\(3\)](#) inserted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(3)(a), [Sch. 5 para. 9](#)
- F5** Words in [Sch. 4 para. 35\(3\)](#) inserted (24.1.2022) by [Environment Act 2021 \(c. 30\)](#), [ss. 86\(7\)](#), 147(3) (with s. 144); S.I. 2022/48, reg. 2(m)
- F6** Words in [Sch. 4 para. 35\(3\)](#) inserted (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(2)(j), [Sch. 16 para. 36\(2\)](#)

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- F7** Words in Sch. 4 para. 35(3) inserted (6.2.2015) by The Enterprise and Regulatory Reform Act 2013 (Amendment) (Gas and Electricity Appeals) Regulations 2015 (S.I. 2015/16), regs. 1(1), **2(2)(c)** (with regs. 3, 4)
- F8** Words in Sch. 4 para. 35(3) inserted (7.4.2017) by The Water Industry Designated Codes (Appeals to the Competition and Markets Authority) Regulations 2017 (S.I. 2017/447), regs. 1(2), **20(a)**

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**Modifications etc. (not altering text)**

- C1** Sch. 4 para. 35(3) modified by SI 2003/1592 Sch. 4 para. 18(a) (as inserted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891), arts. 1, **19(5)** (with arts. 20-23))

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**Commencement Information**

- I1** Sch. 4 para. 35 in force at 1.10.2013 by S.I. 2013/2227, **art. 2(j)** (with art. 3)

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