

Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Part 3. (See end of Document for details)

SCHEDULES

SCHEDULE 5 **U.K.**

AMENDMENTS RELATED TO PART 3

PART 2 **U.K.**

TRANSFER OF FUNCTIONS UNDER THE 2002 ACT TO THE CMA

Part 3

- 67 (1) Section 22 (duty to make references in relation to completed mergers) is amended as follows.
- (2) In subsection (1), for the words before paragraph (a) substitute “ The CMA shall, subject to subsections (2) and (3), make a reference to its chair for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 if the CMA believes that it is or may be the case that— ”.
- (3) In subsection (2)—
- (a) in the words before paragraph (a), for “OFT” substitute “ CMA ”, and
 - (b) in paragraph (a), omit “to the Commission”.
- (4) In subsections (3) and (3A), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (5) In subsection (7)—
- (a) in paragraph (a), for “the OFT or (as the case may be) the Commission” substitute “ the CMA ”, and
 - (b) in paragraph (b), for “the OFT, the Commission” substitute “ the CMA ”.

Commencement Information

I1 Sch. 5 para. 67 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 68 In section 23 (relevant merger situations), in subsection (9), in paragraph (a), for “Commission” substitute “ CMA ”.

Commencement Information

I2 Sch. 5 para. 68 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 69 In section 24 (time-limits and prior notice), in subsection (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.

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Commencement Information

I3 Sch. 5 para. 69 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

70 In section 25 (extension of time-limits), in subsections (1) to (6) and (8), for “OFT” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I4 Sch. 5 para. 70 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

71 In section 28 (turnover test), in subsection (5), for “OFT” substitute “ CMA ”.

Commencement Information

I5 Sch. 5 para. 71 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

72 (1) Section 33 (duty to make references in relation to anticipated mergers) is amended as follows.

(2) In subsection (1), for the words before paragraph (a) substitute “ The CMA shall, subject to subsections (2) and (3), make a reference to its chair for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 if the CMA believes that it is or may be the case that— ”.

(3) In subsection (2)—

- (a) in the words before paragraph (a), for “OFT” substitute “ CMA ”,
- (b) in paragraph (a), omit “to the Commission”, and
- (c) in paragraph (b), omit “to the Commission”.

(4) In subsections (3) and (3A), for “OFT” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I6 Sch. 5 para. 72 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

73 (1) Section 34A (duty where case referred by the European Commission) is amended as follows.

(2) In subsection (1), for “OFT” substitute “ CMA ”.

(3) In subsection (2)—

- (a) in the words before paragraph (a), for “OFT” substitute “ CMA ”, and
- (b) in paragraph (a), omit “to the Commission”.

(4) In subsection (3), for “OFT” (in each place where it occurs) substitute “ CMA ”.

(5) In the heading, for “OFT” substitute “ CMA ”.

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Commencement Information

I7 Sch. 5 para. 73 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

74 Before section 35 (but after the italic cross-heading immediately preceding it) insert—

Functions to be exercised by CMA groups

“34Q(1) Where a reference is made to the chair of the CMA under section 22 or 33 for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, the functions of the CMA under or by virtue of the following provisions of this Part in relation to the matter concerned are to be carried out on behalf of the CMA by the group so constituted—

- (a) sections 35 to 41B, except for sections 35(6) and (7), 36(5) and (6) and 37(6);
 - (b) where a reference is treated by virtue of section 37(2) as having been made under section 22, section 23(9)(a);
 - (c) section 76, as it applies in relation to orders under section 83, and sections 77, 78 and 80 to 84;
 - (d) section 87, so far as relating to an enforcement order made on behalf of the CMA by the group;
 - (e) sections 92(4), 94 and 94A, so far as relating to an enforcement undertaking or enforcement order made on behalf of the CMA by the group;
 - (f) section 104, so far as relating to a decision mentioned in paragraph (a)(iii) of the definition of relevant decision in subsection (6) of that section;
 - (g) section 107, so far as relating to anything done on behalf of the CMA by the group;
 - (h) section 109, where the permitted purpose in question relates to a function that (by virtue of this section) is being or is to be carried out on behalf of the CMA by the group;
 - (i) sections 110 to 115, so far as relating to a notice given under section 109 on behalf of the CMA by the group;
 - (j) section 120(5)(b), so far as relating to a decision of the group;
 - (k) Schedule 10, so far as relating to an enforcement undertaking or enforcement order which the group is considering accepting or making, or which the group has accepted or made, on behalf of the CMA.
- (2) The functions of the CMA under section 95(4) in relation to the matter concerned may be carried out on behalf of the CMA by the group.
- (3) Nothing in subsection (1) prevents the CMA Board from exercising a function of the CMA under or by virtue of the following provisions of this Part where the group constituted as mentioned in subsection (1) has ceased to exist—
- (a) section 76 and Schedule 10, so far as relating to the making of an order under section 76 in relation to an order under section 83;

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- (b) section 83 and Schedule 10, so far as relating to the making of an order under section 83;
- (c) sections 76 (as it applies in relation to an order under section 83), 80 to 84 and Schedule 10, so far as relating to the variation, supersession or release of enforcement undertakings or the variation or revocation of enforcement orders;
- (d) section 87;
- (e) sections 92(4) and 94.”

Commencement Information

I8 Sch. 5 para. 74 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 75 In section 35 (questions to be decided in relation to completed mergers), in subsections (1) and (3) to (7), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I9 Sch. 5 para. 75 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 76 In section 36 (questions to be decided in relation to anticipated mergers), in subsections (1) to (6), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I10 Sch. 5 para. 76 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 77 (1) Section 37 (cancellation and variation of references under section 22 or 33) is amended as follows.
- (2) In subsections (1) to (4), for “Commission” (in each place where it occurs) substitute “CMA”.
 - (3) In subsection (6), for “OFT” substitute “CMA”.
 - (4) Omit subsections (7) and (8).
 - (5) In subsection (9)—
 - (a) for “OFT” substitute “CMA”, and
 - (b) for “Commission” substitute “CMA”.

Commencement Information

I11 Sch. 5 para. 77 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 78 (1) Section 38 (investigations and reports on references under section 22 or 33) is amended as follows.
- (2) In subsections (1) to (3), for “Commission” (in each place where it occurs) substitute “CMA”.

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(3) Omit subsection (4).

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I12 Sch. 5 para. 78 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

79 In section 39 (time-limits for investigations and reports), in subsections (1), (3), (4) and (8), for “Commission” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I13 Sch. 5 para. 79 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

80 In section 40 (section 39: supplementary), in subsections (10), (11) and (13), for “Commission” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I14 Sch. 5 para. 80 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

81 In section 41 (duty to remedy effects of completed or anticipated mergers), in subsections (1) to (5), for “Commission” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I15 Sch. 5 para. 81 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

82 (1) Section 42 (intervention by Secretary of State in certain public interest cases) is amended as follows.

(2) In subsection (2), for “OFT” substitute “ CMA ”.

(3) In subsection (6)—

(a) for “OFT” (in each place where it occurs) substitute “ CMA ”, and

(b) for “Commission” substitute “ CMA ”.

Commencement Information

I16 Sch. 5 para. 82 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

83 (1) Section 43 (intervention notices under section 42) is amended as follows.

(2) In subsection (4)—

(a) in paragraph (a), for “OFT” substitute “ CMA ”, and

(b) for “Commission” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I17 Sch. 5 para. 83 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 84 (1) Section 44 (investigation and report) is amended as follows.
- (2) In subsections (2) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (4) —
- (a) in the words before paragraph (a), for “OFT” substitute “CMA”, and
 - (b) in paragraph (c), omit “to the Commission”.
- (4) In subsections (5), (5A) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- (5) In the heading, for “OFT” substitute “CMA”.

Commencement Information

I18 Sch. 5 para. 84 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 85 (1) Section 45 (power of Secretary of State to refer matter) is amended as follows.
- (2) In subsection (1), in paragraph (b), for “OFT” substitute “CMA”.
- (3) In subsections (2) to (5), for “to the Commission” (in each place where it occurs) substitute “to the chair of the CMA for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013”.
- (4) In the heading, for “Commission” substitute “CMA”.

Commencement Information

I19 Sch. 5 para. 85 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 86 In section 46 (references under section 46: supplementary), in subsection (2), for “OFT” substitute “CMA”.

Commencement Information

I20 Sch. 5 para. 86 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 87 (1) Section 46A (cases referred by European Commission where intervention notice is in force) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “CMA”.
- (3) In subsection (2), in paragraph (a), omit “to the Commission”.

Commencement Information

I21 Sch. 5 para. 87 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 88 Before section 47 (but after the italic cross-heading immediately preceding it) insert—

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Functions to be exercised by CMA groups

“46D Where a reference is made to the chair of the CMA under section 45 for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, the functions of the CMA under or by virtue of the following provisions of this Part in relation to the matter concerned are to be carried out on behalf of the CMA by the group so constituted—

- (a) sections 47 to 53;
- (b) where a reference is treated by virtue of section 49(1) as having been made under section 45(2) or (3), section 23(9)(ab) (as it has effect by virtue of section 42(6));
- (c) sections 104, so far as relating to any decision mentioned in paragraph (a)(iii) of the definition of relevant decision in subsection (6) of that section, and 104A;
- (d) section 107, so far as relating to anything done on behalf of the CMA by the group;
- (e) section 109, where the permitted purpose relates to a function that (by virtue of this section) is being or is to be carried out on behalf of the CMA by the group;
- (f) sections 110 to 115, so far as relating to a notice given under section 109 on behalf of the CMA by the group;
- (g) section 118(4);
- (h) section 120(5)(b), so far as relating to a decision of the group.”

Commencement Information

I22 Sch. 5 para. 88 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

89 In section 47 (questions to be decided on references under section 45), in subsections (1) to (11), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I23 Sch. 5 para. 89 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

90 In section 48 (cases where references on certain questions need not be decided), in subsections (1) to (3) for “Commission” (in each place where it occurs), substitute “CMA”.

Commencement Information

I24 Sch. 5 para. 90 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

91 In section 49 (variation of references under section 45), in subsections (1) to (4) and (7) to (9), for “Commission” (in each place where it occurs) substitute “CMA”.

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Commencement Information

I25 Sch. 5 para. 91 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 92 In section 50 (investigations and reports on references under section 45), in subsections (1) to (3), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I26 Sch. 5 para. 92 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 93 (1) Section 51 (time-limits for investigations and reports) is amended as follows.
- (2) In subsections (1) to (4) and (8), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In the heading, for “Commission” substitute “CMA”.

Commencement Information

I27 Sch. 5 para. 93 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 94 Section 52 (section 51: supplementary), in subsections (10), (11) and (13), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I28 Sch. 5 para. 94 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 95 (1) Section 53 (restrictions on action where public interest considerations not finalised) is amended as follows.
- (2) In subsection (1), for “Commission” substitute “CMA”.
- (3) In subsection (2)—
- (a) omit “to the Commission”, and
- (b) for “Commission” substitute “CMA”.
- (4) In subsections (3) to (5), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I29 Sch. 5 para. 95 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 96 (1) Section 54 (decision of Secretary of State in public interest cases) is amended as follows.
- (2) In subsection (1), for “Commission” substitute “CMA”.
- (3) In subsection (3), omit “to the Commission” (in each place where it occurs).

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- (4) In subsections (5) and (6), for “Commission” (in each place where it occurs) substitute “ CMA ”.
- (5) In subsection (7)—
 - (a) omit “to the Commission” (in each place where it occurs),
 - (b) for “of the Commission” (in each place where it occurs) substitute “ of the CMA ”, and
 - (c) in paragraph (b)(ii), for “OFT” substitute “ CMA ”.

Commencement Information

I30 Sch. 5 para. 96 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 97 In section 55 (enforcement action by Secretary of State), in subsection (3), for “Commission” substitute “ CMA ”.

Commencement Information

I31 Sch. 5 para. 97 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 98 (1) Section 56 (competition cases where intervention on public interest grounds ceases) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.
 - (3) In subsection (3)—
 - (a) for “Commission” (in each place where it occurs) substitute “ CMA ”,
 - (b) for “the report of the OFT” substitute “ its report ”, and
 - (c) omit “to it by the OFT”.
 - (4) In subsection (4), for “Commission” (in each place where it occurs) substitute “ CMA ”.
 - (5) In subsection (6)—
 - (a) for “Commission” substitute “ CMA ”, and
 - (b) omit “to it”.
 - (6) In subsection (7), for “Commission” (in each place where it occurs) substitute “ CMA ”.
 - (7) In subsection (8)—
 - (a) for “Commission” substitute “ CMA ”,
 - (b) after “(6)” insert “—
 - (a)”,
 - (c) omit “to the Commission by the OFT”, and
 - (d) at the end insert “; and
 - (b) for the purposes of section 34C, the group constituted in consequence of the reference under section 45 is to be treated as if it were constituted in consequence of a reference under section 22 or (as the case may be) 33.”

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Commencement Information

I32 Sch. 5 para. 98 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 99 (1) Section 57 (duties of authorities to inform Secretary of State) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “ CMA ”.
- (3) In subsection (2)—
- (a) for “OFT, OFCOM and the Commission” substitute “ CMA and OFCOM ”, and
- (b) for “OFT, OFCOM or (as the case may be) the Commission” substitute “ CMA or (as the case may be) OFCOM ”.
- (4) In the heading, for “OFT and Commission” substitute “ CMA and OFCOM ”.

Commencement Information

I33 Sch. 5 para. 99 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 100 In section 58 (specified considerations), in subsection (4)(b) for “OFT, OFCOM, the Commission” substitute “ CMA, OFCOM ”.

Commencement Information

I34 Sch. 5 para. 100 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 101 (1) Section 59 (intervention by Secretary of State in special public interest cases) is amended as follows.
- (2) In subsection (2), for “OFT” substitute “ CMA ”.
- (3) In subsection (6)—
- (a) for “OFT” (in each place where it occurs) substitute “ CMA ”, and
- (b) for “Commission” substitute “ CMA ”.

Commencement Information

I35 Sch. 5 para. 101 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 102 (1) Section 60 (special intervention notices under section 59) is amended as follows.
- (2) In subsection (4)—
- (a) in paragraph (a), for “OFT” substitute “ CMA ”, and
- (b) for “Commission” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I36 Sch. 5 para. 102 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 103 (1) In section 61 (initial investigation and report) is amended as follows.

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(2) In subsections (2) to (4A) and (6), for “OFT” (in each place where it occurs) substitute “CMA”.

(3) In the heading, for “OFT” substitute “CMA”.

Commencement Information

I37 Sch. 5 para. 103 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

104 (1) Section 62 (power of Secretary of State to refer matter) is amended as follows.

(2) In subsection (1), in paragraph (b), for “OFT” substitute “CMA”.

(3) In subsections (2) and (3), for “to the Commission” (in each place where it occurs), substitute “to the chair of the CMA for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013”.

(4) In subsection (5), for “OFT” substitute “CMA”.

Commencement Information

I38 Sch. 5 para. 104 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

105 Before section 63 insert—

Functions to be exercised by CMA groups

“62A Where a reference is made to the chair of the CMA under section 62 for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, the functions of the CMA under or by virtue of the following provisions of this Part in relation to the matter concerned are to be carried out on behalf of the CMA by the group so constituted—

- (a) sections 63 to 65;
- (b) where a reference is treated by virtue of section 64(2) as having been made under section 62(2), section 23(9)(ab) (as it has effect by virtue of section 59(6));
- (c) sections 104, so far as relating to any decision mentioned in paragraph (a)(iii) of the definition of relevant decision in subsection (6) of that section, and 104A;
- (d) section 107, so far as relating to anything done on behalf of the CMA by the group;
- (e) section 109, where the permitted purpose relates to a function that (by virtue of this section) is being or is to be carried out on behalf of the CMA by the group;
- (f) sections 110 to 115, so far as relating to a notice given under section 109 on behalf of the CMA by the group;
- (g) section 118(4);
- (h) section 120(5)(b), so far as relating to a decision of the group.”

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Commencement Information

I39 Sch. 5 para. 105 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 106 In section 63 (questions to be decided on references under section 62), in subsections (1) to (4), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I40 Sch. 5 para. 106 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 107 In section 64 (cancellation and variation of references under section 62), in subsections (1) to (4) and (7) to (9), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I41 Sch. 5 para. 107 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 108 In section 65 (investigations and reports on references under section 62), in subsections (1) to (2A) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I42 Sch. 5 para. 108 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 109 In section 66 (decision and enforcement action by Secretary of State), in subsections (1) to (4) and (7), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I43 Sch. 5 para. 109 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 110 In section 67 (intervention to protect legitimate interests), in subsections (2) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.

Commencement Information

I44 Sch. 5 para. 110 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 111 In section 68 (scheme for protecting legitimate interests), in subsection (4)—
- (a) in paragraph (b), for “OFT” substitute “CMA”;
 - (b) in paragraph (c), for “to the Commission” substitute “to the chair of the CMA for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013”, and
 - (c) in paragraph (d), for “the Commission” substitute “the CMA, acting through a group so constituted,”.

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Commencement Information

I45 Sch. 5 para. 111 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

112 In section 72 (initial enforcement orders), in subsections (2), (6) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.

Commencement Information

I46 Sch. 5 para. 112 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

113 In section 73 (undertakings in lieu of references), in subsections (1) to (4), (5) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.

Commencement Information

I47 Sch. 5 para. 113 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

114 In section 74 (effect of undertakings under section 73), in subsections (1), (2) and (5), for “OFT” (in each place where it occurs) substitute “CMA”.

Commencement Information

I48 Sch. 5 para. 114 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

115 In section 75 (order making power where undertakings under section 73 not fulfilled), in subsections (1), (2), (4) and (6), for “OFT” (in each place where it occurs) substitute “CMA”.

Commencement Information

I49 Sch. 5 para. 115 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

116 (1) Section 76 (supplementary interim order-making power) is amended as follows

(2) In subsection (1)—

(a) in paragraph (a), for “OFT” substitute “CMA”, and

(b) in paragraph (b), for “Commission” substitute “CMA”.

(3) In subsections (2), (3), (4) and (7), for “OFT or (as the case may be) the Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I50 Sch. 5 para. 116 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

117 In section 77 (restrictions on certain dealings: completed mergers), in subsections (2), (3), (5) and (6), for “Commission” (in each place where it occurs) substitute “CMA”.

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Commencement Information

I51 Sch. 5 para. 117 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 118 In section 78 (restrictions on certain dealings: anticipated mergers), in subsections (2) to (4), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I52 Sch. 5 para. 118 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 119 (1) Section 79 (sections 77 and 78: further interpretation provisions) is amended as follows.
- (2) In subsection (1), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (4), for “OFT” substitute “CMA”.

Commencement Information

I53 Sch. 5 para. 119 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 120 (1) Section 80 (interim undertakings) is amended as follows.
- (2) In subsections (2), (5) and (9), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (10), for “Commission's” substitute “CMA's”.

Commencement Information

I54 Sch. 5 para. 120 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 121 (1) Section 81 (interim orders) is amended as follows.
- (2) In subsection (2), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (9), for “Commission” substitute “CMA”.

Commencement Information

I55 Sch. 5 para. 121 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 122 In section 82 (final undertakings), in subsections (1), (2) and (5), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I56 Sch. 5 para. 122 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 123 (1) Section 83 (order-making powers where final undertakings not fulfilled) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a), for “Commission” substitute “CMA”.
- (3) In that subsection, in paragraph (b)—
- (a) for “Commission or the OFT” substitute “CMA”, and
 - (b) for “Commission decided” substitute “CMA decided”.
- (4) In subsections (2) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- (5) Omit subsection (6).

Commencement Information

I57 Sch. 5 para. 123 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 124 (1) Section 84 (final orders) is amended as follows.
- (2) In subsections (1) and (2), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) Omit subsection (4).

Commencement Information

I58 Sch. 5 para. 124 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 125 In section 85 (enforcement regime for public interest and special interest cases), in subsection (2), for “OFT” substitute “CMA”.

Commencement Information

I59 Sch. 5 para. 125 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 126 (1) Section 91 (register of undertakings and orders) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (3)—
- (a) in the words before paragraph (a), for “OFT” substitute “CMA”, and
 - (b) in paragraph (d), for “Commission” substitute “CMA”.
- (4) In subsection (4), for “OFT” substitute “CMA”.
- (5) In subsection (5)—
- (a) for “Commission and the Secretary of State” substitute “Secretary of State”,
 - (b) for “OFT” substitute “CMA”, and
 - (c) for “by them” (in each place where it occurs) substitute “by the Secretary of State”.

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- (6) In subsections (6) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.

Commencement Information

I60 Sch. 5 para. 126 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 127 In the italic cross-heading preceding section 92, for “OFT” substitute “CMA”.

Commencement Information

I61 Sch. 5 para. 127 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 128 (1) Section 92 (duty to monitor undertakings and orders) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (3)—
- (a) in the words before paragraph (a)—
 - (i) for “OFT” substitute “CMA”, and
 - (ii) omit “the Commission or (as the case may be)”,
 - (b) in paragraph (a)—
 - (i) omit “the Commission or (as the case may be)”, and
 - (ii) omit “it (or as the case may be)”, and
 - (c) in paragraphs (b) to (d), omit “the Commission or (as the case may be)” (in each place where it occurs).
- (4) In subsections (4) to (6), for “OFT” (in each place where it occurs) substitute “CMA”.
- (5) In subsection (7)—
- (a) in the words before paragraph (a), for “OFT” substitute “CMA”,
 - (b) omit paragraph (a), and
 - (c) in paragraph (b), for “the report” substitute “any report prepared by it under subsection (6)”.
- (6) In the heading, for “OFT” substitute “CMA”.

Commencement Information

I62 Sch. 5 para. 128 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 129 (1) Section 93 (further role in relation to undertakings and orders) is amended as follows.
- (2) In subsection (1), omit paragraph (a) and the word “or” immediately following it.
- (3) In subsection (2)—
- (a) for the words from the beginning to “authority)” substitute “The Secretary of State”,
 - (b) for “OFT” substitute “CMA”,

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- (c) for “relevant authority” (in each place where it occurs) substitute “ Secretary of State ”, and
 - (d) omit “section 80 or 82 or (as the case may be)”.
- (4) In subsection (3)—
- (a) for “relevant authority” (in each place where it occurs) substitute “ Secretary of State ”,
 - (b) for “OFT” substitute “ CMA ”, and
 - (c) for “OFT's” substitute “CMA's”.
- (5) In subsection (4)—
- (a) for “OFT” substitute “ CMA ”,
 - (b) for “relevant authority” substitute “ Secretary of State ”, and
 - (c) omit “section 80 or 82 or (as the case may be)”.
- (6) In subsection (6)—
- (a) for “relevant authority” substitute “ Secretary of State ”, and
 - (b) for “OFT” substitute “ CMA ”.
- (7) In the heading, for “OFT” substitute “ CMA ”.

Commencement Information

I63 Sch. 5 para. 129 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 130 (1) Section 94 (rights to enforce undertakings and orders) is amended as follows.
- (2) In subsection (6), for “OFT” substitute “ CMA ”.
 - (3) Omit subsection (7).

Commencement Information

I64 Sch. 5 para. 130 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 131 (1) Section 95 (rights to enforce statutory restrictions) is amended as follows.
- (2) In subsection (4), for “OFT or the Commission” substitute “ CMA ”.
 - (3) In subsection (5), for “OFT” substitute “ CMA ”.

Commencement Information

I65 Sch. 5 para. 131 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 132 (1) Section 96 (merger notices) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “ CMA ”.
 - (3) In subsection (5), for “OFT” substitute “ CMA ”.

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Commencement Information

I66 Sch. 5 para. 132 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 133 (1) Section 99 (certain functions in relation to merger notices) is amended as follows.
- (2) In subsection (1), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (3) In subsection (5), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (4) In the heading, for “OFT and Secretary of State” substitute “ CMA ”.

Commencement Information

I67 Sch. 5 para. 133 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 134 In section 100 (exceptions to protection given by merger notices), in subsection (1), for “OFT” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I68 Sch. 5 para. 134 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 135 (1) Section 104 (certain duties of relevant authorities to consult) is amended as follows.
- (2) In subsection (6), in the definition of “relevant authority” for “OFT, the Commission” substitute “ CMA ”.
- (3) In that subsection, in the definition of “relevant decision”—
- (a) for “OFT” (in each place where it occurs) substitute “ CMA ”,
- (b) in paragraph (a), after sub-paragraph (ii) insert “; or
(iii) on the questions mentioned in section 35(1) or (3),
36(1) or (2), 47 or 63;”, and
- (c) omit paragraph (b).

Commencement Information

I69 Sch. 5 para. 135 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 136 In section 104A (public consultation in relation to media mergers), in subsections (1) to (3), for “Commission” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I70 Sch. 5 para. 136 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 137 (1) Section 105 (general information duties) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “ CMA ”.
- (3) In subsection (3)—
- (a) in the words before paragraph (a)—

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- (i) for “OFT” substitute “ CMA ”, and
 - (ii) omit “Commission or”,
 - (b) in paragraph (a), omit “the Commission or (as the case may be)” (in each place where it occurs), and
 - (c) in paragraph (b)—
 - (i) omit “the Commission or (as the case may be)”, and
 - (ii) for “OFT” substitute “ CMA ”.
- (4) In subsection (3A)—
- (a) in the words before paragraph (a), for “Commission or the OFT” substitute “ CMA ”, and
 - (b) for “Commission or (as the case may be) the OFT” (in each place where it occurs) substitute “ CMA ”.
- (5) In subsection (4)—
- (a) for “OFT” (in each place where it occurs) substitute “ CMA ”,
 - (b) for “the Commission or OFCOM” substitute “ OFCOM ”, and
 - (c) omit “the Commission or (as the case may be)” (in each place where it occurs).
- (6) In subsection (4A)—
- (a) for “Commission or the OFT” substitute “ CMA ”, and
 - (b) for “Commission or (as the case may be) the OFT” (in each place where it occurs) substitute “ CMA ”.
- (7) In subsection (5)—
- (a) in the words before paragraph (a), for “OFT, OFCOM and the Commission” substitute “ CMA and OFCOM ”, and
 - (b) in paragraph (b), for “OFT, OFCOM or (as the case may be) the Commission” substitute “ CMA or (as the case may be) OFCOM ”.
- (8) In subsection (6), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (9) In subsection (7)—
- (a) for “Commission” substitute “ CMA ”, and
 - (b) for “(3), (3A), (4) or (4A)” substitute “ (3A) or (4A) ”.
- (10) In subsection (7A), omit the words from “and the OFT” to the end of the subsection.
- (11) In the heading, for “OFT and Commission” substitute “ CMA ”.

Commencement Information

I71 Sch. 5 para. 137 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 138 (1) Section 106 (advice and information about references under sections 22 and 33) is amended as follows.
- (2) In subsection (1)—
- (a) omit “As soon as reasonably practicable after the passing of this Act,”,
 - (b) for “the OFT” substitute “ The CMA ”, and
 - (c) for the words from “the making” to the end of the subsection substitute “—

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- (a) the making and consideration by it of references under section 22 or 33, and
 - (b) the way in which relevant customer benefits may affect the taking of enforcement action in relation to such references.”
- (3) In subsection (2), for “OFT” substitute “ CMA ”.
- (4) Omit subsections (3) and (4).
- (5) In subsection (5), in paragraph (b), for “OFT or (as the case may be) the Commission” substitute “ CMA ”.
- (6) In subsection (6)—
- (a) omit “or (3)”, and
 - (b) for “OFT or (as the case may be) the Commission” substitute “ CMA ”.
- (7) In subsection (7)—
- (a) for “OFT or the Commission” substitute “ CMA ”, and
 - (b) for “OFT or (as the case may be) the Commission” substitute “ CMA ”.
- (8) In subsection (8), for “OFT shall consult the Commission and such other persons” substitute “ CMA shall consult such persons ”.
- (9) Omit subsection (9).

Commencement Information

I72 Sch. 5 para. 138 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 139 In section 106A (advice and information in relation to media mergers), in subsection (5), for “OFT, OFCOM, the Commission” substitute “ CMA, OFCOM ”.

Commencement Information

I73 Sch. 5 para. 139 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 140 In section 106B (general advisory duties of OFCOM), in subsections (1) and (3), for “Commission” substitute “ CMA ”.

Commencement Information

I74 Sch. 5 para. 140 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 141 (1) Section 107 (further publicity requirements) is amended as follows.
- (2) In subsection (1)—
- (a) for “OFT” substitute “ CMA ”,
 - (b) in paragraph (e), omit “or 76”, and
 - (c) omit paragraphs (g) and (h).
- (3) In subsection (2), for “Commission shall” substitute “ CMA shall also ”.
- (4) In subsection (3)—

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- (a) in paragraph (b), for “OFT” substitute “ CMA ”, and
- (b) in paragraph (e), for “Commission” substitute “ CMA ”.

(5) In subsection (9)—

- (a) in paragraph (a), for “OFT” substitute “ CMA ”, and
- (b) in paragraph (b), for “Commission” substitute “ CMA ”.

(6) In subsection (10)—

- (a) in paragraph (a), for “OFT” substitute “ CMA ”, and
- (b) in paragraph (b), for “Commission” substitute “ CMA ”.

(7) In subsection (11), for “Commission's” substitute “CMA's”.

Commencement Information

I75 Sch. 5 para. 141 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

142 In section 108 (defamation), for “OFT, OFCOM, the Commission” substitute “ CMA, OFCOM ”.

Commencement Information

I76 Sch. 5 para. 142 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

143 In section 109 (attendance of witnesses and production of documents etc.), in subsection (3)(a), for “the Commission” substitute “ the CMA ”.

Commencement Information

I77 Sch. 5 para. 143 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

144 In section 110 (enforcement of powers under section 109: general), in subsections (1) to (3), (6), (8) and (9), for “Commission” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I78 Sch. 5 para. 144 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

145 In section 111 (penalties), in subsections (1), (5) and (8), for “Commission” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I79 Sch. 5 para. 145 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

146 In section 112 (penalties: main procedural requirements), in subsections (1) to (3), for “Commission” (in each place where it occurs) substitute “ CMA ”.

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Commencement Information

I80 Sch. 5 para. 146 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

147 In section 113 (payment and interest by instalments), in subsections (3) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I81 Sch. 5 para. 147 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

148 In section 114 (appeals in relation to penalties), in subsections (4), (5) and (7), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I82 Sch. 5 para. 148 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

149 In section 115 (recovery of penalties), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I83 Sch. 5 para. 149 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

150 In section 116 (statement of policy), in subsections (1), (3) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I84 Sch. 5 para. 150 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

151 In section 117 (false or misleading information), in subsections (1) and (2), for “OFT, OFCOM, the Commission” (in each place where it occurs) substitute “CMA, OFCOM”.

Commencement Information

I85 Sch. 5 para. 151 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

152 (1) Section 118 (excisions from reports) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), for “OFT” substitute “CMA”, and

(b) in paragraph (b), for “Commission” substitute “CMA”.

(3) In subsection (5), for “Commission” substitute “CMA”.

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Commencement Information

I86 Sch. 5 para. 152 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 153 (1) Section 119 (minority reports) is amended as follows.
- (2) In subsection (1)—
- (a) omit “in pursuance of paragraph 15 of Schedule 7 to the Competition Act 1998 (c. 41)”, and
 - (b) for “Commission” (in each place where it occurs) substitute “ CMA ”.
- (3) In the heading, for “Commission” substitute “ CMA ”.

Commencement Information

I87 Sch. 5 para. 153 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 154 (1) Section 119B (monitoring role in relation to media mergers) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (3) In the heading, for “OFT” substitute “ CMA ”.

Commencement Information

I88 Sch. 5 para. 154 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 155 In section 120 (review of decisions under Part 3), in subsection (1)—
- (a) for “OFT” substitute “ CMA ”, and
 - (b) for “the Secretary of State or the Commission” substitute “ or the Secretary of State ”.

Commencement Information

I89 Sch. 5 para. 155 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 156 (1) Section 121 (fees) is amended as follows.
- (2) In subsection (1)—
- (a) for “OFT of” substitute “ CMA of ”, and
 - (b) for “OFT, OFCOM and the Commission” substitute “ CMA and OFCOM ”.
- (3) In subsections (3), (4) and (7), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (4) In subsection (8)—
- (a) for “OFT in” substitute “ CMA in ”, and
 - (b) for “OFT, OFCOM and the Commission” substitute “ CMA and OFCOM ”.
- (5) In subsection (9), for “OFT” substitute “ CMA ”.

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Commencement Information

I90 Sch. 5 para. 156 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 157 (1) Section 122 (primacy of EU law) is amended as follows.
- (2) In subsection (1)—
- (a) omit “or (3)”, and
 - (b) for “OFT or (as the case may be) the Commission” substitute “ CMA ”.
- (3) In subsection (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I91 Sch. 5 para. 157 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 158 Section 123 (power to alter share of supply test), in subsection (4), for “OFT and the Commission” substitute “ CMA ”.

Commencement Information

I92 Sch. 5 para. 158 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 159 (1) Section 130 (index of defined expressions) is amended as follows.
- (2) At the appropriate place in the table insert—

“The CMA

Section 273”

- (3) Omit the entries in the table for “The Commission” and “The OFT”.
- (4) In the first column of the entry for “Reports of the Commission”, for “Commission” substitute “ CMA ”.

Commencement Information

I93 Sch. 5 para. 159 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 160 (1) Schedule 7 (enforcement regime for public interest and special interest cases) is amended as follows.
- (2) In paragraph 2, in sub-paragraphs (2), (10) and (11), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (3) In paragraph 3, in sub-paragraph (3), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (4) In paragraph 4, in sub-paragraphs (2) and (3), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (5) In paragraph 5, in sub-paragraphs (1) and (6), for “OFT” (in each place where it occurs) substitute “ CMA ”.

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- (6) In paragraph 7, in sub-paragraphs (8) and (9), for “Commission” (in each place where it occurs) substitute “ CMA ”.
- (7) In paragraph 8—
- (a) in sub-paragraphs (7) and (8), for “Commission” (in each place where it occurs) substitute “ CMA ”, and
 - (b) in sub-paragraph (11), for “OFT” substitute “ CMA ”.
- (8) In paragraph 10, in sub-paragraphs (1) and (6), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (9) In paragraph 11, in sub-paragraph (5), for “OFT” substitute “ CMA ”.

Commencement Information

194 Sch. 5 para. 160 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 161 (1) Schedule 8 (provision that may be contained in certain enforcement orders) is amended as follows.
- (2) In paragraph 8, in sub-paragraph (3), for “Commission” substitute “ CMA ”.
- (3) In paragraph 19, for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (4) In paragraph 24 —
- (a) omit paragraph (a), and
 - (b) in paragraph (b), for “Commission” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

195 Sch. 5 para. 161 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 162 In Schedule 10 (procedural requirements for certain enforcement undertakings and orders), in paragraph 2(1), for “the OFT, the Commission” substitute “ the CMA ”.

Commencement Information

196 Sch. 5 para. 162 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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