

*Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, PART 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

#### AMENDMENTS RELATED TO PART 3

#### PART 2

##### TRANSFER OF FUNCTIONS UNDER THE 2002 ACT TO THE CMA

59 The Enterprise Act 2002 is amended as follows.

##### Commencement Information

**I1** Sch. 5 para. 59 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

##### *Part 1*

- 60 (1) Section 5 (acquisition of information etc) is amended as follows.
- (2) In subsections (1), (2) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In the italic cross-heading preceding the section for “OFT” substitute “the CMA”.

##### Commencement Information

**I2** Sch. 5 para. 60 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 61 In section 6 (provision of information etc to the public), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.

##### Commencement Information

**I3** Sch. 5 para. 61 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 62 (1) Section 7 (provision of information and advice to Ministers etc) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “CMA”.
- (3) In subsection (2), for “OFT” (in each place where it occurs) substitute “CMA”.

##### Commencement Information

**I4** Sch. 5 para. 62 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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63 Omit section 8 (promoting good consumer practice).

**Commencement Information**

**I5** Sch. 5 para. 63 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 64 (1) Section 11 (super-complaints) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (3), for “OFT's” substitute “CMA's”.
- (4) In subsection (7), for “OFT” substitute “CMA”.

**Commencement Information**

**I6** Sch. 5 para. 64 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

65 For the title to Part 1 substitute “General functions of the CMA”.

**Commencement Information**

**I7** Sch. 5 para. 65 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

*Part 2*

66 In Schedule 4 (Competition Appeal Tribunal: procedure), in Part 2 (Tribunal rules), in paragraph 22(2), for “OFT” substitute “CMA”.

**Commencement Information**

**I8** Sch. 5 para. 66 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

*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)—

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- (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**

**I9** 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**

**I10** 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 ”.

**Commencement Information**

**I11** 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**

**I12** 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**

**I13** 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 ”.

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#### Commencement Information

**I14** 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)—
- in the words before paragraph (a), for “OFT” substitute “ CMA ”, and
  - 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 ”.

#### Commencement Information

**I15** 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—
- sections 35 to 41B, except for sections 35(6) and (7), 36(5) and (6) and 37(6);
  - where a reference is treated by virtue of section 37(2) as having been made under section 22, section 23(9)(a);
  - section 76, as it applies in relation to orders under section 83, and sections 77, 78 and 80 to 84;
  - section 87, so far as relating to an enforcement order made on behalf of the CMA by the group;
  - 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;
  - 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;
  - section 107, so far as relating to anything done on behalf of the CMA by the group;
  - 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;

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- (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;
  - (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.”

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**Commencement Information**

**I16** 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”.

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**Commencement Information**

**I17** 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”.

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**Commencement Information**

**I18** 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”.

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(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 ”.

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**Commencement Information**

**I19** 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 ”.

(3) Omit subsection (4).

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**Commencement Information**

**I20** 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 ”.

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**Commencement Information**

**I21** 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 ”.

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**Commencement Information**

**I22** 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 ”.

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**Commencement Information**

**I23** 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)—

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

**Commencement Information**

**I24** 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**

**I25** Sch. 5 para. 83 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 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**

**I26** 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**

**I27** 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 ”.

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#### Commencement Information

**I28** 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

**I29** 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—

#### 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

**I30** 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 ”.



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**Commencement Information**

**I31** 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**

**I32** 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”.

**Commencement Information**

**I33** 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**

**I34** 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**

**I35** 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**

**I36** 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

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

(4) In subsections (3) to (5), for “Commission” (in each place where it occurs) substitute “ CMA ”.

#### Commencement Information

**I37** 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).

(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

**I38** 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

**I39** 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”.

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- (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**

**I40** 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”.

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**Commencement Information**

**I41** 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”.

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**Commencement Information**

**I42** 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”.

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#### Commencement Information

**I43** 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

**I44** 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.

(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

**I45** 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

**I46** 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));

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- (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**

**I47** 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**

**I48** 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**

**I49** 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**

**I50** 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**

**I51** Sch. 5 para. 109 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 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**

**I52** 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,”.

**Commencement Information**

**I53** 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**

**I54** 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**

**I55** 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**

**I56** 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**

**I57** 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)—

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- (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**

**I58** 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 ”.

**Commencement Information**

**I59** 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**

**I60** 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**

**I61** 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**

**I62** 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 ”.

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- (3) In subsection (9), for “Commission” substitute “ CMA ”.

**Commencement Information**

**I63** 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**

**I64** Sch. 5 para. 122 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 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**

**I65** 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**

**I66** 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**

**I67** 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.



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

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**Commencement Information**

**I68** 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”.

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**Commencement Information**

**I69** 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)”.

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

#### Commencement Information

**I70** 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)—
- for the words from the beginning to “authority”)” substitute “ The Secretary of State ”,
  - for “OFT” substitute “ CMA ”,
  - for “relevant authority” (in each place where it occurs) substitute “ Secretary of State ”, and
  - omit “section 80 or 82 or (as the case may be)”.
- (4) In subsection (3)—
- for “relevant authority” (in each place where it occurs) substitute “ Secretary of State ”,
  - for “OFT” substitute “ CMA ”, and
  - for “OFT's” substitute “CMA's”.
- (5) In subsection (4)—
- for “OFT” substitute “ CMA ”,
  - for “relevant authority” substitute “ Secretary of State ”, and
  - omit “section 80 or 82 or (as the case may be)”.
- (6) In subsection (6)—
- for “relevant authority” substitute “ Secretary of State ”, and
  - for “OFT” substitute “ CMA ”.
- (7) In the heading, for “OFT” substitute “ CMA ”.

#### Commencement Information

**I71** 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

**I72** 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 ”.

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

**Commencement Information**

**I73** 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 ”.

**Commencement Information**

**I74** 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**

**I75** 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**

**I76** 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**

**I77** Sch. 5 para. 135 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 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**

**I78** 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)—
      - (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”.

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#### Commencement Information

**I79** 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 “—
  - (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

**I80** 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

**I81** 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 ”.

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#### Commencement Information

**I82** 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)—
- (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

**I83** 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

**I84** 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

**I85** 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 ”.

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**Commencement Information**

**I86** 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**

**I87** 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”.

**Commencement Information**

**I88** 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**

**I89** 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**

**I90** 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**

**I91** 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**

**I92** 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”.

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#### Commencement Information

**I93** 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 ”.

#### Commencement Information

**I94** 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

**I95** 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

**I96** 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

**I97** 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)—



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- (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 ”.

#### Commencement Information

**I98** 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

**I99** 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

**I100** 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

**I101** 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.

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- (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 ”.
- (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 ”.

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**Commencement Information**

**I102** [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 ”.

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**Commencement Information**

**I103** [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 ”.

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**Commencement Information**

**I104** [Sch. 5 para. 162](#) in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

*Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, PART 2. (See end of Document for details)*

#### Part 4

- 163 (1) Section 131 (power to make market investigation references) is amended as follows.
- (2) In subsection (1), for the words before “has reasonable grounds” substitute “ The CMA may, subject to subsection (4), 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 ”.
- (3) In the heading, for “OFT” substitute “ CMA ”.

#### Commencement Information

**I105** Sch. 5 para. 163 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 164 (1) Section 132 (ministerial power to make market investigation references) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (3) In subsection (3), for “Commission” substitute “ chair of the CMA for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 ”.

#### Commencement Information

**I106** Sch. 5 para. 164 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 165 In section 133 (contents of references), in subsection (2), for “Commission” substitute “ group constituted by the chair of the CMA in respect of the reference ”.

#### Commencement Information

**I107** Sch. 5 para. 165 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 166 Before section 134 (but after the italic cross-heading immediately preceding it) insert—

#### Functions to be exercised by CMA groups

- “133A) Where a reference is made to the chair of the CMA under section 131, 132 or 140A 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 134 to 138B, except for section 135(1);
  - (b) sections 140B to 145, 148, 148A and 151;
  - (c) sections 157 and 158;
  - (d) section 159;
  - (e) section 160, except for subsection (6) of that section;
  - (f) section 161, except for subsection (5) of that section;

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- (g) section 162(4), so far as relating to an enforcement undertaking or enforcement order made on behalf of the CMA by the group;
  - (h) section 164(2)(b), so far as relating to an enforcement order made on behalf of the CMA by the group;
  - (i) section 167, so far as relating to an enforcement undertaking or enforcement order made on behalf of the CMA by the group;
  - (j) section 168;
  - (k) section 169, so far as relating to a decision mentioned in paragraph (a)(iii) of the definition of relevant decision in subsection (6) of that section;
  - (l) section 172, so far as relating to anything done on behalf of the CMA by the group;
  - (m) section 174, 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;
  - (n) sections 174A to 174D, so far as relating to a notice given under section 174 on behalf of the CMA by the group;
  - (o) section 179(5)(b), so far as relating to a decision of the group;
  - (p) 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) Nothing in subsection (1) prevents the CMA Board from carrying out 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 160 and Schedule 10, so far as relating to the making of an order under section 160;
  - (b) sections 159 to 161 and Schedule 10, so far as relating to the variation, supersession or release of enforcement undertakings or the variation or revocation of enforcement orders;
  - (c) section 162(4);
  - (d) section 164(2)(b);
  - (e) section 167.”

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**Commencement Information**

**I108** Sch. 5 para. 166 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 167 (1) Section 134 (questions to be decided on market investigation references) is amended as follows.
- (2) In subsections (1), (4), (6) and (7), for “Commission” (in each place where it occurs) substitute “ CMA ”.
- (3) In subsection (8)(b), for “Commission, the Secretary of State or (as the case may be) the OFT” substitute “ CMA or (as the case may be) the Secretary of State ”.

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#### Commencement Information

**I109** Sch. 5 para. 167 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

168 (1) Section 135 (variation of references) is amended as follows.

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

(3) In subsection (2)—

- (a) omit “OFT or (as the case may be) the”,
- (b) for “Commission” substitute “ CMA ”, and
- (c) after “reference” insert “ made by him ”.

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

#### Commencement Information

**I110** Sch. 5 para. 168 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

169 (1) Section 136 (investigations and reports on market investigation references) is amended as follows.

(2) In subsections (1) to (3), for “Commission” (in each place where it occurs) substitute “ CMA ”.

(3) For subsection (4) substitute—

“(4) Where a reference has been made by the appropriate Minister under section 132 the CMA shall, at the same time as the report under this section is published, give it to the appropriate Minister.”

(4) In subsection (5)—

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

(5) Omit subsection (6).

#### Commencement Information

**I111** Sch. 5 para. 169 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

170 In section 137 (time-limits for market investigations and reports), in subsections (1), (5) and (6), for “Commission” (in each place where it occurs) substitute “ CMA ”.

#### Commencement Information

**I112** Sch. 5 para. 170 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

171 In section 138 (duty to remedy adverse effects), in subsections (1) to (6), for “Commission” (in each place where it occurs) substitute “ CMA ”.

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#### Commencement Information

**I113** Sch. 5 para. 171 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 172 In section 139 (public interest intervention by the Secretary of State), in subsection (2), for “OFT” (in each place where it occurs) substitute “CMA”.

#### Commencement Information

**I114** Sch. 5 para. 172 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 173 In section 140 (intervention notices under section 139(1)), in subsection (5), for “Commission” (in each place where it occurs) substitute “CMA”.

#### Commencement Information

**I115** Sch. 5 para. 173 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 174 In section 141 (questions to be decided), in subsections (2) and (3) to (6), for “Commission” (in each place where it occurs) substitute “CMA”.

#### Commencement Information

**I116** Sch. 5 para. 174 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 175 (1) Section 142 (investigations and reports) is amended as follows.
- (2) In subsections (2) and (3), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In the heading, for “Commission” substitute “CMA”.

#### Commencement Information

**I117** Sch. 5 para. 175 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 176 In section 143 (publication etc. of reports), in subsections (1), (3) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.

#### Commencement Information

**I118** Sch. 5 para. 176 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 177 In section 144 (time-limits for investigations and reports in public interest cases), in subsections (1), (4) and (5), for “Commission” (in each place where it occurs) substitute “CMA”.

#### Commencement Information

**I119** Sch. 5 para. 177 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 178 In section 145 (restrictions where public interest considerations not finalised), in subsections (1) to (5), for “Commission” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I120** Sch. 5 para. 178 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 179 In section 146 (decision of Secretary of State), in subsections (2) to (4), for “Commission” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I121** Sch. 5 para. 179 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 180 In section 147 (remedial action by Secretary of State), in subsections (3) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I122** Sch. 5 para. 180 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 181 (1) Section 148 (reversion of the matter) is amended as follows.
- (2) In subsections (1), (2), (6), (7) and (9), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (10), for “Commission's” substitute “CMA's”.

**Commencement Information**

**I123** Sch. 5 para. 181 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 182 In section 149 (intervention notices under section 139(2)), in subsections (1) and (5), for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I124** Sch. 5 para. 182 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 183 (1) Section 150 (power of veto of Secretary of State) is amended as follows.
- (2) In subsections (1) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (4), for “OFT's” substitute “CMA's”.

**Commencement Information**

**I125** Sch. 5 para. 183 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 184 (1) Section 151 (further interaction of intervention notices with general procedure) is amended as follows.
- (2) In subsection (3), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (4), for “Commission” (in the first place where it occurs) substitute “CMA”.
- (4) In subsection (5), for “Commission” (in each place where it occurs) substitute “CMA”.

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**Commencement Information**

**I126** Sch. 5 para. 184 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 185 (1) Section 152 (certain duties in relation to providing information) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “CMA”.
- (3) In subsection (3)—
- (a) for “OFT and the Commission” substitute “CMA”, and
- (b) for “OFT or (as the case may be) the Commission” substitute “CMA”.
- (4) In the heading, for “OFT and Commission” substitute “CMA”.

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**Commencement Information**

**I127** Sch. 5 para. 185 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 186 In section 153 (specified considerations for purposes of Part 4), in subsection (4)—
- (a) for “OFT” substitute “CMA”,
- (b) for “by the Secretary of State,” substitute “by the Secretary of State or”, and
- (c) omit “or by the Commission”.

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**Commencement Information**

**I128** Sch. 5 para. 186 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 187 In section 154 (undertakings in lieu of market investigation references), in subsections (1) to (7), for “OFT” (in each place where it occurs) substitute “CMA”.

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**Commencement Information**

**I129** Sch. 5 para. 187 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 188 In section 155 (undertakings in lieu: procedural requirements), in subsections (1) to (4) and (6) to (9), for “OFT” (in each place where it occurs) substitute “CMA”.



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**Commencement Information**

**I130** Sch. 5 para. 188 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 189 In section 156 (effect of undertakings under section 154), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I131** Sch. 5 para. 189 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 190 In section 159 (final undertakings: Part 4), in subsections (1), (5) and (6) for “Commission” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I132** Sch. 5 para. 190 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 191 (1) Section 160 (order-making power where final undertakings not fulfilled: Part 4) is amended as follows.
- (2) In subsection (1)(b), for “the relevant authority or the OFT” substitute “ a relevant person ”.
- (3) After subsection (1) insert—
- “(1A) In subsection (1), a “relevant person” means—
- (a) in a case where the relevant authority is the CMA, the CMA;
- (b) in a case where the relevant authority is the Secretary of State, the Secretary of State or the CMA.”
- (4) In subsection (6), for the words from the beginning to “OFT” substitute “ The Secretary of State shall not vary or revoke an order made by him under this section unless the CMA ”.
- (5) In subsection (7), in paragraph (a), for “Commission” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I133** Sch. 5 para. 191 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 192 (1) Section 161 (final orders: Part 4) is amended as follows.
- (2) In subsection (1), for “Commission” substitute “ CMA ”.
- (3) In subsection (5), for the words from the beginning to “OFT” substitute “ The Secretary of State shall not vary or revoke an order made by him under this section unless the CMA ”.

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#### Commencement Information

**I134** Sch. 5 para. 192 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 193 For the italic cross-heading before section 162 substitute “ Undertakings and orders: monitoring, consultation and advice ”.

#### Commencement Information

**I135** Sch. 5 para. 193 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 194 (1) Section 162 (duty to monitor undertakings and orders: Part 4) 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)”,
    - (ii) omit “it (or as the case may be)”,
  - (c) in paragraphs (b) to (d), omit “the Commission or (as the case may be)” (in each place where it occurs), and
  - (d) in paragraph (e), for “167(6) to (8)” substitute “ 167(6) and (7) ”.
- (4) In subsection (4)—
- (a) in the words before paragraph (a), for “OFT” substitute “ CMA ”, and
  - (b) after paragraph (b) (but before the “or” following it) insert—
    - “(ba) any possible variation or release by it of an enforcement undertaking accepted by it;
    - (bb) any possible new enforcement undertaking to be accepted by it so as to supersede another enforcement undertaking given to it;
    - (bc) any possible variation or revocation by it of an enforcement order made by it;
    - (bd) any possible enforcement undertaking to be accepted by it instead of an enforcement order or any possible enforcement order to be made by it instead of an enforcement undertaking;”.
- (5) In subsections (5) and (6), for “OFT” (in each place where it occurs) substitute “ CMA ”.
- (6) 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) ”.

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

**Commencement Information**

**I136** Sch. 5 para. 194 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 195 (1) Section 163 (further role in relation to undertakings and orders: Part 4) is amended as follows.
- (2) In subsection (1)—
- (a) omit “the Commission or”, and
  - (b) omit “(in this section “the relevant authority”)
- (3) In subsection (2)—
- (a) for “relevant authority” (in each place where it occurs) substitute “ Secretary of State ”, and
  - (b) for “OFT” substitute “ CMA ”.
- (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 ”, and
  - (b) for “relevant authority” substitute “ Secretary of State ”.
- (6) In subsection (5)—
- (a) for “relevant authority” (in each place where it occurs) substitute “ Secretary of State ”, and
  - (b) omit “itself”.
- (7) In subsection (6)—
- (a) for “relevant authority” substitute “ Secretary of State ”, and
  - (b) for “OFT” substitute “ CMA ”.
- (8) For the heading substitute “ Role of CMA in relation to undertakings and orders in public interest cases: Part 4 ”.

**Commencement Information**

**I137** Sch. 5 para. 195 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 196 (1) Section 166 (register of undertakings and orders: Part 4) 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 ”,

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- (b) in paragraph (a), omit “(whether by the Commission, the Secretary of State or a relevant sectoral regulator)”, and
  - (c) in paragraph (b), omit “(whether by the Commission, the Secretary of State or a relevant sectoral regulator)”.
- (4) In subsection (4), for “OFT” substitute “ CMA ”.
- (5) In subsection (5)—
- (a) omit “Commission, the”, and
  - (b) for “OFT” substitute “ CMA ”.
- (6) In subsections (6) and (7), for “OFT” (in each place where it occurs) substitute “ CMA ”.

#### Commencement Information

**I138** Sch. 5 para. 196 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 197 (1) Section 167 (rights to enforce undertakings and orders under this Part) is amended as follows.
- (2) In subsection (6), for “OFT” substitute “ CMA ”.
- (3) In subsection (7)—
- (a) after “accepted” insert “ by the Secretary of State ”,
  - (b) after “an order” insert “ made by the Secretary of State ”, and
  - (c) for “relevant authority” substitute “ Secretary of State ”.
- (4) Omit subsection (8).
- (5) In subsection (9), for “(6) to (8)” substitute “ (6) and (7) ”.

#### Commencement Information

**I139** Sch. 5 para. 197 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 198 In section 168 (regulated markets), in subsections (1), (2), (6) and (7), for “Commission” (in each place where it occurs) substitute “ CMA ”.

#### Commencement Information

**I140** Sch. 5 para. 198 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 199 In section 169 (certain duties of relevant authorities to consult: Part 4), in subsection (6)—
- (a) in the definition of “relevant authority”, for “OFT, the appropriate Minister or the Commission” substitute “ CMA, the appropriate Minister ”,
  - (b) in the definition of “relevant decision”, in paragraph (a), in the opening words, for “OFT” (in each place where it occurs) substitute “ CMA ”,
  - (c) also in that paragraph of that definition, after sub-paragraph (ii) insert “; or—

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- (iii) on the questions mentioned in section 134, 141 or 141A; and”, and
- (d) also in that definition, omit paragraph (c) and the word “and” preceding it.

#### Commencement Information

**I141** Sch. 5 para. 199 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 200 (1) Section 170 (general information duties) is amended as follows.
- (2) Omit subsections (1) and (2).
  - (3) In subsection (3)—
    - (a) in the words before paragraph (a), for “OFT and the Commission” substitute “CMA ”,
    - (b) in paragraph (a), for “their possession” substitute “ its possession ”, and
    - (c) in paragraph (b), for “OFT (or as the case may be) the Commission” substitute “CMA ”.
  - (4) In subsection (4), for “OFT” (in each place where it occurs) substitute “CMA ”.
  - (5) In subsection (5), omit the words from the beginning to “and the Secretary of State” and insert “The Secretary of State ”.

#### Commencement Information

**I142** Sch. 5 para. 200 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 201 (1) Section 171 (advice and information: Part 4) 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 making of references by it under section 131” substitute “—
      - (a) the making and consideration by it of market investigation references, 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)(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) omit “or (3)”, and
    - (b) for “OFT or (as the case may be) the Commission” substitute “CMA ”.

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- (8) In subsection (8)—
  - (a) for “OFT or the Commission” substitute “ CMA ”, and
  - (b) for “OFT or (as the case may be) the Commission” substitute “ CMA ”.
- (9) In subsection (9), for “OFT shall consult the Commission and such other persons” substitute “ CMA shall consult such persons ”.
- (10) Omit subsection (10).

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**Commencement Information**

**I143** [Sch. 5 para. 201](#) in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

- 202 (1) Section 172 (further publicity requirements: Part 4) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “ CMA ”.
  - (3) In subsection (2), for “Commission shall” substitute “ CMA shall also ”.
  - (4) In subsection (10), for “Commission's” substitute “CMA's”.

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**Commencement Information**

**I144** [Sch. 5 para. 202](#) in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

- 203 In section 173 (defamation)—
- (a) for “OFT” substitute “ CMA ”,
  - (b) for “by the Secretary of State,” substitute “ by the Secretary of State or ”, and
  - (c) omit “or by the Commission”.

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**Commencement Information**

**I145** [Sch. 5 para. 203](#) in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

- 204 In section 174 (investigatory powers), in subsections (3) to (5), for “OFT” (in each place where it occurs) substitute “ CMA ”.

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**Commencement Information**

**I146** [Sch. 5 para. 204](#) in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

- 205 In section 177 (excisions from reports: Part 4), in subsections (1), (4) and (5), for “Commission” (in each place where it occurs) substitute “ CMA ”.

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**Commencement Information**

**I147** [Sch. 5 para. 205](#) in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

- 206 (1) Section 178 (minority reports: Part 4) is amended as follows.
- (2) In subsection (1)—

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- (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**

**I148** Sch. 5 para. 206 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 207 In section 179 (review of decisions under Part 4), 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**

**I149** Sch. 5 para. 207 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 208 In section 183 (interpretation of Part 4), in subsection (3), for “Commission” (in each place where it occurs) substitute “ CMA ”.

**Commencement Information**

**I150** Sch. 5 para. 208 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 209 (1) Section 184 (index of defined expressions: Part 4) 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 in the table for “Reports of the Commission”, for “Commission” substitute “ CMA ”.

**Commencement Information**

**I151** Sch. 5 para. 209 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

*Part 6*

- 210 In section 190 (cartel offence: prosecution), in subsections (2)(b) and (4), for “OFT” substitute “ CMA ”.

**Commencement Information**

**I152** Sch. 5 para. 210 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 211 In section 192 (investigation of cartel offences), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I153** Sch. 5 para. 211 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 212 In section 193 (powers when conducting an investigation), in subsections (1) to (4), for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I154** Sch. 5 para. 212 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 213 In section 194 (power to enter premises under a warrant), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.

**Commencement Information**

**I155** Sch. 5 para. 213 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 214 In section 195 (exercise of powers by authorised person), in subsection (1), for “OFT” (in both places where it occurs) substitute “CMA”.

**Commencement Information**

**I156** Sch. 5 para. 214 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 215 In section 196 (privileged information etc), in subsection (2)(b), for “OFT” substitute “CMA”.

**Commencement Information**

**I157** Sch. 5 para. 215 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 216 In section 201 (offences), in subsection (4)(a), for “OFT” substitute “CMA”.

**Commencement Information**

**I158** Sch. 5 para. 216 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

*Part 11*

- 217 (1) Section 273 (interpretation) is amended as follows.

- (2) For the definition of “the Commission” substitute—

““the CMA” means the Competition and Markets Authority;”.

- (3) Omit the definition of “the OFT”.



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**Changes to legislation:** There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, PART 2. (See end of Document for details)

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**Commencement Information**

**I159** [Sch. 5 para. 217](#) in force at 1.4.2014 by [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, PART 2.