
Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Section 44. (See end of Document for details)

SCHEDULES

SCHEDULE 6

REGULATORY APPEALS ETC: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO ACTS

Electricity Act 1989 (c. 29)

- 44 (1) Schedule 5A (procedure for appeals under section 11C) is amended as follows.
- (2) In paragraph 1—
- (a) in sub-paragraphs (1) and (7), for “Commission” (in each place where it occurs) substitute “CMA”,
 - (b) in sub-paragraph (8)—
 - (i) for “Commission's” substitute “CMA's”, and
 - (ii) for “Commission” substitute “CMA”,
 - (c) in sub-paragraph (9)—
 - (i) for “deciding” substitute “the authorised member decides”, and
 - (ii) for “the Commission must give the Authority” substitute “the Authority must be given”,
 - (d) in sub-paragraph (10), for “Commission's” substitute “CMA's”,
 - (e) in sub-paragraph (12), for “the Commission must” substitute “an authorised member of the CMA must”, and
 - (f) in sub-paragraph (13)—
 - (i) for “of the Commission” substitute “of the CMA”, and
 - (ii) for “as the Commission” substitute “as an authorised member of the CMA”.
- (3) In paragraph 2—
- (a) in sub-paragraph (1) for “Commission” substitute “CMA”,
 - (b) in sub-paragraph (2)(b), for “the Commission has given the Authority” substitute “the Authority has been given”,
 - (c) in sub-paragraph (3), for “Commission's” substitute “CMA's”,
 - (d) in sub-paragraph (4), for “Commission” substitute “CMA”,
 - (e) in sub-paragraph (5)—
 - (i) for “Commission's” substitute “CMA's”, and
 - (ii) for “Commission” substitute “CMA”, and
 - (f) in sub-paragraph (6)—
 - (i) in paragraph (a), for “Commission” substitute “CMA”, and

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- (ii) in paragraph (b), for “the Commission” substitute “ an authorised member of the CMA ”.
- (4) In paragraph 3, in sub-paragraphs (1) and (3), for “Commission” (in each place where it occurs) substitute “ CMA ”.
- (5) In paragraph 4—
 - (a) omit sub-paragraph (1),
 - (b) in sub-paragraph (2)—
 - (i) after “group” insert “ constituted by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 for the purpose of carrying out functions of the CMA with respect to an appeal under section 11C ”, and
 - (ii) for “Commission” substitute “ CMA panel ”,
 - (c) omit sub-paragraphs (3) to (7), and
 - (d) in sub-paragraph (8), for “a group” substitute “ the group ”.
- (6) In paragraph 5, in sub-paragraph (1)—
 - (a) for “The group with the function of determining an appeal” substitute “ The CMA ”, and
 - (b) for “determination of the appeal” substitute “ determination of an appeal ”.
- (7) In paragraph 6—
 - (a) in sub-paragraph (1), for “Commission” (in each place where it occurs) substitute “ CMA ”,
 - (b) in sub-paragraph (4)—
 - (i) for “The Commission may take copies” substitute “ An authorised member of the CMA may, for the purpose of the exercise of the functions of the CMA, make arrangements for copies to be taken ”, and
 - (ii) omit “to it”, and
 - (c) in sub-paragraph (5), in paragraph (a), for the words from “Commission's” to the end of paragraph (a), substitute “ CMA's behalf by an authorised member of the CMA ”.
- (8) In paragraph 7—
 - (a) in sub-paragraph (2), for “Commission” substitute “ CMA ”,
 - (b) in sub-paragraph (5)(a), for “the Commission is not required” substitute “ there is no requirement ”,
 - (c) in sub-paragraph (7), for “the Commission must pay that person” substitute “ an authorised member of the CMA must arrange for that person to be paid ”, and
 - (d) in sub-paragraph (8), for the words from “Commission's” to the end, substitute “ CMA's behalf by an authorised member of the CMA ”.
- (9) In paragraph 8—
 - (a) in sub-paragraph (1), for “Commission” substitute “ CMA ”, and
 - (b) in sub-paragraph (4), for the words from “Commission's” to the end, substitute “ CMA's behalf by an authorised member of the CMA ”.
- (10) In paragraph 9, for “Commission” substitute “ CMA ”.

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- (11) In paragraph 10, in sub-paragraph (1), for “a member of the Commission” substitute “an authorised member of the CMA”.
- (12) In paragraph 11, in sub-paragraphs (1), (3) and (4), for “Commission” (in each place where it occurs) substitute “CMA Board”.
- (13) In paragraph 12, in sub-paragraphs (1) and (2), for “Commission” (in each place where it occurs) substitute “CMA”.
- (14) In paragraph 13, in sub-paragraph (1)—
- (a) for the definition of “authorised member of the Commission” substitute—
- ““authorised member of the CMA”—
- (a) in relation to a power exercisable in connection with an appeal in respect of which a group has been constituted by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, means a member of that group who has been authorised by the chair of the CMA to exercise that power;
- (b) in relation to a power exercisable in connection with an application for permission to bring an appeal, or otherwise in connection with an appeal in respect of which a group has not been so constituted by the chair of the CMA, means—
- (i) any member of the CMA Board who is also a member of the CMA panel, or
- (ii) any member of the CMA panel authorised by the Secretary of State (whether generally or specifically) to exercise the power in question.”,
- (b) omit the definition of “the Chairman”,
- (c) for the definition of “the Commission” substitute—
- ““CMA Board” and “CMA panel” have the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013;”, and
- (d) omit the definition of a “group”.

Annotations:

Commencement Information

- II** [Sch. 6 para. 44](#)
in force at 1.4.2014 by
[S.I. 2014/416](#)
,
[art. 2\(1\)\(d\)](#)
(with
[Sch.](#)
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