
Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Paragraph 36. (See end of Document for details)

SCHEDULES

SCHEDULE 16

MERGERS OF ENERGY NETWORK ENTERPRISES

PART 3

CONSEQUENTIAL AMENDMENTS OF OTHER ENACTMENTS

Enterprise and Regulatory Reform Act 2013

- 36 (1) Schedule 4 to the Enterprise and Regulatory Reform Act 2013 is amended as follows.
- (2) In paragraph 35(3) (membership of CMA panel), in the definition of “specialist utility functions”, after paragraph (d) insert—
- “(dza) a reference under section 68B or 68C of the Enterprise Act 2002;”.
- (3) In paragraph 56 (CMA group decision: requirement for two thirds majority), after sub-paragraph (2) insert—
- “(2A) Sub-paragraph (2B) applies where a decision of a CMA group under section 35(1) or 36(1) of that Act (as applied by section 68F of, and Schedule 5A to, that Act) that there is, or is likely to be, prejudice of the kind described in section 68B(1)(b) or 68C(1)(b) of that Act is not a qualifying majority decision.
- (2B) The decision of the CMA group is to be treated as a decision under section 35(1) or, as the case may be, section 36(1) of that Act (as applied by section 68F of, and Schedule 5A to, that Act) that there is not, or is not likely to be, prejudice of that kind.”

Commencement Information

II Sch. 16 para. 36 in force at Royal Assent, see **s. 334(2)(j)**

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