

SCHEDULE 2

Amendments to other enactments

5.—(1) The Electricity (Northern Ireland) Order 1992(1) is amended as follows.

(2) In Article 46 (functions with respect to competition)—

(a) for paragraph (3) there is substituted—

“(3) The Director shall be entitled to exercise, concurrently with the Office of Fair Trading, the functions of the Office of Fair Trading under the provisions of Part 1 of the Competition Act 1998 (other than sections 31D(1) to (6), 38(1) to (6) and 51), so far as relating to—

- (a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act,
- (b) conduct of the kind mentioned in section 18(1) of that Act,
- (c) agreements, decisions or concerted practices of the kind mentioned in Article 81(1) of the treaty establishing the European Community, or
- (d) conduct which amounts to abuse of the kind mentioned in Article 82 of the treaty establishing the European Community,

which relate to commercial activities connected with the generation, transmission or supply of electricity.”;

- (b) in paragraph (3A), for the words “except in sections 38(1) to (6)” there is substituted “except in sections 31D(1) to (6), 38(1) to (6)”;
- (c) in paragraph (6)(b), for the words “other than sections 38(1) to (6)” there is substituted “other than sections 31D(1) to (6), 38(1) to (6)”.