
STATUTORY INSTRUMENTS

2019 No. 1245

**The Competition (Amendment etc.) (EU Exit)
(No. 2) Regulations 2019 (expired—not approved)**

PART 3

Amendment of Part 3 of the 2019 Regulations: amendment of the Enterprise Act 2002

[^{XI}10. After regulation 50 insert—

50A.—(1) Section 109^{M1} is amended as follows.

(2) In subsection (A1), after paragraph (b) insert—

“(c) assisting the CMA in carrying out any commitments enforcement functions.”.

(3) In subsection (8A)—

(a) in the words before paragraph (a), for “(A1)” substitute “(A1)(a) and (b)”;

(b) in paragraphs (a) and (b), for “enforcement orders”, in each place it occurs, substitute “relevant enforcement orders”.

(4) After subsection (8A) insert—

“(8B) In subsection (8A) “relevant enforcement order” means an order under section 72, 75, 76, 81, 83 or 84 or under paragraph 2, 5, 6, 10 or 11 of Schedule 7.

(8C) In subsection (A1)(c), “commitments enforcement functions” means—

(a) functions conferred on the CMA by section 84B or functions conferred by virtue of section 87 on the CMA by enforcement orders under section 84C;

(b) functions of the CMA in relation to the variation, supersession or release of retained EU merger commitments or the variation or revocation of enforcement orders made under section 84C;

(c) functions of the CMA under or by virtue of section 84C in relation to retained EU merger commitments;

(d) functions of the CMA under section 92A in relation to retained EU merger commitments or enforcement orders under section 84C.”.

50B.—(1) Section 110^{M2} is amended as follows.

(2) In subsection (2), before “The CMA” insert “ If the notice is given for the permitted purpose under section 109(A1)(a) or (b), ”.

(3) In subsection (9)—

- (a) after “or 51(4)” insert “ if the notice is given for the permitted purpose under section 109(A1)(a) or (b) ”; and
- (b) for “that enactment” substitute “ section 51(4) ”.

50C.—(1) Section 110A ^{M3} is amended as follows.

(2) In subsection (3), for “enforcement order” substitute “ relevant enforcement order (within the meaning of that section) ”.

(3) After subsection (3) insert—

“(3A) Where the section 109 power is exercised in connection with a commitments enforcement function (within the meaning of that section), the relevant day is the day when the retained EU merger commitment concerned is superseded or released or (as the case may be) the enforcement order under section 84C concerned is revoked.”.

(3) In subsection (4), after “(3)” insert “ or (3A) ”.]

Editorial Information

- X1** This statutory instrument was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument is approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.

Marginal Citations

- M1** [Section 109](#) was amended by section 29 of, paragraphs 59 and 143 of Schedule 5 to, the Enterprise and Regulatory Reform Act 2013 and by [S.I. 2014/892](#) .
- M2** [Section 110](#) was amended by paragraphs 59 and 144 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013; there is another amendment to section 110 but it is not relevant to these Regulations.
- M3** [Section 110A](#) was inserted by section 29 of the Enterprise and Regulatory Reform Act 2013.

Changes to legislation:

There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) (No. 2) Regulations 2019 (expired—not approved), Section 10.