

## SCHEDULE 1

### TRANSFER OF FUNCTIONS OF OFT AND COMPETITION COMMISSION TO CMA AND AMENDMENTS CONSEQUENTIAL ON PARTS 3 AND 4 OF THE ACT

## PART 3

### Amendments to other enactments

#### Electricity (Northern Ireland) Order 1992

- 216.**—(1) Article 46 (functions with respect to competition)(1) is amended as follows.
- (2) In paragraph (2), for “Office of Fair Trading” substitute “CMA”.
- (3) In paragraph (2A)—
- (a) for “and 171” substitute “, 171 and 174E”,
  - (b) for “Office of Fair Trading” substitute “CMA”, and
  - (c) for “relating to” substitute—  
“those functions—
    - (a) are exercisable by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013), and
    - (b) relate to”.
- (4) In paragraph (2B)—
- (a) for “(2) and (2A), references” substitute—  
“(2) and (2A)—
    - (a) references”,
  - (b) for “Office of Fair Trading” substitute “CMA”,
  - (c) for “and 171” substitute “, 171 and 174E”, and
  - (d) for “requires)” substitute—  
“requires);
    - (b) references in that Part to section 5 of the Act of 2002 are to be construed as including references to Article 50(1) of this Order.”
- (5) After paragraph (2B) insert—
- “(2C) Section 130A of the Enterprise Act 2002 is to have effect in its application to the Authority by virtue of paragraphs (2) and (2A)—
- (a) as if for subsection (1) of that section there were substituted—  
“(1) Where the Northern Ireland Authority for Utility Regulation—
    - (a) is proposing to carry out its functions under Article 50(1) of the Electricity (Northern Ireland) Order 1992 in relation to a matter for the purposes mentioned in subsection (2), and
    - (b) considers that the matter is one in respect of which it would be appropriate for the Authority to exercise its powers under section 174

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(1) Amended by Schedule 2 to the Deregulation and Contracting Out Act 1994, Schedule 10 to the Competition Act 1998, [S.I. 1999/506](#), Schedules 9 and 25 to the Enterprise Act 2002 and [S.I. 2004/1261](#),

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- (investigation) in connection with deciding whether to make a reference under section 131,
- the Authority must publish a notice under this section (referred to in this Part as a “market study notice”).”, and
- (b) as if in subsection (2)(a) of that section, for “the acquisition or supply of goods or services of one or more than one description in the United Kingdom” there were substituted “commercial activities connected with the generation, transmission, distribution or supply of electricity”.”
- (6) In paragraphs (3), (4), (4A) and (6A), for “Office of Fair Trading” (in each place where it occurs) substitute “CMA”.
- (7) In paragraph (3A) for “the Office of Fair Trading” substitute “the CMA”.
- (8) In paragraph (5)—
- (a) in the words before paragraph (a)—
- (i) for “the Competition Commission” substitute “a CMA group”,
- (ii) for “reference made to them by the Director” substitute “market investigation reference made by the Authority (under section 131 of the Act of 2002)”, and
- (b) for “Commission” (in each place where it occurs) substitute “group”.
- (9) After paragraph (5) insert—
- “(5A) In paragraph (5) “CMA group” has the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013.”
- (10) In paragraph (6)—
- (a) for “reports of Competition Commission” substitute “market investigations”, and
- (b) for “the Office of Fair Trading” substitute “the CMA”.
- (11) In Article 50 (general functions)(2), in paragraph (3), for “the Office of Fair Trading” (in each place where it occurs) substitute “the CMA”.

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(2) Amended by Schedule 25 to the Enterprise Act 2002 and S.I. 2003/419 (N.I. 6). There are other amendments to Article 50 but none is relevant to this Order.