

## SCHEDULES

### SCHEDULE 10

#### REGULATORS

#### PART II

#### THE PROHIBITIONS

##### *Water*

- 5 (1) In consequence of the repeal by this Act of provisions of the Competition Act 1980, the functions exercisable by virtue of subsection (3) of section 31 of the Water Industry Act 1991 (functions of Director with respect to competition) are no longer exercisable by the Director General of Water Services.
- (2) Accordingly, that Act is amended as follows.
- (3) In section 2 (general duties with respect to water industry), in subsection (6)(a), at the beginning, insert “subject to subsection (6A) below”.
- (4) In section 2, after subsection (6), insert—
- “(6A) Subsections (2) to (4) above do not apply in relation to anything done by the Director in the exercise of functions assigned to him by section 31(3) below (“Competition Act functions”).
- (6B) The Director may nevertheless, when exercising any Competition Act function, have regard to any matter in respect of which a duty is imposed by any of subsections (2) to (4) above, if it is a matter to which the Director General of Fair Trading could have regard when exercising that function.”
- (5) Section 31 is amended as follows.
- (6) For subsection (3) substitute—
- “(3) The Director shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions of Part I of the Competition Act 1998 (other than sections 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, or
- (b) conduct of the kind mentioned in section 18(1) of that Act,
- which relate to commercial activities connected with the supply of water or securing a supply of water or with the provision or securing of sewerage services.”
- (7) In subsection (4)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) for “to (3)” substitute “and (2)”;
  - (b) omit paragraph (c) and the “and” immediately before it.
- (8) After subsection (4), insert—
- “(4A) So far as necessary for the purposes of, or in connection with, the provisions of subsection (3) above, references in Part I of the Competition Act 1998 to the Director General of Fair Trading are to be read as including a reference to the Director (except in sections 38(1) to (6), 51, 52(6) and (8) and 54 of that Act and in any other provision of that Act where the context otherwise requires).”
- (9) In subsection (5), omit “or in subsection (3) above”.
- (10) In subsection (6), omit “or in subsection (3) above”.
- (11) In subsection (7), omit “or (3)”.
- (12) In subsection (8), for paragraph (b) substitute—
- “(b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),”.
- (13) In subsection (9), omit “or the 1980 Act”.