



Enterprise Act 2002

2002 CHAPTER 40

PART 4

[^{F1}MARKET STUDIES AND] MARKET INVESTIGATIONS

CHAPTER 1

[^{F1}MARKET STUDIES AND] MARKET INVESTIGATION REFERENCES

Determination of references

136 Investigations and reports on market investigation references

- (1) The [^{F1}CMA] shall prepare and publish a report on a market investigation reference within the period permitted by section 137.
- (2) The report shall, in particular, contain—
 - (a) the decisions of the [^{F1}CMA] on the questions which it is required to answer by virtue of section 134;
 - (b) its reasons for its decisions; and
 - (c) such information as the [^{F1}CMA] considers appropriate for facilitating a proper understanding of those questions and of its reasons for its decisions.
- (3) The [^{F1}CMA] shall carry out such investigations as it considers appropriate for the purposes of preparing a report under this section.
- [^{F2}(4) Where a reference has been made by the appropriate Minister under section 132 the CMA shall, at the same time as the report under this section is published, give it to the appropriate Minister.]
- (5) Where a reference has been made by the [^{F3}CMA] under section 131 or by the appropriate Minister under section 132 in circumstances in which a reference could have been made by a relevant sectoral regulator under section 131 as it has effect by

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virtue of a relevant sectoral enactment, the ^{F4}CMA shall, at the same time as the report under this section is published, give a copy of it to the relevant sectoral regulator concerned.

^{F5}(6)

(7) In this Part “relevant sectoral enactment” means—

- (a) ^{F6}in relation to the Director General of Telecommunications, section 50 of the Telecommunications Act 1984 (c. 12);]
- (b) in relation to the Gas and Electricity Markets Authority, section 36A of the Gas Act 1986 (c. 44) or (as the case may be) section 43 of the Electricity Act 1989 (c. 29);
- (c) in relation to ^{F7}the Water Services Regulation Authority], section 31 of the Water Industry Act 1991 (c. 56);
- (d) ^{F8}
- (e) in relation to the ^{F9}Office of Rail Regulation], section 67 of the Railways Act 1993 (c. 43);
- ^{F10}(ea) in relation to the Financial Conduct Authority, section 234I of the Financial Services and Markets Act 2000;]
- (f) ^{F11}
- (g) in relation to the Civil Aviation Authority, section 86 of the Transport Act 2000 (c. 38). ^{F12} or section 60 of the Civil Aviation Act 2012;]
- ^{F13}(h) in relation to the Office of Communications, sections 370 and 371 of the Communications Act 2003.]
- ^{F14}(h) in relation to the Northern Ireland Authority for Utility Regulation, Article 46 of the Electricity (Northern Ireland) Order 1992, Article 23 of the Gas (Northern Ireland) Order 1996 or Article 29 of the Water and Sewerage Services (Northern Ireland) Order 2006.]
- ^{F15}(i) in relation to Monitor, section 73 of the Health and Social Care Act 2012.]
- ^{F16}(j) in relation to the Payment Systems Regulator, section 59 of the Financial Services (Banking Reform) Act 2013.]

(8) In this Part “relevant sectoral regulator” means ^{F17}the Director General of Telecommunications], the Gas and Electricity Markets Authority, ^{F7}the Water Services Regulation Authority], ^{F18} . . . , the ^{F9}Office of Rail Regulation], ^{F19}the Financial Conduct Authority,] ^{F20} . . . , the Civil Aviation Authority or the Office of ^{F21}Communications,] the Northern Ireland Authority for Utility Regulation^{F22}, Monitor or the Payment Systems Regulator.]

(9) The Secretary of State may by order modify subsection (7) or (8).

^{F23}(10) In this section “the Payment Systems Regulator” means the body established under section 40 of the Financial Services (Banking Reform) Act 2013.]

Textual Amendments

- F1** Word in s. 136(1)-(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (2013 c. 24), s. 26(3), **Sch. 5 para. 169(2)** (with s. 28); S.I. 2014/416, **art. 2(1)(d) Sch.**
- F2** S. 136(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 169(3)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in s. 136(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 169(4)(a)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- F4** Word in s. 136(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 169(4)(b)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** S. 136(6) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 169(5)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** S. 136(7)(a) repealed (25.7.2003 for certain purposes and 29.12.2003 for certain further purposes) by Communications Act 2003 (c. 21), ss. 406(1), 411(2)(3), **Sch. 19(1)** (with transitional provisions in Sch. 18 and with Sch. 19 Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with arts. 3-6 (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(1)(2)** (with art. 11)
- F7** Words in s. 136(7)(c)(8) substituted (1.4.2006) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 36(2)**; S.I. 2005/2714, **art. 4(f)**
- F8** S. 136(7)(d) repealed (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2)(3), 308, **Sch. 13** (arts. 8(9), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt II (subject to art. 3, Sch. 2)
- F9** Words in s. 136 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 16(5), 120(1), **Sch. 2 para. 19(u)**; S.I. 2004/827, **art. 4(g)**
- F10** S. 136(7)(ea) inserted (1.4.2015) by Financial Services (Banking Reform) Act 2013 (c. 33), s. 148(5), **Sch. 8 para. 10(2)**; S.I. 2014/2458, art. 3(b)(v)
- F11** S. 136(7)(f) repealed (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2)(3), 308, **Sch. 13** (arts. 8(9), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt II (subject to art. 3, Sch. 2)
- F12** Words in s. 136(7)(g) inserted (6.4.2013) by Civil Aviation Act 2012 (c. 19), **ss. 61(11)**, 110(1) (with s. 77(1)-(3), Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(1)-(3)
- F13** S. 136(7)(h) inserted (25.7.2003 for certain purposes and 29.12.2003 for certain further purposes) by Communications Act 2003 (c. 21), ss. 406(1), 411(2)(3), **Sch. 17 para. 174(4)(a)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with arts. 3-6 (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(1)(2)** (with art. 11)
- F14** S. 136: para. (h) added "at the end" of s. 136(7) (N.I.) (1.4.2007) by virtue of The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2)(3), 408, **Sch. 12 para. 46(1)** (with arts. 8(9), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt II (subject to art. 3, Sch. 2)
- F15** S. 136(7)(i) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), **ss. 74(6)(a)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F16** S. 136(7)(j) inserted (1.4.2014) by Financial Services (Banking Reform) Act 2013 (c. 33), **ss. 67(3)(a)**, 148(5); S.I. 2014/823, art. 2(g)
- F17** S. 136(8): words "the Director of Telecommunications" are repealed (25.7.2003 for certain purposes and 29.12.2003 for certain further purposes) by virtue of Communications Act 2003 (c. 21), ss. 406(1), 411(2)(3), **Sch. 19(1)** (with transitional provisions in Sch. 18 and with Sch. 19 Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with arts. 3-6 (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(1)(2)** (with art. 11)
- F18** Words in s. 136(8) repealed (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2)(3), 308, **Sch. 13** (arts. 8(9), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt II (subject to art. 3, Sch. 2)
- F19** Words in s. 136(8) inserted (1.4.2015) by Financial Services (Banking Reform) Act 2013 (c. 33), s. 148(5), **Sch. 8 para. 10(3)**; S.I. 2014/2458, art. 3(b)(v)
- F20** Words in s. 136(8) repealed (N.I.) (1.4.1007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2)(3), 308, **Sch. 13** (arts. 8(9), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt II (subject to art. 3, Sch. 2)
- F21** Words in s. 136(8) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), **ss. 74(6)(b)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F22** Words in s. 136(8) substituted (1.4.2014) by Financial Services (Banking Reform) Act 2013 (c. 33), **ss. 67(3)(b)**, 148(5); S.I. 2014/823, art. 2(g)
- F23** S. 136(10) inserted (1.4.2014) by Financial Services (Banking Reform) Act 2013 (c. 33), **ss. 67(3)(c)**, 148(5); S.I. 2014/823, art. 2(g)

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Modifications etc. (not altering text)

- C1** Pt. 4 modified by 2012 c. 7, s. 73(3)(b) (as substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 189(4)(c)** (with art. 3))
- C2** Pt. 4 modified by 2000 c. 38, s. 86(4A) (as inserted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 154(6)** (with art. 3))
- C3** Pt. 4 modified (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 4 para. 57**; S.I. 2014/416, art. 2(1)(c) (with Sch.)
- C4** Pt. 4 modified by 2012 c. 19, s. 60(3A) (as inserted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 197(5)** (with art. 3))
- C5** Pt. 4 certain functions made exercisable concurrently (1.4.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), **s. 59(1)-(5)**, 148(5); S.I. 2014/823, art.
- C6** Pt. 4 modified by 1991 c. 56, s. 31(4) (as amended (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 84(5)(d)** (with art. 3))
- C7** Pt. 4 modified by 1989 c. 29, s. 43(2B) (as amended (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 65(4)(d)** (with art. 3))
- C8** Pt. 4 modified by 1986 c. 44, s. 36A (as amended (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 50(4)(d)** (with art. 3))
- C9** Pt. 4 modified by 1993 c. 43, s. 67(4)(d) (as amended (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 105(4)(d)** (with art. 3))

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