

*These notes refer to the Enterprise and Regulatory Reform Act 2013 (c.24) which received Royal Assent on 25 April 2013*

# **ENTERPRISE AND REGULATORY REFORM ACT 2013**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

*Part 3: the Competition and Markets Authority and Part 4: Competition Reform*

**Part 4: Competition Reform**

*Chapter 5: Miscellaneous*

**Concurrency**

*Section 52: Power to remove concurrent competition functions of sectoral regulators*

382. *Section 52* introduces a reserve power for the Secretary of State to remove concurrent powers from sector regulators in future.
383. *Subsection (1)* provides that the Secretary of State may by order made by statutory instrument amend any enactment to remove from a sectoral regulator either its functions under Part 1 of the CA 1998 Act or its functions under Part 4 of the EA 2002, or both (a “sectoral regulator order”). The Secretary of State has the power to make a sectoral regulator order where he considers that it is appropriate to do so for the purpose of promoting competition, within any market or markets in the United Kingdom, for the benefit of consumers. *Subsection (3)* provides that a sectoral regulator order may also amend any enactment the Secretary of State considers appropriate as a consequence of the removal of the specified functions (for example, removing a regulator’s duty to consider Competition Act enforcement.) *Subsection (6)* provides that the statutory instrument containing a sectoral regulator order is subject to the affirmative resolution procedure in Parliament.