

SCHEDULES

SCHEDULE 6

REGULATORY APPEALS ETC: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO ACTS

Civil Aviation Act 2012 (c. 19)

140 The Civil Aviation Act 2012 is amended as follows.

Commencement Information

I1 Sch. 6 para. 140 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 141 (1) Section 24 (appeals: conditions of new licences) is amended as follows.
- (2) In subsections (1), (3) and (5), for “Competition Commission” (in each place where it occurs) substitute “ Competition and Markets Authority ”.
- (3) In the heading, for “Competition Commission” substitute “ Competition and Markets Authority ”.

Commencement Information

I2 Sch. 6 para. 141 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 142 (1) Section 25 (appeals: modification of licence conditions) is amended as follows.
- (2) In subsections (1), (3), (5) and (7), for “Competition Commission” (in each place where it occurs) substitute “ Competition and Markets Authority ”.
- (3) In the heading, for “Competition Commission” substitute “ Competition and Markets Authority ”.

Commencement Information

I3 Sch. 6 para. 142 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 143 In section 26 (when appeals may be allowed), for “Competition Commission” substitute “ Competition and Markets Authority ”.

*Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Civil Aviation Act 2012 (c. 19). (See end of Document for details)*

#### Commencement Information

**I4** Sch. 6 para. 143 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 144 (1) Section 27 (determination of appeal) is amended as follows.
- (2) In subsection (1) for “Competition Commission” substitute “ Competition and Markets Authority ”.
- (3) In subsection (2)—
- (a) for “Competition Commission” substitute “ Competition and Markets Authority ”, and
- (b) for “the Commission” substitute “ the Competition and Markets Authority ”.
- (4) In subsection (4)—
- (a) for “Competition Commission” substitute “ Competition and Markets Authority ”, and
- (b) for “the Commission” substitute “ the Competition and Markets Authority ”.
- (5) In subsection (5), for “Competition Commission” substitute “ Competition and Markets Authority ”.

#### Commencement Information

**I5** Sch. 6 para. 144 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 145 (1) Section 28 (determination of appeal: time limits) is amended as follows.
- (2) In subsections (1), (3) and (4), for “Competition Commission” (in each place where it occurs) substitute “ Competition and Markets Authority ”.
- (3) In subsection (5)—
- (a) for “Competition Commission” substitute “ Competition and Markets Authority ”, and
- (b) for “the Commission” substitute “ the Competition and Markets Authority ”.
- (4) In subsections (6) to (8), for “Competition Commission” (in each place where it occurs) substitute “ Competition and Markets Authority ”.

#### Commencement Information

**I6** Sch. 6 para. 145 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 146 (1) Section 29 (determination of appeal: publication etc) is amended as follows.
- (2) In subsection (1)—
- (a) for “Competition Commission” substitute “ Competition and Markets Authority ”, and
- (b) for “the Commission” substitute “ the Competition and Markets Authority ”.
- (3) In subsections (3) and (4), for “Competition Commission” (in each place where it occurs) substitute “ Competition and Markets Authority ”.

**Changes to legislation:** There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Civil Aviation Act 2012 (c. 19). (See end of Document for details)

- (4) In subsection (5)—
- (a) for “Competition Commission” substitute “ Competition and Markets Authority ” and
  - (b) for “Commission's opinion” (in each place where those words occur) substitute “ opinion of the Competition and Markets Authority ”.

**Commencement Information**

**I7** Sch. 6 para. 146 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 147 (1) Section 30 (procedure on appeals) is amended as follows.
- (2) In subsection (2), for “Competition Commission” substitute “ Competition and Markets Authority ”.
- (3) For subsection (4) substitute—
- “(4) Except where specified otherwise in Schedule 2, the functions of the Competition and Markets Authority with respect to an appeal under section 24 or 25 are to be carried out on behalf of the Competition and Markets Authority by a group constituted for the purpose, by the chair of the Competition and Markets Authority, under Schedule 4 to the Enterprise and Regulatory Reform Act 2013.”

**Commencement Information**

**I8** Sch. 6 para. 147 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 148 (1) Schedule 2 (appeals under sections 24 and 25) is amended as follows.
- (2) In paragraph 2—
- (a) in sub-paragraph (1)—
    - (i) for “Competition Commission's decision” substitute “ decision of the Competition and Markets Authority ”, and
    - (ii) for “the Commission” substitute “ the Competition and Markets Authority ”,
  - (b) in sub-paragraphs (5) and (6), for “Competition Commission” (in each place where it occurs) substitute “ Competition and Markets Authority ”,
  - (c) in sub-paragraph (7), for “The Competition Commission” substitute “ An authorised member of the Competition and Markets Authority ”, and
  - (d) in sub-paragraph (8), in paragraph (d), for “Commission” substitute “ authorised member ”.
- (3) In paragraph 3, in sub-paragraph (1), for “Competition Commission” substitute “ Competition and Markets Authority ”.
- (4) In paragraph 4—
- (a) in sub-paragraph (1), for “Competition Commission” substitute “ Competition and Markets Authority ”,
  - (b) in sub-paragraph (2), for “on which the Competition Commission publishes its” substitute “of publication of the Competition and Markets Authority's”, and

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- (c) in sub-paragraph (3), for “Competition Commission” substitute “Competition and Markets Authority”.
- (5) In paragraph 5—
  - (a) in sub-paragraph (1)—
    - (i) for “Competition Commission's decision” substitute “ decision of the Competition and Markets Authority ”, and
    - (ii) for “the Commission” substitute “ the Competition and Markets Authority ”,
  - (b) in sub-paragraph (2), for “Competition Commission” substitute “Competition and Markets Authority ”,
  - (c) in sub-paragraph (4), for “The Competition Commission must” substitute “An authorised member of the Competition and Markets Authority must ”, and
  - (d) in sub-paragraph (5), in paragraph (d), for “Commission” substitute “authorised member ”.
- (6) In paragraph 6, in sub-paragraph (3), for “Competition Commission” substitute “Competition and Markets Authority ”.
- (7) In paragraph 7, in sub-paragraph (3), for “Competition Commission” substitute “Competition and Markets Authority ”.
- (8) In paragraph 8, in sub-paragraph (3), for “Competition Commission” substitute “Competition and Markets Authority ”.
- (9) In paragraph 9, in sub-paragraph (1), for “Competition Commission” substitute “Competition and Markets Authority ”.
- (10) In paragraph 10, in sub-paragraph (3), for “Competition Commission's decision” substitute “ decision of the Competition and Markets Authority ”.
- (11) In paragraph 11—
  - (a) in sub-paragraph (1)—
    - (i) for “Competition Commission's functions” substitute “ functions of the Competition and Markets Authority ”, and
    - (ii) for “the Commission” substitute “ the Competition and Markets Authority ”,
  - (b) in sub-paragraph (2), for “Competition Commission” substitute “Competition and Markets Authority ”, and
  - (c) in sub-paragraph (4)—
    - (i) for “The Competition Commission” substitute “ An authorised member of the Competition and Markets Authority ”, and
    - (ii) for first “it” substitute “ he or she ”.
- (12) In paragraph 12, in sub-paragraph (1), for “Competition Commission” substitute “Competition and Markets Authority ”.
- (13) In paragraph 13, in sub-paragraph (3), for “Competition Commission's decision” substitute “ decision of the Competition and Markets Authority ”.
- (14) In paragraph 14—
  - (a) in sub-paragraph (1)—

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- (i) for “Competition Commission’s functions” substitute “ functions of the Competition and Markets Authority ”, and
    - (ii) for “the Commission” substitute “ the Competition and Markets Authority ”,
  - (b) in sub-paragraph (2), for “Competition Commission” substitute “ Competition and Markets Authority ”, and
  - (c) in sub-paragraph (4)—
    - (i) for “The Competition Commission” substitute “ An authorised member of the Competition and Markets Authority ”, and
    - (ii) for first “it” substitute “ he or she ”.
- (15) In paragraph 15—
  - (a) in sub-paragraph (1), for “The Competition Commission must” substitute “ An authorised member of the Competition and Markets Authority must ”,
  - (b) in sub-paragraph (2), for “the Competition Commission must comply with sub-paragraph (1)” substitute “ the requirements of sub-paragraph (1) must be complied with ”,
  - (c) in sub-paragraph (3), for “The Competition Commission must” substitute “ An authorised member of the Competition and Markets Authority must ”, and
  - (d) in sub-paragraph (4), in paragraph (d), for “Commission” substitute “ authorised member ”.
- (16) In paragraph 16—
  - (a) in sub-paragraph (1), for “Competition Commission” substitute “ Competition and Markets Authority ”, and
  - (b) in sub-paragraph (4), in paragraph (a), for “the Competition Commission” substitute “ an authorised member of the Competition and Markets Authority ”.
- (17) In paragraph 17—
  - (a) omit sub-paragraph (1),
  - (b) in sub-paragraph (2)—
    - (i) for “The group” substitute “ A group constituted by the chair of the Competition and Markets Authority, under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, for the purpose of carrying out functions of the Competition and Markets Authority with respect to an appeal under section 24 or 25 ”, and
    - (ii) for “Competition Commission” substitute “ CMA panel ”, and
  - (c) omit sub-paragraphs (3) and (4).
- (18) Omit paragraph 18.
- (19) In paragraph 19, in sub-paragraph (1), for “Competition Commission” substitute “ Competition and Markets Authority ”.
- (20) In paragraph 20—
  - (a) in sub-paragraph (1)—
    - (i) for “A group with the function of determining an appeal” substitute “ The Competition and Markets Authority ”,
    - (ii) for “the appeal” substitute “ an appeal ”, and

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- (iii) for “Competition Commission” substitute “ Competition and Markets Authority ”,
  - (b) in sub-paragraph (3)—
    - (i) for “A group with the function of determining an appeal” substitute “ The Competition and Markets Authority ”, and
    - (ii) for “the appeal” substitute “ an appeal ”, and
  - (c) in sub-paragraph (4)—
    - (i) for “A group with the function of determining an appeal” substitute “ The Competition and Markets Authority ”, and
    - (ii) for “the appeal” substitute “ an appeal ”.
- (21) In paragraph 21, in sub-paragraph (1), for “Competition Commission” substitute “ Competition and Markets Authority ”.
- (22) In paragraph 22—
- (a) in sub-paragraphs (1) and (2), for “Competition Commission” (in each place where it occurs) substitute “ Competition and Markets Authority ”,
  - (b) in sub-paragraph (3), for “Competition Commission's decision” substitute “ decision of the Competition and Markets Authority ”,
  - (c) in sub-paragraph (4)—
    - (i) for “Competition Commission's decision” substitute “ decision of the Competition and Markets Authority ”, and
    - (ii) for “the Commission” substitute “ the Competition and Markets Authority ”,
  - (d) in sub-paragraphs (5) and (6), for “Competition Commission” (in each place where it occurs) substitute “ Competition and Markets Authority ”,
  - (e) in sub-paragraph (7)—
    - (i) for “Competition Commission's decision” substitute “ decision of the Competition and Markets Authority ”, and
    - (ii) for “Commission” (in each place where it occurs) substitute “ Competition and Markets Authority ”, and
  - (f) in sub-paragraph (9)—
    - (i) for “Competition Commission's decision” substitute “ decision of the Competition and Markets Authority ”, and
    - (ii) for “Commission” (in each place where it occurs) substitute “ Competition and Markets Authority ”.
- (23) In paragraph 23, in sub-paragraph (1), for “Competition Commission” substitute “ Competition and Markets Authority ”.
- (24) In paragraph 24—
- (a) in sub-paragraph (1)—
    - (i) for “Competition Commission” substitute “ Competition and Markets Authority ”, and
    - (ii) for “the Commission” substitute “ the Competition and Markets Authority ”, and
  - (b) in sub-paragraph (4), for the words from “on the” to the end substitute “ on behalf of the Competition and Markets Authority by an authorised member of the Competition and Markets Authority ”.
- (25) In paragraph 25—

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- (a) in sub-paragraph (1), for “Competition Commission” (in each place where it occurs) substitute “ Competition and Markets Authority ”,
  - (b) in sub-paragraph (3), for “The Competition Commission” substitute “ An authorised member of the Competition and Markets Authority ”,
  - (c) in sub-paragraph (7), in paragraph (a), for “the Competition Commission is not required” substitute “ there is no requirement ”,
  - (d) in sub-paragraph (9), for “the Competition Commission must pay the person” substitute “ an authorised member of the Competition and Markets Authority must arrange for the person to be paid ”, and
  - (e) in sub-paragraph (10), for the words from “on the” to the end substitute “ on behalf of the Competition and Markets Authority by an authorised member of the Competition and Markets Authority ”.
- (26) In paragraph 26—
  - (a) in sub-paragraph (1), for “Competition Commission” (in each place where it occurs) substitute “ Competition and Markets Authority ”, and
  - (b) in sub-paragraph (5), for the words from “on the” to the end substitute “ on behalf of the Competition and Markets Authority by an authorised member of the Competition and Markets Authority ”.
- (27) In paragraph 27, for “Competition Commission” substitute “ Competition and Markets Authority ”.
- (28) In paragraph 28, in sub-paragraph (2), for “A member of the Competition Commission” substitute “ An authorised member of the Competition and Markets Authority ”.
- (29) In paragraph 30—
  - (a) in sub-paragraphs (1) to (4), for “the Competition Commission” (in each place where it occurs) substitute “ the Competition and Markets Authority ”,
  - (b) after sub-paragraph (4), insert—
    - “(4A) For the purposes of sub-paragraphs (1) to (4), the consent of the Competition and Markets Authority is to be given by an authorised member of the Competition and Markets Authority.”, and
  - (c) in sub-paragraph (6), for “Competition Commission” substitute “ Competition and Markets Authority ”.
- (30) In paragraph 31, in sub-paragraphs (1), (5) and (6), for “Competition Commission” (in each place where it occurs) substitute “ CMA Board ”.
- (31) In paragraph 32—
  - (a) in sub-paragraph (1)—
    - (i) for “Competition Commission” substitute “ Competition and Markets Authority ”, and
    - (ii) for “the Commission” substitute “ the Competition and Markets Authority ”,
  - (b) in sub-paragraph (2)—
    - (i) for “Competition Commission” substitute “ Competition and Markets Authority ”, and
    - (ii) for “the Commission” substitute “ the Competition and Markets Authority ”, and

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- (c) in sub-paragraphs (3) and (4), for “Competition Commission” (in each place where it occurs) substitute “group”.
- (32) In paragraph 34—
  - (a) for “Competition Commission” substitute “Competition and Markets Authority or a member of the Competition and Markets Authority”, and
  - (b) “it must publish or send it” substitute “it must be published or sent”.
- (33) In paragraph 35, in sub-paragraph (1)—
  - (a) for the definition of “authorised member of the Competition Commission” substitute—
    - ““authorised member of the Competition and Markets Authority—
    - (a) in relation to a power exercisable in connection with an appeal or application or direction in respect of which a group has been constituted by the chair of the Competition and Markets Authority under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, means a member of that group who has been authorised by the chair of the Competition and Markets Authority to exercise that power;
    - (b) in relation to a power exercisable in connection with an application for permission to bring an appeal, or otherwise in connection with an appeal or application or direction in respect of which a group has not been so constituted by the chair of the Competition and Markets Authority, means—
      - (i) any member of the CMA Board who is also a member of the CMA panel, or
      - (ii) any member of the CMA panel authorised by the Secretary of State (whether generally or specifically) to exercise the power in question;”,
    - (b) omit the definition of “Chairman”,
    - (c) omit the definition of “a group”, and
    - (d) before the definition of “intervener” insert—
      - ““CMA Board” and “CMA panel” have the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013;”.

#### Commencement Information

**19** Sch. 6 para. 148 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)



**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Civil Aviation Act 2012 (c. 19).