

SCHEDULES

SCHEDULE 3

Section 32

CONSTITUTION ETC OF OFFICE FOR THE INTERNAL MARKET PANEL AND TASK GROUPS

- 1 Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (the Competition and Markets Authority) is amended as follows.
- 2 (1) Paragraph 1 is amended as follows.
 - (2) In sub-paragraph (1)(b)—
 - (a) in the words before paragraph (i), for “to membership of” substitute “as follows”;
 - (b) in paragraph (i), at the beginning insert “persons appointed to membership of”;
 - (c) in paragraph (ii), at the beginning insert “persons appointed to membership of”;
 - (d) in paragraph (iii), at the beginning insert “persons appointed to membership of”;
 - (e) after paragraph (iii) insert—
 - “(iv) a person (the “OIM panel chair”) appointed to chair the Office for the Internal Market panel and to membership of the CMA Board;
 - (v) other persons appointed to membership of the Office for the Internal Market panel (“the OIM panel”) (see Part 3A).”
 - (3) After sub-paragraph (2) insert—
 - “(2A) In making appointments under paragraphs (iv) and (v) of sub-paragraph (1)(b), the Secretary of State must have regard to the desirability of securing that—
 - (a) a variety of skills, knowledge and experience is available among the members of the OIM panel, and
 - (b) there is an appropriate balance among the members of that panel of persons who have skills, knowledge or experience relating to the operation of the United Kingdom internal market in different parts of the United Kingdom.
 - (2B) Before making an appointment under paragraph (iv) or (v) of sub-paragraph (1)(b), the Secretary of State must seek the consent of—
 - (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) the Department for the Economy in Northern Ireland.

Status: This is the original version (as it was originally enacted).

- (2C) Sub-paragraph (2D) applies if consent to an appointment is not given by any of those authorities within the period of one month beginning with the day on which it is sought from that authority.
- (2D) In that event the Secretary of State—
- (a) may make the appointment without the consent of the authority or authorities concerned, and
 - (b) must, if the appointment is made, inform each authority which did not give consent of the reasons for the decision to proceed with the appointment.”
- 3 (1) Paragraph 3 is amended as follows.
- (2) After sub-paragraph (2), insert—
- “(2A) Appointment to membership of the OIM panel under paragraph 1(1)(b) is to be for a term of not more than eight years.”
- (3) At the end insert—
- “(4) Where at the beginning of a person’s term of appointment to membership of the CMA panel the person has already begun (and continues) to hold office as a member of the OIM panel, the term of the person’s appointment to membership of the CMA panel is to be treated for the purposes of sub-paragraph (2) as beginning when the person’s term of appointment to membership of the OIM panel began.
- “(5) Where at the beginning of a person’s term of appointment to membership of the OIM panel the person has already begun (and continues) to hold office as a member of the CMA panel, the term of the person’s appointment to membership of the OIM panel is to be treated for the purposes of sub-paragraph (2A) as beginning when the person’s term of appointment to membership of the CMA panel began.”
- 4 (1) Paragraph 4 is amended as follows.
- (2) After sub-paragraph (1), insert—
- “(1A) A person who has been appointed to membership of the OIM panel may be re-appointed to membership of the OIM panel only for the purpose of continuing to act as a member of a group constituted under paragraph 58B before the expiry of the person’s term of office.”
- (3) In sub-paragraph (2), for “sub-paragraph (1)” substitute “sub-paragraphs (1) and (1A)”.
- 5 (1) Paragraph 6 is amended as follows.
- (2) In sub-paragraph (2), for “of either the CMA Board or the CMA panel (but not of both)” substitute “of one, but not more than one, of the CMA Board, the CMA panel and the OIM panel,”.
- (3) In sub-paragraph (3)—
- (a) in the words before paragraph (a), after “panel” insert “or both the CMA panel and the OIM panel”;
 - (b) for paragraph (a) substitute—

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“(a) resign from one of those memberships (without resigning from the other), or”.

(4) After sub-paragraph (3) insert—

“(4) The OIM panel chair may at any time resign from membership of the CMA by giving written notice to this effect to the Secretary of State (and may not resign from the OIM panel, or any other office to which the person is appointed by virtue of paragraph 1(1)(b)(iv), except in accordance with this sub-paragraph).”

6 In paragraph 9(2)—

- (a) omit “or” at the end of paragraph (a);
- (b) after paragraph (b) insert “, or
- (c) a member of the OIM panel.”

7 In paragraph 10(2)(b), at the end insert “or the OIM panel”.

8 After Part 3 insert—

“PART 3A

THE OIM PANEL

The OIM panel

- 58A (1) The OIM panel is a panel of persons available for selection as members of a group constituted in accordance with this Part of this Schedule.
- (2) The OIM panel is to consist of—
- (a) the OIM panel chair appointed under paragraph 1(1)(b)(iv), and
 - (b) the other members of the panel appointed under paragraph 1(1)(b)(v).

Constitution of OIM task groups

- 58B (1) The OIM panel chair may at any time constitute a group in accordance with this Part of this Schedule for the purpose of carrying out on the CMA’s behalf functions of the CMA under Part 4 of the United Kingdom Internal Market Act 2020.
- (2) A group constituted as mentioned in sub-paragraph (1) is to be known as an Office for the Internal Market task group (or “OIM task group”).

Membership of OIM task groups

- 58C (1) The members of an OIM task group are to be selected by the OIM panel chair.
- (2) Each OIM task group is to consist of at least three members of the OIM panel.
- (3) The OIM panel chair must appoint one of the members of an OIM task group to chair the group (“the task group chair”).

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- 58D The validity of anything done by an OIM task group is not affected by—
- (a) a vacancy;
 - (b) a defective appointment.

Termination of person’s membership of an OIM task group

- 58E A member of the OIM panel may at any time resign from an OIM task group by giving written notice to this effect to the OIM panel chair.
- 58F (1) Sub-paragraph (2) applies if the OIM panel chair considers that—
- (a) a member of an OIM task group will be unable, for a substantial period, to perform their duties as a member of the group, or
 - (b) because of a particular interest of a member of an OIM task group, it is inappropriate for that person to remain a member of the group.
- (2) The OIM panel chair may remove the person in question from membership of the task group.
- 58G A person ceases to be a member of an OIM task group on ceasing to be a member of the OIM panel.

Replacement of a member of an OIM task group

- 58H (1) Sub-paragraph (2) applies if a person ceases to be a member of an OIM task group, whether by being removed under paragraph 58F, or otherwise.
- (2) The OIM panel chair may select a replacement member of the group from the OIM panel.

Continuity on removal or replacement

- 58I (1) A person’s ceasing to be a member of an OIM task group, whether by being removed under paragraph 58F, or otherwise, does not prevent—
- (a) the group from continuing with anything begun before the person ceased to be a member of it;
 - (b) any decision made or direction given by the person while a member of the group from having effect after they have ceased to be a member of the group.
- (2) Sub-paragraph (1) applies whether or not a replacement member of the group is selected under paragraph 58H.

Powers of chair pending group’s constitution and first meeting

- 58J (1) While an OIM task group is being constituted, the OIM panel chair may take such steps as the OIM panel chair considers appropriate to facilitate the work of the group once it has been constituted.
- (2) The steps taken must be steps that it would be within the power of the group to take, had it already been constituted.

Independence of OIM task groups

- 58K (1) In exercising functions which they are authorised to exercise by virtue of any enactment, OIM task groups must act independently of the CMA Board.
- (2) Nothing in sub-paragraph (1) prevents—
- (a) the CMA Board giving information in its possession to an OIM task group, or
 - (b) an OIM task group giving information in its possession to the CMA Board.

Casting votes

- 58L If an OIM task group's vote on any decision is tied, the task group chair is to have a casting vote.

Procedure of OIM task groups

- 58M (1) An OIM task group may determine its own procedure (including determining its quorum).
- (2) In determining its procedure under sub-paragraph (1), an OIM task group must have regard to any guidance issued by the CMA Board.”