



# United Kingdom Internal Market Act 2020

## 2020 CHAPTER 27

### PART 4

#### INDEPENDENT ADVICE ON AND MONITORING OF UK INTERNAL MARKET

##### *General provision about functions under Part 4*

### **30 Functions of the CMA under Part 4: general provisions**

- (1) A regulatory provision is within the scope of this Part so far as it meets the conditions in subsections (2) and (4).
- (2) The first condition is that the regulatory provision—
  - (a) imposes a relevant requirement, as defined for the purposes of the mutual recognition principle for goods as that principle applies in relation to a sale of goods in a part of the United Kingdom (see section 3),
  - (b) imposes a relevant requirement, as defined for the purposes of the non-discrimination principle for goods as that principle has effect in relation to a part of the United Kingdom (see section 6),
  - (c) imposes an authorisation requirement within the meaning given by subsection (3) of section 17 (services: overview),
  - (d) imposes a regulatory requirement within the meaning given by subsection (4) of that section, or
  - (e) comprises provision—
    - (i) of the sort described in section 24(1) (access to professions on grounds of qualifications or experience), or
    - (ii) to which section 28 (professional regulation not within section 24: equal treatment) applies.
- (3) In its application for the purposes of section 34 (advising etc on proposed regulatory provisions on request) subsection (2) has effect as if—
  - (a) for each occurrence of “imposes” there were substituted “imposes, varies, or revokes”;

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*Status: This is the original version (as it was originally enacted).*

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- (b) in paragraph (e) for “comprises” there were substituted “comprises, varies, repeals or revokes”.
- (4) The second condition is that the regulatory provision applies to one or more of England, Wales, Scotland and Northern Ireland but does not apply to the whole of the United Kingdom.
- (5) In subsection (2)(c) the reference to an authorisation requirement does not include an authorisation requirement to which section 19 does not apply by virtue of section 18(1)(c).
- (6) In subsection (2)(d) the reference to a regulatory requirement does not include a regulatory requirement to which sections 20 and 21 do not apply by virtue of section 18(1)(d).
- (7) For the purposes of the law relating to defamation, absolute privilege attaches to any advice given, or report made, by the CMA (or a person acting on the CMA’s behalf) in the exercise of any functions of the CMA under this Part.
- (8) In this Part “regulatory provision” means a provision—
  - (a) contained in legislation, or
  - (b) not of a legislative character but made under, and given effect by, legislation.
- (9) But a provision is not a “regulatory provision” so far as it contains anything that is necessary to give effect to the Northern Ireland Protocol.
- (10) In this Part “the CMA” means the Competition and Markets Authority.