

## SCHEDULE 2

### Amendments to other enactments

- 4.—(1) The Water Industry Act 1991 <sup>M1</sup> is amended as follows.
- (2) In section 31 (functions of the Director with respect to competition)—
- (a) for subsection (3) there is substituted—
- “(3) The Director shall be entitled to exercise, concurrently with the OFT, the functions of the OFT under the provisions of Part 1 of the Competition Act 1998 (other than sections 31D(1) to (6), 38(1) to (6) and 51), so far as relating to —
- (a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act,
- (b) conduct of the kind mentioned in section 18(1) of that Act,
- (c) agreements, decisions or concerted practices of the kind mentioned in Article 81(1) of the treaty establishing the European Community, or
- (d) conduct which amounts to abuse of the kind mentioned in Article 82 of the treaty establishing the European Community,
- which relate to commercial activities connected with the supply of water or securing a supply of water or with the provision or securing of sewerage services.”;
- (b) in subsection (4A), for the words “except in sections 38(1) to (6)” there is substituted “except in sections 31D(1) to (6), 38(1) to (6) ”;
- (c) in subsection (8)(b), for the words “other than sections 38(1) to (6)” there is substituted “other than sections 31D(1) to (6), 38(1) to (6). ”.

#### Marginal Citations

M1 1991 c. 56.

**Changes to legislation:**

There are currently no known outstanding effects for the The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004, Paragraph 4.