

## SCHEDULE 1

### TRANSFER OF FUNCTIONS OF OFT AND COMPETITION COMMISSION TO CMA AND AMENDMENTS CONSEQUENTIAL ON PARTS 3 AND 4 OF THE ACT

## PART 2

### Amendments to other secondary legislation

#### **Postal Services Act 2011 (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011**

**45.**—(1) The Postal Services Act 2011 (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011(1) is amended as follows.

(2) In article 2 (interpretation)—

(a) omit the definition of “the Commission”, and

(b) at the appropriate place, insert—

““the CMA” means the Competition and Markets Authority.””

(3) In article 3 (application of sections 109 to 117 of the 2002 Act), for “Commission” substitute “CMA”.

(4) In article 4 (modification of provisions of the 2002 Act)—

(a) for paragraph (2) substitute—

“(2) In section 109—

(a) subsection (A1) is replaced by—

“(A1) For the purposes of this section, a permitted purpose is assisting the CMA in carrying out any functions exercisable by it in connection with an appeal made to it under section 59 of the Postal Services Act.”, and

(b) subsection (8A) is omitted.”,

(b) after paragraph (3), insert—

“(3A) After section 110(3), there is inserted—

“(3A) No penalty shall be imposed by virtue of subsection (1) or (3) if more than 4 weeks have passed since the determination by the CMA of the appeal concerned; but this subsection shall not apply in relation to any variation or substitution of the penalty which is permitted by virtue of this Part.”,”

(c) in paragraph (5), “Commission” is replaced by “CMA”, and

(d) in paragraph (6), sub-paragraph (a) is replaced by —

“(a) the words “, OFCOM or the Secretary of State” are omitted,

(aa) the words “their functions” are replaced by “its functions”; and”

(5) In article 5 (extension of time limits), for “Commission” (in each place where it occurs), substitute “CMA”.