

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 Acts of Parliament

Railways Act 1993

112.—(1) Paragraph 15 (paragraphs 13 and 14: supplementary)(1) is amended as follows.

(2) In subsection (2D), after “subsections” insert “(2DA),”.

(3) After sub-paragraph (2D), insert—

“(2DA) Section 109 shall, in its application by virtue of sub-paragraph (2D) above, have effect as if—

(a) for subsection (A1), there were substituted—

“(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 investigation for the purposes of the exercise of its functions under paragraphs 13 or 14 of Schedule 4A to the Railways Act 1993.”, and

(b) subsection (8A) were omitted.”

(4) In sub-paragraph (2E)—

(a) for paragraph (b), substitute—

“(b) after subsection (3), there were inserted—

“(3A) No penalty shall be imposed by virtue of subsection (1) or (3) if more than 4 weeks have passed since the sending of a copy to the Office of Rail Regulation under paragraph 14 of Schedule 4A to the Railways Act 1993 of the relevant changes made by the CMA in connection with the reference concerned or, if no direction has been given by the CMA under paragraph 13 of that Schedule to that Act in connection with the reference concerned and within the period permitted for that purpose, the latest day on which it was possible to give such a direction within the permitted period; but this subsection shall not apply in relation to any variation or substitution of the penalty which is permitted by virtue of this Part.”; and”.

(1) Substituted by Schedule 25 to the Enterprise Act 2002 and amended by Schedule 16 to the Communications Act 2003 and Schedule 6 to the Enterprise and Regulatory Reform Act 2013. There are other amendments not relevant to this Order