

SCHEDULE 1

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

PART 3

Amendments to other enactments

Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005

- 245.**—(1) Article 5 (references: powers of investigation)(1) is amended as follows.
- (2) In paragraph (1), for “(2)” substitute “(1A)”.
- (3) After paragraph (1), insert—
- “(1A) Section 109 shall, in its application by virtue of paragraph (1), 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 a reference under article 3 of the Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005.”, and
- (b) subsection (8A) were omitted.”
- (4) In paragraph (2), after sub-paragraph (a), insert—
- “(aa) 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 publication of the report of the CMA on the reference 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.”;”
- (5) In paragraph (3), for sub-paragraph (b) substitute—
- “(b) in subsection (5)(b), for sub-paragraph (ii) there were substituted—
- “(ii) if earlier, the day on which the report of the CMA on the reference concerned is made or, if no such report is made within the period permitted for that purpose, the latest day on which the report may be made within the permitted period.”.”

(1) Amended by Schedule 6 to the Enterprise and Regulatory Reform Act 2013.