

## SCHEDULE 2

Regulation 61

### Amendment of subordinate legislation

## PART 1

### Amendment of subordinate legislation made under the Competition Act 1998

#### Competition Act 1998 (Small Agreements and Conduct of Minor Significance) Regulations 2000

1.—(1) The Schedule to the Competition Act 1998 (Small Agreements and Conduct of Minor Significance) Regulations 2000<sup>M1</sup> is amended as follows.

(2) In paragraph 1—

- (a) in the definition of “financial institution”, for “EEA” substitute “United Kingdom”;
- (b) for the definition of “insurance undertaking” substitute—

““insurance undertaking” means—

- (a) an insurance undertaking carrying on the business of direct insurance of a class set out in Article 2 of, or Annex 1 to, Directive 2009/138/EC of the European Parliament and Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)<sup>M2</sup>;
  - (b) a reinsurance undertaking; or
  - (c) a third-country reinsurance undertaking;”;
- (c) omit the “and” at the end of the definition of “insurance undertaking” and after that definition insert—

““reinsurance undertaking” means an undertaking which—

- (a) has its head office in the United Kingdom;
- (b) has permission under Part 4A of the Financial Services and Markets Act 2000<sup>M3</sup> to carry on one or more regulated activities;
- (c) effects or carries out contracts of insurance that are limited to reinsurance contracts; and
- (d) would require authorisation in accordance with Article 14 of Directive 2009/138/EC, if the United Kingdom were a Member State;

“third-country reinsurance undertaking” means an undertaking which, if its head office were in the United Kingdom—

- (a) would require permission under Part 4A of the Financial Services and Markets Act 2000 to carry out regulated activities relating to reinsurance; and
- (b) immediately before [<sup>F1</sup>IP completion day], would have required authorisation as a reinsurance undertaking in accordance with Article 14 of Directive 2009/138/EC; and”.

#### Textual Amendments

**F1** Words in Sch. 2 para. 1(2)(c) substituted (31.12.2020 immediately before IP completion day) by The Competition (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1343), regs. 1(1), 29

**Changes to legislation:** There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2. (See end of Document for details)

#### Commencement Information

- I1** Sch. 2 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

- M1** [S.I. 2000/262](#); relevant amending instruments are [S.I. 2013/3115](#) and [2015/575](#).  
**M2** O.J. L 335, 17.12.2009, p. 1, as last amended by Directive (EU) 2018/843 (O.J. L 156, 19.6.2018).  
**M3** Part 4A of the Financial Services and Markets Act 2008 ((sections 55A–55Z, 55Z1–55Z4) was substituted for Part IV (sections 40–55) by section 11(2) of the Financial Services Act 2012; there are amendments to Part 4A but none is relevant to these Regulations.

### Competition Act 1998 (Determination of Turnover for Penalties) Order 2000

2.—(1) The Schedule to the Competition Act 1998 (Determination of Turnover for Penalties) Order 2000 <sup>M4</sup> is amended as follows.

(2) In paragraph 1—

- (a) in the definition of “financial institution”, for “EEA” substitute “United Kingdom”;
- (b) for the definition of “insurance undertaking” substitute—

““insurance undertaking” means—

- (a) an insurance undertaking carrying on the business of direct insurance of a class set out in Article 2 of, or Annex 1 to, Directive [2009/138/EC](#) of the European Parliament and Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II);
- (b) a reinsurance undertaking; or
- (c) a third-country reinsurance undertaking;”;

- (c) omit the “and” at the end of the definition of “insurance undertaking” and after that definition insert—

““reinsurance undertaking” means an undertaking which—

- (a) has its head office in the United Kingdom;
- (b) has permission under Part 4A of the Financial Services and Markets Act 2000 to carry on one or more regulated activities;
- (c) effects or carries out contracts of insurance that are limited to reinsurance contracts; and
- (d) would require authorisation in accordance with Article 14 of Directive [2009/138/EC](#), if the United Kingdom were a Member State;

“third-country reinsurance undertaking” means an undertaking which, if its head office were in the United Kingdom—

- (a) would require permission under Part 4A of the Financial Services and Markets Act 2000 to carry out regulated activities relating to reinsurance; and
- (b) immediately before [<sup>F2</sup>IP completion day], would have required authorisation as a reinsurance undertaking in accordance with Article 14 of Directive [2009/138/EC](#); and”.

#### Textual Amendments

- F2** Words in Sch. 2 para. 2(2)(c) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **30**

#### Commencement Information

- I2** Sch. 2 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

- M4** [S.I. 2000/309](#); relevant amending instruments are [S.I. 2004/1259](#), 2013/3115 and 2015/575.

### Competition Act 1998 (Appealable Decisions and Revocation of Notification of Excluded Agreements) Regulations 2004

3.—(1) The Competition Act 1998 (Appealable Decisions and Revocation of Notification of Excluded Agreements) Regulations 2004 <sup>M5</sup> are amended as follows.

(2) In regulation 2, for “parallel exemption” in both places it occurs substitute “retained exemption”.

#### Commencement Information

- I3** Sch. 2 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

- M5** [S.I. 2004/1078](#); amended by [S.I. 2014/549](#).

### Competition Act 1998 (Competition and Markets Authority's Rules) Order 2014

4.—(1) The Schedule to the Competition Act 1998 (Competition and Markets Authority's Rules) Order 2014 <sup>M6</sup> is amended as follows.

(2) In rule 1—

(a) for the definition of “infringement decision” substitute—

““infringement decision” means a decision of the CMA that the Chapter I prohibition or the Chapter II prohibition has been infringed;”;

(b) in the definition of “notice”—

(i) at the end of paragraph (b), insert “or”;

(ii) omit paragraph (d) and the “or” before it.

(3) In rule 2—

(a) in paragraph (1)—

(i) omit “Subject to paragraphs (2) and (3),”;

(ii) for the words from “any one or more” to the end substitute “the Chapter I prohibition or the Chapter II prohibition.”;

(b) omit paragraphs (2) and (3).

(4) In rule 4—

**Changes to legislation:** There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2. (See end of Document for details)

- (a) in paragraph (2), omit “or section 65E(6)(a)(ii) or (b)”;
- (b) in paragraph (5)—
  - (i) omit “or 65F(1)”;
  - (ii) for “, 28A, 65G or 65H” substitute “ or 28A ”.
- (5) In rule 5—
  - (a) in paragraph (1), for “one or more” substitute “ either or both ”;
  - (b) in paragraph (2), for the words from “which one” to “considers” substitute “ whether it considers the Chapter I prohibition or the Chapter II prohibition or both ”;
  - (c) in paragraph (3), omit “or the prohibition in Article 101(1)”.
- (6) In rule 9(1)(a), for the words from “one or more of” to “Article 102” substitute “ the Chapter I prohibition or the Chapter II prohibition ”.
- (7) In rule 10—
  - (a) in paragraph (2), omit “or the prohibition in Article 101(1)”;
  - (b) in paragraph (4)—
    - (i) omit sub-paragraph (b) and the “or” at the end;
    - (ii) in sub-paragraph (c) omit “or the prohibition in Article 102”.
- (8) In rule 11(a), for the words from “which one” to “considers” substitute “ whether it considers the Chapter I prohibition or the Chapter II prohibition or both ”.
- (9) In rule 14—
  - (a) in paragraph (1), for the words from “to a case” to “Article 102” substitute “ the Chapter I prohibition or the Chapter II prohibition to a case ”;
  - (b) omit paragraphs (2) to (4).
- (10) In rule 15, in paragraph (1) and in the heading, for “parallel exemption” substitute “ retained exemption ”.
- (11) Omit rule 16.
- (12) In rule 19—
  - (a) in paragraph (1)(a) omit “, 16(1) 16(3)(a)”;
  - (b) in paragraph (1)(b) omit “, 16(1), 16(3)(a)”.

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**Marginal Citations**

**M6** S.I. 2014/458.

**Competition Act 1998 (Concurrency) Regulations 2014**

- 5.—(1) The Competition Act 1998 (Concurrency) Regulations 2014 <sup>M7</sup> are amended as follows.
  - [<sup>F3</sup>(1A) In regulation 2, in the definition of “prescribed functions”, after sub-paragraph (i) insert—
    - “(ia) any of the functions of the CMA under section 40ZB, 40ZC or 40ZD of the Act;”.]
  - (2) In regulation 3—

**Changes to legislation:** There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2. (See end of Document for details)

- (a) at the end of paragraph (a), insert “ or ”;
- (b) omit paragraphs (c) and (d).
- (3) In regulation 9(1)(a)—
  - (a) at the end of paragraph (i), insert “ or ”;
  - (b) omit paragraphs (iii) and (iv).
- (4) In regulation 9(1)(g), for “parallel exemption” substitute “retained exemption”.

#### Textual Amendments

**F3** Sch. 2 para. 5(1A) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **31**

#### Commencement Information

**I5** Sch. 2 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M7** [S.I. 2014/536](#).

## PART 2

### Amendment of subordinate legislation made under the Enterprise Act 2002

#### Enterprise Act 2002 (Anticipated Mergers) Order 2003

- 6.—(1) The Enterprise Act 2002 (Anticipated Mergers) Order 2003<sup>M8</sup> is amended as follows.
- (2) In article 2, in the definition of “notice”, for “, 59(2) or 67(2)” substitute “ or 59(2) ”.

#### Commencement Information

**I6** Sch. 2 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M8** [S.I. 2003/1595](#), to which there is an amendment not relevant to these Regulations.

#### Enterprise Act 2002 (Mergers) (Interim Measures: Financial Penalties) (Determination of Control and Turnover) Order 2014

- 7.—(1) The Schedule to the Enterprise Act 2002 (Mergers) (Interim Measures: Financial Penalties) (Determination of Control and Turnover) Order 2014<sup>M9</sup> is amended as follows.
- (2) In paragraph 1(1), in the definition of “financial institution”—
  - (a) for “EU” substitute “ United Kingdom ”;
  - (b) omit the “and” at the end;
- (3) In paragraph 1(1), in the definition of “insurance undertaking”—
  - (a) in paragraphs (a) and (b), for “European Economic Area” substitute “ United Kingdom ”;

**Changes to legislation:** There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2. (See end of Document for details)

- (b) omit the “or” at the end of paragraph (b); and
- (c) for paragraph (c) substitute—
  - “(c) a reinsurance undertaking; or
  - (d) a third-country reinsurance undertaking;”.
- (4) In paragraph 1(1), after the definition of “insurance undertaking” insert—
 

“reinsurance undertaking” means an undertaking which—

  - (a) has its head office in the United Kingdom;
  - (b) has permission under Part 4A of the Financial Services and Markets Act 2000 to carry on one or more regulated activities;
  - (c) effects or carries out contracts of insurance that are limited to reinsurance contracts; and
  - (d) would require authorisation in accordance with Article 14 of Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), if the United Kingdom were a Member State; and

“third-country reinsurance undertaking” means an undertaking which, if its head office were in the United Kingdom—

  - (a) would require permission under Part 4A of the Financial Services and Markets Act 2000 to carry out regulated activities relating to reinsurance; and
  - (b) immediately before [<sup>F4</sup>IP completion day], would have required authorisation as a reinsurance undertaking in accordance with Article 14 of Directive 2009/138/EC.”.

#### Textual Amendments

- F4** Words in Sch. 2 para. 7(4) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **32**

#### Commencement Information

- I7** Sch. 2 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

- M9** [S.I. 2014/533](#), as amended by [S.I. 2015/575](#).

### Competition Appeal Tribunal Rules 2015

- 8.**—(1) The Competition Appeal Tribunal Rules 2015 <sup>M10</sup> are amended as follows.
- (2) In rule 2, paragraph (1), omit the definition of “TFEU”.
  - (3) In rule 50(2), omit “Article 101 or 102 of the TFEU or”.
  - (4) Omit rule 59(5)(a)(ii) and the “but” before it.
  - (5) Omit rule 109.
  - (6) In rule 110(1), omit paragraph (m).

#### Commencement Information

- I8** Sch. 2 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Marginal Citations**

**M10** [S.I. 2015/1648](#).

## PART 3

### Amendment of other subordinate legislation

#### EEC Merger Control (Distinct Market Investigations) Regulations 1990

9. The EEC Merger Control (Distinct Market Investigations) Regulations 1990<sup>M10</sup> are revoked.

**Commencement Information**

**I9** Sch. 2 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**Marginal Citations**

**M11** [S.I. 1990/1715](#), as amended by [S.I. 2003/1398](#), [S.I. 2004/1079](#) and [S.I. 2014/549](#).

#### Restriction on Agreements and Conduct (Specified Domestic Electrical Goods) Order 1998

10.—(1) Article 12 of the Restriction on Agreements and Conduct (Specified Domestic Electrical Goods) Order 1998<sup>M11</sup> is amended as follows.

(2) In paragraph (2), for the words from “pursuant” to the end substitute—  
“the agreement is exempt from the Chapter 1 prohibition as a result of—

- (a) section 9 of the Competition Act 1998; or
- (b) a block exemption or a retained exemption.”.

(3) Omit paragraph (3).

(4) In paragraph (4)—

- (a) in the definition of “agreement” for “within the meaning of Article 85.1” substitute “ and those expressions have the same meaning as they do for the purposes of the Competition Act 1998 ”;
- (b) omit the definition of “Article 85.1” and “Article 85.3”;
- (c) in the appropriate place insert—

““the Chapter 1 prohibition” has the meaning given by section 2(8) of the Competition Act 1998;

“block exemption” has the meaning given by section 6(4) of the Competition Act 1998;

“retained exemption” has the meaning given by section 10(3) of the Competition Act 1998.”.

(5) For the heading substitute “ Part 1 of the Competition Act 1998 ”.

**Commencement Information**

**I10** Sch. 2 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**Changes to legislation:** There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2. (See end of Document for details)

#### Marginal Citations

**M12** [S.I. 1998/1271](#); there are amending instruments, but none is relevant to these Regulations.

### Competition Act 1998 and other Enactments (Amendment) Regulations 2004

**11.**—(1) The Competition Act 1998 and other Enactments (Amendment) Regulations 2004 <sup>M13</sup> are amended as follows.

- (2) In regulation 2, omit the definition of “the EC Competition Regulation”.
- (3) Omit regulation 3.

#### Commencement Information

**I11** Sch. 2 para. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

#### Marginal Citations

**M13** [S.I. 2004/1261](#); relevant amending instruments are [S.I. 2012/1809](#) and [S.I. 2014/549](#).

### Water Mergers (Modification of Enactments) Regulations 2004

**12.**—(1) The Water Mergers (Modification of Enactments) Regulations 2004 <sup>M14</sup> are amended as follows.

- (2) In regulation 3(1)—
  - (a) omit sub-paragraph (b);
  - (b) in sub-paragraph (d), for “to 68” substitute “ to 66 ”.
- (3) In regulation 5—
  - (a) insert “ and ” at the end of paragraph (aa);
  - (b) omit paragraphs (b) and (d);
- (4) In regulation 10ZA, in paragraph (d), for “subsections (4) and (5)” substitute “ subsection 4 ”.
- (5) Omit regulations 10ZB and 10ZC.
- (6) In regulation 17A(a), omit sub-paragraph (ii).
- (7) In regulation 29(a), omit sub-paragraph (iv).
- (8) In regulation 30B—
  - (a) in paragraph (a)—
    - (i) insert “ and ” at the end of sub-paragraph (i);
    - (ii) omit sub-paragraph (iii) and the “and” before it;
  - (b) in paragraph (b), omit sub-paragraph (ii) (together with the final “and”).
- [<sup>P5</sup>(8A) In regulation 32—
  - (a) omit the “and” at the end of paragraph (a);
  - (b) after paragraph (a) insert—
 

“(aa) subsection (1A) were omitted; and”.]
- (9) Omit regulation 33.



**Changes to legislation:** There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2. (See end of Document for details)

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**Textual Amendments**

**F5** Sch. 2 para. 12(8A) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **33**

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**Commencement Information**

**I12** Sch. 2 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

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**Marginal Citations**

**M14** [S.I. 2004/3202](#), relevant amending instruments are [S.I. 2011/1043](#), [S.I. 2014/549](#) and [S.I. 2015/1936](#).

**Designation of the Competition and Markets Authority as a National Competition Authority Regulations 2014**

**13.** The Designation of the Competition and Markets Authority as a National Competition Authority Regulations 2014 <sup>M15</sup> are revoked.

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**Commencement Information**

**I13** Sch. 2 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

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**Marginal Citations**

**M15** [S.I. 2014/537](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2.