

## SCHEDULES

### SCHEDULE 5

Section 26(3)

#### AMENDMENTS RELATED TO PART 3

#### PART 1

##### TRANSFER OF FUNCTIONS UNDER THE 1998 ACT TO THE CMA

- 1 The Competition Act 1998 is amended as follows.
- 2 In section 6 (block exemptions), in subsections (1) and (6), for “OFT” (in each place where it occurs) substitute “CMA”.
- 3 In section 8 (block exemptions: procedure), in subsections (1) to (3) and (5), for “OFT” (in each place where it occurs) substitute “CMA”.
- 4 In section 10 (parallel exemptions), in subsections (5), (7) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 5 (1) Section 25 (power to investigate) is amended as follows.
  - (2) In subsections (1) and (8) to (11), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (3) In the heading, for “OFT” substitute “CMA”.
- 6 In section 26 (powers when conducting investigations), in subsections (1) and (5), for “OFT” (in each place where it occurs) substitute “CMA”.
- 7 In section 27 (power to enter business premises without a warrant), in subsections (1) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- 8 (1) Section 28 (power to enter business premises under a warrant) is amended as follows.
  - (2) In subsection (1)(b)(i), for “OFT” substitute “CMA”.
  - (3) In subsection (2)—
    - (a) for “OFT” (in each place where it occurs) substitute “CMA”, and
    - (b) for “OFT’s” substitute “CMA’s”.
- 9 In section 28A (power to enter domestic premises under a warrant), in subsections (1)(b)(i) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 10 In section 31 (decisions following an investigation), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 11 In section 31A (commitments), in subsections (1) to (4), for “OFT” (in each place where it occurs) substitute “CMA”.
- 12 In section 31B (effect of commitments under section 31A), in subsections (1) to (5), for “OFT” (in each place where it occurs) substitute “CMA”.

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- 13 In section 31C (review of commitments), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 14 In section 31D (guidance), in subsections (1) to (3), (5), (6) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 15 In section 31E (enforcement of commitments), in subsection (1), for “OFT” (in each place where it occurs) substitute “CMA”.
- 16 In section 32 (directions in relation to agreements), in subsection (1), for “OFT” substitute “CMA”.
- 17 In section 33 (directions in relation to conduct), in subsection (1), for “OFT” substitute “CMA”.
- 18 In section 34 (enforcement of directions), in subsection (1), for “OFT” substitute “CMA”.
- 19 In section 35 (interim measures), in subsections (1) to (4), (8) and (9), for “OFT” (in each place where it occurs) substitute “CMA”.
- 20 In section 36 (penalties), in subsections (1) to (5), (8) and (9), for “OFT” (in each place where it occurs) substitute “CMA”.
- 21 In section 37 (recovery of penalties), in subsection (1), for “OFT” (in each place where it occurs) substitute “CMA”.
- 22 In section 38 (the appropriate level of a penalty), in subsections (1) to (3), (5), (6), (8) and (9), for “OFT” (in each place where it occurs) substitute “CMA”.
- 23 In section 39 (limited immunity in relation to the Chapter 1 prohibition), in subsections (3) to (5) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 24 In section 40 (limited immunity in relation to the Chapter 2 prohibition), in subsections (3) to (5) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 25 In section 44 (false or misleading information), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 26 In section 46 (appealable decisions), in subsections (1) to (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- 27 In section 47 (third party appeals), in subsection (1), for “OFT” (in each place where it occurs) substitute “CMA”.
- 28 In section 47A (monetary claims before Tribunal), in subsections (6) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- 29 In section 50 (vertical agreements and land agreements), in subsection (3), for “OFT” substitute “CMA”.
- 30 In the cross-heading preceding section 51, for “OFT’s” substitute “CMA’s”.
- 31 (1) Section 51 (rules) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “CMA”.
- (3) In subsection (2), for “OFT’s” substitute “CMA’s”.
- (4) In subsections (3) and (5) to (10), for “OFT” (in each place where it occurs) substitute “CMA”.

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- 32 (1) Section 52 (advice and information) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “the Director” substitute “The CMA”.
- (3) In subsection (1A), for the words from the beginning to “the OFT” substitute “The CMA”.
- (4) In subsections (2) to (6) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 33 In section 54 (regulators), in subsections (2), (5) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- 34 In section 57 (defamation), for “OFT” substitute “CMA”.
- 35 In the cross-heading preceding section 58, for “OFT” substitute “CMA”.
- 36 (1) Section 58 (findings of fact) is amended as follows.
- (2) In subsection (1), for “an OFT’s” substitute “a CMA’s”.
- (3) In subsection (2)—
- (a) for “an OFT’s” substitute “a CMA’s”, and
- (b) for “OFT” (in each place where it occurs) substitute “CMA”.
- (4) In subsection (3), for “OFT” substitute “CMA”.
- (5) In the heading, for “OFT” substitute “CMA”.
- 37 In section 58A (findings of infringements), in subsections (3) and (4), for “OFT” (in each place where it occurs) substitute “CMA”.
- 38 (1) Section 59 (interpretation of Part 1) is amended as follows.
- (2) In subsection (1)—
- (a) after the definition of “the Chapter II prohibition” insert—
- ““the CMA” means the Competition and Markets Authority;”, and
- (b) omit the definition of “the OFT”.
- (3) In subsection (4), for “OFT” substitute “CMA”.
- 39 In section 60 (principles to be applied in determining questions), in subsection (4), for “OFT” (in each place where it occurs) substitute “CMA”.
- 40 In section 61 (interpretation of Part 2), in subsection (1)—
- (a) after the definition of “books and records” insert—
- ““the CMA” means the Competition and Markets Authority;”, and
- (b) omit the definition of “the OFT”.
- 41 In section 62 (power to enter business premises under a warrant: Article 20 inspections), in subsections (5) and (10), for “OFT” (in each place where it occurs) substitute “CMA”.
- 42 In section 62A (power to enter non-business premises under a warrant: Article 21 inspections), in subsections (3) to (5), and (12), for “OFT” (in each place where it occurs) substitute “CMA”.
- 43 In section 62B (powers when conducting Article 22(2) inspection), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.

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- 44 In section 63 (power to enter business premises under a warrant: Article 22(2) inspections), in subsections (1)(a), (2) to (5) and (10), for “OFT” (in each place where it occurs) substitute “CMA”.
- 45 (1) Section 65C (interpretation of Part 2A) is amended as follows.
- (2) In subsection (1), in the definition of “Article 22(1) investigation”, for “OFT” substitute “CMA”.
- (3) In subsection (2)—
- (a) after the entry for “Article 82” insert—  
“the CMA”, and
- (b) omit the entry for “the OFT”.
- (4) In subsection (4), for “OFT” substitute “CMA”.
- 46 In section 65D (power to conduct an Article 22(1) investigation), in subsection (1), for “OFT” substitute “CMA”.
- 47 In section 65E (powers when conducting Article 22(1) investigations), in subsections (1) and (5), for “OFT” (in each place where it occurs) substitute “CMA”.
- 48 In section 65F (power to enter business premises without a warrant), in subsections (1) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- 49 In section 65G (power to enter business premises under a warrant), in subsections (1)(b)(i) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 50 In section 65H (power to enter domestic premises under a warrant), in subsections (1)(b)(i) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 51 In section 65N (false or misleading information), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 52 In section 75A (rules in relation to Parts 2 and 2A), in subsections (1) to (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 53 (1) Schedule 1 (exclusions: mergers and concentrations) is amended as follows.
- (2) In paragraph 4, in sub-paragraphs (1) to (5), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In paragraph 5, for “OFT” (in each place where it occurs) substitute “CMA”.
- 54 In Schedule 2 (exclusions: other competition scrutiny), in Part 3, in paragraph 5(3) (a), for “Director” substitute “CMA”.
- 55 (1) Schedule 3 (general exclusions) is amended as follows.
- (2) In paragraph 9, in sub-paragraphs (3) to (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- 56 (1) Schedule 6A (commitments) is amended as follows.
- (2) In paragraph 1, for “OFT” substitute “CMA”.
- (3) In paragraph 2—
- (a) in sub-paragraph (1), for “OFT” substitute “CMA”, and
- (b) in sub-paragraph (2)—

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- (i) for “OFT” (in each place where it occurs) substitute “CMA”, and
    - (ii) for “OFT’s” substitute “CMA’s”.
  - (4) In paragraph 3, in sub-paragraph (1), for “OFT” substitute “CMA”.
  - (5) In paragraph 4, for “OFT” (in each place where it occurs) substitute “CMA”.
  - (6) In paragraph 5, for “OFT” substitute “CMA”.
  - (7) In paragraph 6, for “OFT” substitute “CMA”.
  - (8) In paragraph 7, for “OFT” (in each place where it occurs) substitute “CMA”.
  - (9) In paragraph 8, for “OFT” (in each place where it occurs) substitute “CMA”.
  - (10) In paragraph 10, for “OFT” substitute “CMA”.
  - (11) In paragraph 11, in sub-paragraph (1), for “OFT” substitute “CMA”.
  - (12) In paragraph 12, for “OFT” substitute “CMA”.
  - (13) In paragraph 13, for “OFT” substitute “CMA”.
  - (14) In paragraph 14, for “OFT” (in each place where it occurs) substitute “CMA”.
- 57 (1) Schedule 8 (appeals) is amended as follows.
- (2) In paragraph 2, in sub-paragraph (2), for “OFT’s” substitute “CMA’s”.
  - (3) In paragraph 3, in sub-paragraphs (2) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (4) In paragraph 3A, in sub-paragraph (3), for “OFT” substitute “CMA”.
- 58 (1) Schedule 9 (rules under section 51) is amended as follows.
- (2) In the heading, for “OFT’s” substitute “CMA’s”.
  - (3) In paragraph 1, for “OFT” substitute “CMA”.
  - (4) In paragraph 5, in sub-paragraphs (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (5) In paragraph 8, for “OFT” (in each place where it occurs) substitute “CMA”.
  - (6) In paragraph 9, for “OFT” (in each place where it occurs) substitute “CMA”.
  - (7) In paragraph 11, for “OFT” substitute “CMA”.
  - (8) In paragraph 12, in sub-paragraph (1)—
    - (a) for “OFT” substitute “CMA”, and
    - (b) for “OFT’s” substitute “CMA’s”.
  - (9) In paragraph 13—
    - (a) for “OFT” substitute “CMA”, and
    - (b) for “OFT’s” substitute “CMA’s”.
  - (10) In paragraph 14, for “OFT” substitute “CMA”.

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## PART 2

### TRANSFER OF FUNCTIONS UNDER THE 2002 ACT TO THE CMA

59 The Enterprise Act 2002 is amended as follows.

#### *Part 1*

- 60 (1) Section 5 (acquisition of information etc) is amended as follows.
- (2) In subsections (1), (2) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In the italic cross-heading preceding the section for “OFT” substitute “the CMA”.
- 61 In section 6 (provision of information etc to the public), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 62 (1) Section 7 (provision of information and advice to Ministers etc) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “CMA”.
- (3) In subsection (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 63 Omit section 8 (promoting good consumer practice).
- 64 (1) Section 11 (super-complaints) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (3), for “OFT’s” substitute “CMA’s”.
- (4) In subsection (7), for “OFT” substitute “CMA”.
- 65 For the title to Part 1 substitute “General functions of the CMA”.

#### *Part 2*

- 66 In Schedule 4 (Competition Appeal Tribunal: procedure), in Part 2 (Tribunal rules), in paragraph 22(2), for “OFT” substitute “CMA”.

#### *Part 3*

- 67 (1) Section 22 (duty to make references in relation to completed mergers) is amended as follows.
- (2) In subsection (1), for the words before paragraph (a) substitute “The CMA shall, subject to subsections (2) and (3), make a reference to its chair for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 if the CMA believes that it is or may be the case that—”.
- (3) In subsection (2)—
- (a) in the words before paragraph (a), for “OFT” substitute “CMA”, and
- (b) in paragraph (a), omit “to the Commission”.
- (4) In subsections (3) and (3A), for “OFT” (in each place where it occurs) substitute “CMA”.

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- (5) In subsection (7)—
- (a) in paragraph (a), for “the OFT or (as the case may be) the Commission” substitute “the CMA”, and
  - (b) in paragraph (b), for “the OFT, the Commission” substitute “the CMA”.
- 68 In section 23 (relevant merger situations), in subsection (9), in paragraph (a), for “Commission” substitute “CMA”.
- 69 In section 24 (time-limits and prior notice), in subsection (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 70 In section 25 (extension of time-limits), in subsections (1) to (6) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 71 In section 28 (turnover test), in subsection (5), for “OFT” substitute “CMA”.
- 72 (1) Section 33 (duty to make references in relation to anticipated mergers) is amended as follows.
- (2) In subsection (1), for the words before paragraph (a) substitute “The CMA shall, subject to subsections (2) and (3), make a reference to its chair for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 if the CMA believes that it is or may be the case that—”.
- (3) In subsection (2)—
- (a) in the words before paragraph (a), for “OFT” substitute “CMA”,
  - (b) in paragraph (a), omit “to the Commission”, and
  - (c) in paragraph (b), omit “to the Commission”.
- (4) In subsections (3) and (3A), for “OFT” (in each place where it occurs) substitute “CMA”.
- 73 (1) Section 34A (duty where case referred by the European Commission) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “CMA”.
- (3) In subsection (2)—
- (a) in the words before paragraph (a), for “OFT” substitute “CMA”, and
  - (b) in paragraph (a), omit “to the Commission”.
- (4) In subsection (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- (5) In the heading, for “OFT” substitute “CMA”.
- 74 Before section 35 (but after the italic cross-heading immediately preceding it) insert—

### **“34C Functions to be exercised by CMA groups**

- (1) Where a reference is made to the chair of the CMA under section 22 or 33 for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, the functions of the CMA under or by virtue of the following provisions of this Part in relation to the matter concerned are to be carried out on behalf of the CMA by the group so constituted—
- (a) sections 35 to 41B, except for sections 35(6) and (7), 36(5) and (6) and 37(6);

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- (b) where a reference is treated by virtue of section 37(2) as having been made under section 22, section 23(9)(a);
  - (c) section 76, as it applies in relation to orders under section 83, and sections 77, 78 and 80 to 84;
  - (d) section 87, so far as relating to an enforcement order made on behalf of the CMA by the group;
  - (e) sections 92(4), 94 and 94A, so far as relating to an enforcement undertaking or enforcement order made on behalf of the CMA by the group;
  - (f) section 104, so far as relating to a decision mentioned in paragraph (a)(iii) of the definition of relevant decision in subsection (6) of that section;
  - (g) section 107, so far as relating to anything done on behalf of the CMA by the group;
  - (h) section 109, where the permitted purpose in question relates to a function that (by virtue of this section) is being or is to be carried out on behalf of the CMA by the group;
  - (i) sections 110 to 115, so far as relating to a notice given under section 109 on behalf of the CMA by the group;
  - (j) section 120(5)(b), so far as relating to a decision of the group;
  - (k) Schedule 10, so far as relating to an enforcement undertaking or enforcement order which the group is considering accepting or making, or which the group has accepted or made, on behalf of the CMA.
- (2) The functions of the CMA under section 95(4) in relation to the matter concerned may be carried out on behalf of the CMA by the group.
- (3) Nothing in subsection (1) prevents the CMA Board from exercising a function of the CMA under or by virtue of the following provisions of this Part where the group constituted as mentioned in subsection (1) has ceased to exist—
- (a) section 76 and Schedule 10, so far as relating to the making of an order under section 76 in relation to an order under section 83;
  - (b) section 83 and Schedule 10, so far as relating to the making of an order under section 83;
  - (c) sections 76 (as it applies in relation to an order under section 83), 80 to 84 and Schedule 10, so far as relating to the variation, supersession or release of enforcement undertakings or the variation or revocation of enforcement orders;
  - (d) section 87;
  - (e) sections 92(4) and 94.”
- 75 In section 35 (questions to be decided in relation to completed mergers), in subsections (1) and (3) to (7), for “Commission” (in each place where it occurs) substitute “CMA”.
- 76 In section 36 (questions to be decided in relation to anticipated mergers), in subsections (1) to (6), for “Commission” (in each place where it occurs) substitute “CMA”.



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- 77 (1) Section 37 (cancellation and variation of references under section 22 or 33) is amended as follows.
- (2) In subsections (1) to (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (6), for “OFT” substitute “CMA”.
- (4) Omit subsections (7) and (8).
- (5) In subsection (9)—
- (a) for “OFT” substitute “CMA”, and
- (b) for “Commission” substitute “CMA”.
- 78 (1) Section 38 (investigations and reports on references under section 22 or 33) is amended as follows.
- (2) In subsections (1) to (3), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) Omit subsection (4).
- 79 In section 39 (time-limits for investigations and reports), in subsections (1), (3), (4) and (8), for “Commission” (in each place where it occurs) substitute “CMA”.
- 80 In section 40 (section 39: supplementary), in subsections (10), (11) and (13), for “Commission” (in each place where it occurs) substitute “CMA”.
- 81 In section 41 (duty to remedy effects of completed or anticipated mergers), in subsections (1) to (5), for “Commission” (in each place where it occurs) substitute “CMA”.
- 82 (1) Section 42 (intervention by Secretary of State in certain public interest cases) is amended as follows.
- (2) In subsection (2), for “OFT” substitute “CMA”.
- (3) In subsection (6)—
- (a) for “OFT” (in each place where it occurs) substitute “CMA”, and
- (b) for “Commission” substitute “CMA”.
- 83 (1) Section 43 (intervention notices under section 42) is amended as follows.
- (2) In subsection (4)—
- (a) in paragraph (a), for “OFT” substitute “CMA”, and
- (b) for “Commission” (in each place where it occurs) substitute “CMA”.
- 84 (1) Section 44 (investigation and report) is amended as follows.
- (2) In subsections (2) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (4) —
- (a) in the words before paragraph (a), for “OFT” substitute “CMA”, and
- (b) in paragraph (c), omit “to the Commission”.
- (4) In subsections (5), (5A) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.

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- (5) In the heading, for “OFT” substitute “CMA”.
- 85 (1) Section 45 (power of Secretary of State to refer matter) is amended as follows.
- (2) In subsection (1), in paragraph (b), for “OFT” substitute “CMA”.
- (3) In subsections (2) to (5), for “to the Commission” (in each place where it occurs) substitute “to the chair of the CMA for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013”.
- (4) In the heading, for “Commission” substitute “CMA”.
- 86 In section 46 (references under section 46: supplementary), in subsection (2), for “OFT” substitute “CMA”.
- 87 (1) Section 46A (cases referred by European Commission where intervention notice is in force) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “CMA”.
- (3) In subsection (2), in paragraph (a), omit “to the Commission”.
- 88 Before section 47 (but after the italic cross-heading immediately preceding it) insert—

**“46D Functions to be exercised by CMA groups**

Where a reference is made to the chair of the CMA under section 45 for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, the functions of the CMA under or by virtue of the following provisions of this Part in relation to the matter concerned are to be carried out on behalf of the CMA by the group so constituted—

- (a) sections 47 to 53;
  - (b) where a reference is treated by virtue of section 49(1) as having been made under section 45(2) or (3), section 23(9)(ab) (as it has effect by virtue of section 42(6));
  - (c) sections 104, so far as relating to any decision mentioned in paragraph (a)(iii) of the definition of relevant decision in subsection (6) of that section, and 104A;
  - (d) section 107, so far as relating to anything done on behalf of the CMA by the group;
  - (e) section 109, where the permitted purpose relates to a function that (by virtue of this section) is being or is to be carried out on behalf of the CMA by the group;
  - (f) sections 110 to 115, so far as relating to a notice given under section 109 on behalf of the CMA by the group;
  - (g) section 118(4);
  - (h) section 120(5)(b), so far as relating to a decision of the group.”
- 89 In section 47 (questions to be decided on references under section 45), in subsections (1) to (11), for “Commission” (in each place where it occurs) substitute “CMA”.
- 90 In section 48 (cases where references on certain questions need not be decided), in subsections (1) to (3) for “Commission” (in each place where it occurs), substitute “CMA”.

- 91 In section 49 (variation of references under section 45), in subsections (1) to (4) and (7) to (9), for “Commission” (in each place where it occurs) substitute “CMA”.
- 92 In section 50 (investigations and reports on references under section 45), in subsections (1) to (3), for “Commission” (in each place where it occurs) substitute “CMA”.
- 93 (1) Section 51 (time-limits for investigations and reports) is amended as follows.
- (2) In subsections (1) to (4) and (8), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In the heading, for “Commission” substitute “CMA”.
- 94 Section 52 (section 51: supplementary), in subsections (10), (11) and (13), for “Commission” (in each place where it occurs) substitute “CMA”.
- 95 (1) Section 53 (restrictions on action where public interest considerations not finalised) is amended as follows.
- (2) In subsection (1), for “Commission” substitute “CMA”.
- (3) In subsection (2)—
- (a) omit “to the Commission”, and
- (b) for “Commission” substitute “CMA”.
- (4) In subsections (3) to (5), for “Commission” (in each place where it occurs) substitute “CMA”.
- 96 (1) Section 54 (decision of Secretary of State in public interest cases) is amended as follows.
- (2) In subsection (1), for “Commission” substitute “CMA”.
- (3) In subsection (3), omit “to the Commission” (in each place where it occurs).
- (4) In subsections (5) and (6), for “Commission” (in each place where it occurs) substitute “CMA”.
- (5) In subsection (7)—
- (a) omit “to the Commission” (in each place where it occurs),
- (b) for “of the Commission” (in each place where it occurs) substitute “of the CMA”, and
- (c) in paragraph (b)(ii), for “OFT” substitute “CMA”.
- 97 In section 55 (enforcement action by Secretary of State), in subsection (3), for “Commission” substitute “CMA”.
- 98 (1) Section 56 (competition cases where intervention on public interest grounds ceases) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (3)—
- (a) for “Commission” (in each place where it occurs) substitute “CMA”,
- (b) for “the report of the OFT” substitute “its report”, and
- (c) omit “to it by the OFT”.

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- (4) In subsection (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- (5) In subsection (6)—
- (a) for “Commission” substitute “CMA”, and
  - (b) omit “to it”.
- (6) In subsection (7), for “Commission” (in each place where it occurs) substitute “CMA”.
- (7) In subsection (8)—
- (a) for “Commission” substitute “CMA”,
  - (b) after “(6)” insert “—  
(a)”,
  - (c) omit “to the Commission by the OFT”, and
  - (d) at the end insert “; and  
(b) for the purposes of section 34C, the group constituted in consequence of the reference under section 45 is to be treated as if it were constituted in consequence of a reference under section 22 or (as the case may be) 33.”
- 99 (1) Section 57 (duties of authorities to inform Secretary of State) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “CMA”.
- (3) In subsection (2)—
- (a) for “OFT, OFCOM and the Commission” substitute “CMA and OFCOM”, and
  - (b) for “OFT, OFCOM or (as the case may be) the Commission” substitute “CMA or (as the case may be) OFCOM”.
- (4) In the heading, for “OFT and Commission” substitute “CMA and OFCOM”.
- 100 In section 58 (specified considerations), in subsection (4)(b) for “OFT, OFCOM, the Commission” substitute “CMA, OFCOM”.
- 101 (1) Section 59 (intervention by Secretary of State in special public interest cases) is amended as follows.
- (2) In subsection (2), for “OFT” substitute “CMA”.
- (3) In subsection (6)—
- (a) for “OFT” (in each place where it occurs) substitute “CMA”, and
  - (b) for “Commission” substitute “CMA”.
- 102 (1) Section 60 (special intervention notices under section 59) is amended as follows.
- (2) In subsection (4)—
- (a) in paragraph (a), for “OFT” substitute “CMA”, and
  - (b) for “Commission” (in each place where it occurs) substitute “CMA”.
- 103 (1) In section 61 (initial investigation and report) is amended as follows.
- (2) In subsections (2) to (4A) and (6), for “OFT” (in each place where it occurs) substitute “CMA”.

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- (3) In the heading, for “OFT” substitute “CMA”.
- 104 (1) Section 62 (power of Secretary of State to refer matter) is amended as follows.
- (2) In subsection (1), in paragraph (b), for “OFT” substitute “CMA”.
- (3) In subsections (2) and (3), for “to the Commission” (in each place where it occurs), substitute “to the chair of the CMA for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013”.
- (4) In subsection (5), for “OFT” substitute “CMA”.
- 105 Before section 63 insert—

#### “62A Functions to be exercised by CMA groups

Where a reference is made to the chair of the CMA under section 62 for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, the functions of the CMA under or by virtue of the following provisions of this Part in relation to the matter concerned are to be carried out on behalf of the CMA by the group so constituted—

- (a) sections 63 to 65;
  - (b) where a reference is treated by virtue of section 64(2) as having been made under section 62(2), section 23(9)(ab) (as it has effect by virtue of section 59(6));
  - (c) sections 104, so far as relating to any decision mentioned in paragraph (a)(iii) of the definition of relevant decision in subsection (6) of that section, and 104A;
  - (d) section 107, so far as relating to anything done on behalf of the CMA by the group;
  - (e) section 109, where the permitted purpose relates to a function that (by virtue of this section) is being or is to be carried out on behalf of the CMA by the group;
  - (f) sections 110 to 115, so far as relating to a notice given under section 109 on behalf of the CMA by the group;
  - (g) section 118(4);
  - (h) section 120(5)(b), so far as relating to a decision of the group.”
- 106 In section 63 (questions to be decided on references under section 62), in subsections (1) to (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- 107 In section 64 (cancellation and variation of references under section 62), in subsections (1) to (4) and (7) to (9), for “Commission” (in each place where it occurs) substitute “CMA”.
- 108 In section 65 (investigations and reports on references under section 62), in subsections (1) to (2A) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- 109 In section 66 (decision and enforcement action by Secretary of State), in subsections (1) to (4) and (7), for “Commission” (in each place where it occurs) substitute “CMA”.
- 110 In section 67 (intervention to protect legitimate interests), in subsections (2) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.

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- 111 In section 68 (scheme for protecting legitimate interests), in subsection (4)—
- (a) in paragraph (b), for “OFT” substitute “CMA”,
  - (b) in paragraph (c), for “to the Commission” substitute “to the chair of the CMA for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013”, and
  - (c) in paragraph (d), for “the Commission” substitute “the CMA, acting through a group so constituted.”.
- 112 In section 72 (initial enforcement orders), in subsections (2), (6) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- 113 In section 73 (undertakings in lieu of references), in subsections (1) to (4), (5) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- 114 In section 74 (effect of undertakings under section 73), in subsections (1), (2) and (5), for “OFT” (in each place where it occurs) substitute “CMA”.
- 115 In section 75 (order making power where undertakings under section 73 not fulfilled), in subsections (1), (2), (4) and (6), for “OFT” (in each place where it occurs) substitute “CMA”.
- 116 (1) Section 76 (supplementary interim order-making power) is amended as follows
- (2) In subsection (1)—
    - (a) in paragraph (a), for “OFT” substitute “CMA”, and
    - (b) in paragraph (b), for “Commission” substitute “CMA”.
  - (3) In subsections (2), (3), (4) and (7), for “OFT or (as the case may be) the Commission” (in each place where it occurs) substitute “CMA”.
- 117 In section 77 (restrictions on certain dealings: completed mergers), in subsections (2), (3), (5) and (6), for “Commission” (in each place where it occurs) substitute “CMA”.
- 118 In section 78 (restrictions on certain dealings: anticipated mergers), in subsections (2) to (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- 119 (1) Section 79 (sections 77 and 78: further interpretation provisions) is amended as follows.
- (2) In subsection (1), for “Commission” (in each place where it occurs) substitute “CMA”.
  - (3) In subsection (4), for “OFT” substitute “CMA”.
- 120 (1) Section 80 (interim undertakings) is amended as follows.
- (2) In subsections (2), (5) and (9), for “Commission” (in each place where it occurs) substitute “CMA”.
  - (3) In subsection (10), for “Commission’s” substitute “CMA’s”.
- 121 (1) Section 81 (interim orders) is amended as follows.
- (2) In subsection (2), for “Commission” (in each place where it occurs) substitute “CMA”.
  - (3) In subsection (9), for “Commission” substitute “CMA”.
- 122 In section 82 (final undertakings), in subsections (1), (2) and (5), for “Commission” (in each place where it occurs) substitute “CMA”.

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- 123 (1) Section 83 (order-making powers where final undertakings not fulfilled) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a), for “Commission” substitute “CMA”.
- (3) In that subsection, in paragraph (b)—
- (a) for “Commission or the OFT” substitute “CMA”, and
- (b) for “Commission decided” substitute “CMA decided”.
- (4) In subsections (2) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- (5) Omit subsection (6).
- 124 (1) Section 84 (final orders) is amended as follows.
- (2) In subsections (1) and (2), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) Omit subsection (4).
- 125 In section 85 (enforcement regime for public interest and special interest cases), in subsection (2), for “OFT” substitute “CMA”.
- 126 (1) Section 91 (register of undertakings and orders) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (3)—
- (a) in the words before paragraph (a), for “OFT” substitute “CMA”, and
- (b) in paragraph (d), for “Commission” substitute “CMA”.
- (4) In subsection (4), for “OFT” substitute “CMA”.
- (5) In subsection (5)—
- (a) for “Commission and the Secretary of State” substitute “Secretary of State”,
- (b) for “OFT” substitute “CMA”, and
- (c) for “by them” (in each place where it occurs) substitute “by the Secretary of State”.
- (6) In subsections (6) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- 127 In the italic cross-heading preceding section 92, for “OFT” substitute “CMA”.
- 128 (1) Section 92 (duty to monitor undertakings and orders) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (3)—
- (a) in the words before paragraph (a)—
- (i) for “OFT” substitute “CMA”, and
- (ii) omit “the Commission or (as the case may be)”,
- (b) in paragraph (a)—
- (i) omit “the Commission or (as the case may be)”, and

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- (ii) omit “it (or as the case may be)”, and
    - (c) in paragraphs (b) to (d), omit “the Commission or (as the case may be)” (in each place where it occurs).
  - (4) In subsections (4) to (6), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (5) In subsection (7)—
    - (a) in the words before paragraph (a), for “OFT” substitute “CMA”,
    - (b) omit paragraph (a), and
    - (c) in paragraph (b), for “the report” substitute “any report prepared by it under subsection (6)”.
  - (6) In the heading, for “OFT” substitute “CMA”.
- 129 (1) Section 93 (further role in relation to undertakings and orders) is amended as follows.
- (2) In subsection (1), omit paragraph (a) and the word “or” immediately following it.
  - (3) In subsection (2)—
    - (a) for the words from the beginning to “authority”)” substitute “The Secretary of State”,
    - (b) for “OFT” substitute “CMA”,
    - (c) for “relevant authority” (in each place where it occurs) substitute “Secretary of State”, and
    - (d) omit “section 80 or 82 or (as the case may be)”.
  - (4) In subsection (3)—
    - (a) for “relevant authority” (in each place where it occurs) substitute “Secretary of State”,
    - (b) for “OFT” substitute “CMA”, and
    - (c) for “OFT’s” substitute “CMA’s”.
  - (5) In subsection (4)—
    - (a) for “OFT” substitute “CMA”,
    - (b) for “relevant authority” substitute “Secretary of State”, and
    - (c) omit “section 80 or 82 or (as the case may be)”.
  - (6) In subsection (6)—
    - (a) for “relevant authority” substitute “Secretary of State”, and
    - (b) for “OFT” substitute “CMA”.
  - (7) In the heading, for “OFT” substitute “CMA”.
- 130 (1) Section 94 (rights to enforce undertakings and orders) is amended as follows.
- (2) In subsection (6), for “OFT” substitute “CMA”.
  - (3) Omit subsection (7).
- 131 (1) Section 95 (rights to enforce statutory restrictions) is amended as follows.
- (2) In subsection (4), for “OFT or the Commission” substitute “CMA”.
  - (3) In subsection (5), for “OFT” substitute “CMA”.
- 132 (1) Section 96 (merger notices) is amended as follows.



- (2) In subsection (1), for “OFT” substitute “CMA”.
- (3) In subsection (5), for “OFT” substitute “CMA”.
- 133 (1) Section 99 (certain functions in relation to merger notices) is amended as follows.
  - (2) In subsection (1), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (3) In subsection (5), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (4) In the heading, for “OFT and Secretary of State” substitute “CMA”.
- 134 In section 100 (exceptions to protection given by merger notices), in subsection (1), for “OFT” (in each place where it occurs) substitute “CMA”.
- 135 (1) Section 104 (certain duties of relevant authorities to consult) is amended as follows.
  - (2) In subsection (6), in the definition of “relevant authority” for “OFT, the Commission” substitute “CMA”.
  - (3) In that subsection, in the definition of “relevant decision”—
    - (a) for “OFT” (in each place where it occurs) substitute “CMA”,
    - (b) in paragraph (a), after sub-paragraph (ii) insert “; or  
(iii) on the questions mentioned in section 35(1) or (3),  
36(1) or (2), 47 or 63;”, and
    - (c) omit paragraph (b).
- 136 In section 104A (public consultation in relation to media mergers), in subsections (1) to (3), for “Commission” (in each place where it occurs) substitute “CMA”.
- 137 (1) Section 105 (general information duties) is amended as follows.
  - (2) In subsection (1), for “OFT” substitute “CMA”.
  - (3) In subsection (3)—
    - (a) in the words before paragraph (a)—
      - (i) for “OFT” substitute “CMA”, and
      - (ii) omit “Commission or”,
    - (b) in paragraph (a), omit “the Commission or (as the case may be)” (in each place where it occurs), and
    - (c) in paragraph (b)—
      - (i) omit “the Commission or (as the case may be)”, and
      - (ii) for “OFT” substitute “CMA”.
  - (4) In subsection (3A)—
    - (a) in the words before paragraph (a), for “Commission or the OFT” substitute “CMA”, and
    - (b) for “Commission or (as the case may be) the OFT” (in each place where it occurs) substitute “CMA”.
  - (5) In subsection (4)—
    - (a) for “OFT” (in each place where it occurs) substitute “CMA”,
    - (b) for “the Commission or OFCOM” substitute “OFCOM”, and
    - (c) omit “the Commission or (as the case may be)” (in each place where it occurs).

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- (6) In subsection (4A)—
    - (a) for “Commission or the OFT” substitute “CMA”, and
    - (b) for “Commission or (as the case may be) the OFT” (in each place where it occurs) substitute “CMA”.
  - (7) In subsection (5)—
    - (a) in the words before paragraph (a), for “OFT, OFCOM and the Commission” substitute “CMA and OFCOM”, and
    - (b) in paragraph (b), for “OFT, OFCOM or (as the case may be) the Commission” substitute “CMA or (as the case may be) OFCOM”.
  - (8) In subsection (6), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (9) In subsection (7)—
    - (a) for “Commission” substitute “CMA”, and
    - (b) for “(3), (3A), (4) or (4A)” substitute “(3A) or (4A)”.
  - (10) In subsection (7A), omit the words from “and the OFT” to the end of the subsection.
  - (11) In the heading, for “OFT and Commission” substitute “CMA”.
- 138 (1) Section 106 (advice and information about references under sections 22 and 33) is amended as follows.
- (2) In subsection (1)—
    - (a) omit “As soon as reasonably practicable after the passing of this Act,”,
    - (b) for “the OFT” substitute “The CMA”, and
    - (c) for the words from “the making” to the end of the subsection substitute “—
      - (a) the making and consideration by it of references under section 22 or 33, and
      - (b) the way in which relevant customer benefits may affect the taking of enforcement action in relation to such references.”
  - (3) In subsection (2), for “OFT” substitute “CMA”.
  - (4) Omit subsections (3) and (4).
  - (5) In subsection (5), in paragraph (b), for “OFT or (as the case may be) the Commission” substitute “CMA”.
  - (6) In subsection (6)—
    - (a) omit “or (3)”, and
    - (b) for “OFT or (as the case may be) the Commission” substitute “CMA”.
  - (7) In subsection (7)—
    - (a) for “OFT or the Commission” substitute “CMA”, and
    - (b) for “OFT or (as the case may be) the Commission” substitute “CMA”.
  - (8) In subsection (8), for “OFT shall consult the Commission and such other persons” substitute “CMA shall consult such persons”.
  - (9) Omit subsection (9).
- 139 In section 106A (advice and information in relation to media mergers), in subsection (5), for “OFT, OFCOM, the Commission” substitute “CMA, OFCOM”.

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- 140 In section 106B (general advisory duties of OFCOM), in subsections (1) and (3), for “Commission” substitute “CMA”.
- 141 (1) Section 107 (further publicity requirements) is amended as follows.
- (2) In subsection (1)—
- (a) for “OFT” substitute “CMA”,
  - (b) in paragraph (e), omit “or 76”, and
  - (c) omit paragraphs (g) and (h).
- (3) In subsection (2), for “Commission shall” substitute “CMA shall also”.
- (4) In subsection (3)—
- (a) in paragraph (b), for “OFT” substitute “CMA”, and
  - (b) in paragraph (e), for “Commission” substitute “CMA”.
- (5) In subsection (9)—
- (a) in paragraph (a), for “OFT” substitute “CMA”, and
  - (b) in paragraph (b), for “Commission” substitute “CMA”.
- (6) In subsection (10)—
- (a) in paragraph (a), for “OFT” substitute “CMA”, and
  - (b) in paragraph (b), for “Commission” substitute “CMA”.
- (7) In subsection (11), for “Commission’s” substitute “CMA’s”.
- 142 In section 108 (defamation), for “OFT, OFCOM, the Commission” substitute “CMA, OFCOM”.
- 143 In section 109 (attendance of witnesses and production of documents etc.), in subsection (3)(a), for “the Commission” substitute “the CMA”.
- 144 In section 110 (enforcement of powers under section 109: general), in subsections (1) to (3), (6), (8) and (9), for “Commission” (in each place where it occurs) substitute “CMA”.
- 145 In section 111 (penalties), in subsections (1), (5) and (8), for “Commission” (in each place where it occurs) substitute “CMA”.
- 146 In section 112 (penalties: main procedural requirements), in subsections (1) to (3), for “Commission” (in each place where it occurs) substitute “CMA”.
- 147 In section 113 (payment and interest by instalments), in subsections (3) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- 148 In section 114 (appeals in relation to penalties), in subsections (4), (5) and (7), for “Commission” (in each place where it occurs) substitute “CMA”.
- 149 In section 115 (recovery of penalties), for “Commission” (in each place where it occurs) substitute “CMA”.
- 150 In section 116 (statement of policy), in subsections (1), (3) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- 151 In section 117 (false or misleading information), in subsections (1) and (2), for “OFT, OFCOM, the Commission” (in each place where it occurs) substitute “CMA, OFCOM”.
- 152 (1) Section 118 (excisions from reports) is amended as follows.

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- (2) In subsection (1)—
- (a) in paragraph (a), for “OFT” substitute “CMA”, and
  - (b) in paragraph (b), for “Commission” substitute “CMA”.
- (3) In subsection (5), for “Commission” substitute “CMA”.
- 153 (1) Section 119 (minority reports) is amended as follows.
- (2) In subsection (1)—
- (a) omit “in pursuance of paragraph 15 of Schedule 7 to the Competition Act 1998 (c. 41)”, and
  - (b) for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In the heading, for “Commission” substitute “CMA”.
- 154 (1) Section 119B (monitoring role in relation to media mergers) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In the heading, for “OFT” substitute “CMA”.
- 155 In section 120 (review of decisions under Part 3), in subsection (1)—
- (a) for “OFT” substitute “CMA”, and
  - (b) for “the Secretary of State or the Commission” substitute “or the Secretary of State”.
- 156 (1) Section 121 (fees) is amended as follows.
- (2) In subsection (1)—
- (a) for “OFT of” substitute “CMA of”, and
  - (b) for “OFT, OFCOM and the Commission” substitute “CMA and OFCOM”.
- (3) In subsections (3), (4) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- (4) In subsection (8)—
- (a) for “OFT in” substitute “CMA in”, and
  - (b) for “OFT, OFCOM and the Commission” substitute “CMA and OFCOM”.
- (5) In subsection (9), for “OFT” substitute “CMA”.
- 157 (1) Section 122 (primacy of EU law) is amended as follows.
- (2) In subsection (1)—
- (a) omit “or (3)”, and
  - (b) for “OFT or (as the case may be) the Commission” substitute “CMA”.
- (3) In subsection (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 158 Section 123 (power to alter share of supply test), in subsection (4), for “OFT and the Commission” substitute “CMA”.
- 159 (1) Section 130 (index of defined expressions) is amended as follows.
- (2) At the appropriate place in the table insert—

“The CMA

Section 273”

- (3) Omit the entries in the table for “The Commission” and “The OFT”.
- (4) In the first column of the entry for “Reports of the Commission”, for “Commission” substitute “CMA”.
- 160 (1) Schedule 7 (enforcement regime for public interest and special interest cases) is amended as follows.
  - (2) In paragraph 2, in sub-paragraphs (2), (10) and (11), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (3) In paragraph 3, in sub-paragraph (3), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (4) In paragraph 4, in sub-paragraphs (2) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (5) In paragraph 5, in sub-paragraphs (1) and (6), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (6) In paragraph 7, in sub-paragraphs (8) and (9), for “Commission” (in each place where it occurs) substitute “CMA”.
  - (7) In paragraph 8—
    - (a) in sub-paragraphs (7) and (8), for “Commission” (in each place where it occurs) substitute “CMA”, and
    - (b) in sub-paragraph (11), for “OFT” substitute “CMA”.
  - (8) In paragraph 10, in sub-paragraphs (1) and (6), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (9) In paragraph 11, in sub-paragraph (5), for “OFT” substitute “CMA”.
- 161 (1) Schedule 8 (provision that may be contained in certain enforcement orders) is amended as follows.
  - (2) In paragraph 8, in sub-paragraph (3), for “Commission” substitute “CMA”.
  - (3) In paragraph 19, for “OFT” (in each place where it occurs) substitute “CMA”.
  - (4) In paragraph 24 —
    - (a) omit paragraph (a), and
    - (b) in paragraph (b), for “Commission” (in each place where it occurs) substitute “CMA”.
- 162 In Schedule 10 (procedural requirements for certain enforcement undertakings and orders), in paragraph 2(1), for “the OFT, the Commission” substitute “the CMA”.

*Part 4*

- 163 (1) Section 131 (power to make market investigation references) is amended as follows.
  - (2) In subsection (1), for the words before “has reasonable grounds” substitute “The CMA may, subject to subsection (4), make a reference to its chair for the constitution

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of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 if the CMA”.

- (3) In the heading, for “OFT” substitute “CMA”.
- 164 (1) Section 132 (ministerial power to make market investigation references) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (3), for “Commission” substitute “chair of the CMA for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013”.
- 165 In section 133 (contents of references), in subsection (2), for “Commission” substitute “group constituted by the chair of the CMA in respect of the reference”.
- 166 Before section 134 (but after the italic cross-heading immediately preceding it) insert—

**“133A Functions to be exercised by CMA groups**

- (1) Where a reference is made to the chair of the CMA under section 131, 132 or 140A for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, the functions of the CMA under or by virtue of the following provisions of this Part in relation to the matter concerned are to be carried out on behalf of the CMA by the group so constituted—
- (a) sections 134 to 138B, except for section 135(1);
  - (b) sections 140B to 145, 148, 148A and 151;
  - (c) sections 157 and 158;
  - (d) section 159;
  - (e) section 160, except for subsection (6) of that section;
  - (f) section 161, except for subsection (5) of that section;
  - (g) section 162(4), so far as relating to an enforcement undertaking or enforcement order made on behalf of the CMA by the group;
  - (h) section 164(2)(b), so far as relating to an enforcement order made on behalf of the CMA by the group;
  - (i) section 167, so far as relating to an enforcement undertaking or enforcement order made on behalf of the CMA by the group;
  - (j) section 168;
  - (k) section 169, so far as relating to a decision mentioned in paragraph (a)(iii) of the definition of relevant decision in subsection (6) of that section;
  - (l) section 172, so far as relating to anything done on behalf of the CMA by the group;
  - (m) section 174, where the permitted purpose in question relates to a function that (by virtue of this section) is being or is to be carried out on behalf of the CMA by the group;
  - (n) sections 174A to 174D, so far as relating to a notice given under section 174 on behalf of the CMA by the group;
  - (o) section 179(5)(b), so far as relating to a decision of the group;
  - (p) Schedule 10, so far as relating to an enforcement undertaking or enforcement order which the group is considering accepting or

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making, or which the group has accepted or made, on behalf of the CMA.

(2) Nothing in subsection (1) prevents the CMA Board from carrying out a function of the CMA under or by virtue of the following provisions of this Part where the group constituted as mentioned in subsection (1) has ceased to exist—

- (a) section 160 and Schedule 10, so far as relating to the making of an order under section 160;
- (b) sections 159 to 161 and Schedule 10, so far as relating to the variation, supersession or release of enforcement undertakings or the variation or revocation of enforcement orders;
- (c) section 162(4);
- (d) section 164(2)(b);
- (e) section 167.”

167 (1) Section 134 (questions to be decided on market investigation references) is amended as follows.

(2) In subsections (1), (4), (6) and (7), for “Commission” (in each place where it occurs) substitute “CMA”.

(3) In subsection (8)(b), for “Commission, the Secretary of State or (as the case may be) the OFT” substitute “CMA or (as the case may be) the Secretary of State”.

168 (1) Section 135 (variation of references) is amended as follows.

(2) In subsection (1), for “OFT” substitute “CMA”.

(3) In subsection (2)—

- (a) omit “OFT or (as the case may be) the”,
- (b) for “Commission” substitute “CMA”, and
- (c) after “reference” insert “made by him”.

(4) In subsection (3), for “Commission” substitute “CMA”.

169 (1) Section 136 (investigations and reports on market investigation references) is amended as follows.

(2) In subsections (1) to (3), for “Commission” (in each place where it occurs) substitute “CMA”.

(3) For subsection (4) substitute—

“(4) Where a reference has been made by the appropriate Minister under section 132 the CMA shall, at the same time as the report under this section is published, give it to the appropriate Minister.”

(4) In subsection (5)—

- (a) for “OFT” substitute “CMA”, and
- (b) for “Commission” substitute “CMA”.

(5) Omit subsection (6).

170 In section 137 (time-limits for market investigations and reports), in subsections (1), (5) and (6), for “Commission” (in each place where it occurs) substitute “CMA”.

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- 171 In section 138 (duty to remedy adverse effects), in subsections (1) to (6), for “Commission” (in each place where it occurs) substitute “CMA”.
- 172 In section 139 (public interest intervention by the Secretary of State), in subsection (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 173 In section 140 (intervention notices under section 139(1)), in subsection (5), for “Commission” (in each place where it occurs) substitute “CMA”.
- 174 In section 141 (questions to be decided), in subsections (2) and (3) to (6), for “Commission” (in each place where it occurs) substitute “CMA”.
- 175 (1) Section 142 (investigations and reports) is amended as follows.
- (2) In subsections (2) and (3), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In the heading, for “Commission” substitute “CMA”.
- 176 In section 143 (publication etc. of reports), in subsections (1), (3) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- 177 In section 144 (time-limits for investigations and reports in public interest cases), in subsections (1), (4) and (5), for “Commission” (in each place where it occurs) substitute “CMA”.
- 178 In section 145 (restrictions where public interest considerations not finalised), in subsections (1) to (5), for “Commission” (in each place where it occurs) substitute “CMA”.
- 179 In section 146 (decision of Secretary of State), in subsections (2) to (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- 180 In section 147 (remedial action by Secretary of State), in subsections (3) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- 181 (1) Section 148 (reversion of the matter) is amended as follows.
- (2) In subsections (1), (2), (6), (7) and (9), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (10), for “Commission’s” substitute “CMA’s”.
- 182 In section 149 (intervention notices under section 139(2)), in subsections (1) and (5), for “OFT” (in each place where it occurs) substitute “CMA”.
- 183 (1) Section 150 (power of veto of Secretary of State) is amended as follows.
- (2) In subsections (1) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (4), for “OFT’s” substitute “CMA’s”.
- 184 (1) Section 151 (further interaction of intervention notices with general procedure) is amended as follows.
- (2) In subsection (3), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (4), for “Commission” (in the first place where it occurs) substitute “CMA”.



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- (4) In subsection (5), for “Commission” (in each place where it occurs) substitute “CMA”.
- 185 (1) Section 152 (certain duties in relation to providing information) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “CMA”.
- (3) In subsection (3)—
- (a) for “OFT and the Commission” substitute “CMA”, and
- (b) for “OFT or (as the case may be) the Commission” substitute “CMA”.
- (4) In the heading, for “OFT and Commission” substitute “CMA”.
- 186 In section 153 (specified considerations for purposes of Part 4), in subsection (4)—
- (a) for “OFT” substitute “CMA”,
- (b) for “by the Secretary of State,” substitute “by the Secretary of State or”, and
- (c) omit “or by the Commission”.
- 187 In section 154 (undertakings in lieu of market investigation references), in subsections (1) to (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- 188 In section 155 (undertakings in lieu: procedural requirements), in subsections (1) to (4) and (6) to (9), for “OFT” (in each place where it occurs) substitute “CMA”.
- 189 In section 156 (effect of undertakings under section 154), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 190 In section 159 (final undertakings: Part 4), in subsections (1), (5) and (6) for “Commission” (in each place where it occurs) substitute “CMA”.
- 191 (1) Section 160 (order-making power where final undertakings not fulfilled: Part 4) is amended as follows.
- (2) In subsection (1)(b), for “the relevant authority or the OFT” substitute “a relevant person”.
- (3) After subsection (1) insert—
- “(1A) In subsection (1), a “relevant person” means—
- (a) in a case where the relevant authority is the CMA, the CMA;
- (b) in a case where the relevant authority is the Secretary of State, the Secretary of State or the CMA.”
- (4) In subsection (6), for the words from the beginning to “OFT” substitute “The Secretary of State shall not vary or revoke an order made by him under this section unless the CMA”.
- (5) In subsection (7), in paragraph (a), for “Commission” (in each place where it occurs) substitute “CMA”.
- 192 (1) Section 161 (final orders: Part 4) is amended as follows.
- (2) In subsection (1), for “Commission” substitute “CMA”.
- (3) In subsection (5), for the words from the beginning to “OFT” substitute “The Secretary of State shall not vary or revoke an order made by him under this section unless the CMA”.

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- 193 For the italic cross-heading before section 162 substitute “Undertakings and orders: monitoring, consultation and advice”.
- 194 (1) Section 162 (duty to monitor undertakings and orders: Part 4) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (3)—
- (a) in the words before paragraph (a)—
    - (i) for “OFT” substitute “CMA”, and
    - (ii) omit “the Commission or (as the case may be)”,
  - (b) in paragraph (a)—
    - (i) omit “the Commission or (as the case may be)”, and
    - (ii) omit “it (or as the case may be)”,
  - (c) in paragraphs (b) to (d), omit “the Commission or (as the case may be)” (in each place where it occurs), and
  - (d) in paragraph (e), for “167(6) to (8)” substitute “167(6) and (7)”.
- (4) In subsection (4)—
- (a) in the words before paragraph (a), for “OFT” substitute “CMA”, and
  - (b) after paragraph (b) (but before the “or” following it) insert—
    - “(ba) any possible variation or release by it of an enforcement undertaking accepted by it;
    - (bb) any possible new enforcement undertaking to be accepted by it so as to supersede another enforcement undertaking given to it;
    - (bc) any possible variation or revocation by it of an enforcement order made by it;
    - (bd) any possible enforcement undertaking to be accepted by it instead of an enforcement order or any possible enforcement order to be made by it instead of an enforcement undertaking;”.
- (5) In subsections (5) and (6), for “OFT” (in each place where it occurs) substitute “CMA”.
- (6) In subsection (7)—
- (a) in the words before paragraph (a), for “OFT” substitute “CMA”,
  - (b) omit paragraph (a), and
  - (c) in paragraph (b), for “the report” substitute “any report prepared by it under subsection (6)”.
- (7) In the heading, for “OFT” substitute “CMA”.
- 195 (1) Section 163 (further role in relation to undertakings and orders: Part 4) is amended as follows.
- (2) In subsection (1)—
- (a) omit “the Commission or”, and
  - (b) omit “(in this section “the relevant authority”)”.
- (3) In subsection (2)—

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- (a) for “relevant authority” (in each place where it occurs) substitute “Secretary of State”, and
    - (b) for “OFT” substitute “CMA”.
  - (4) In subsection (3)—
    - (a) for “relevant authority” (in each place where it occurs) substitute “Secretary of State”,
    - (b) for “OFT” substitute “CMA”, and
    - (c) for “OFT’s” substitute “CMA’s”.
  - (5) In subsection (4)—
    - (a) for “OFT” substitute “CMA”, and
    - (b) for “relevant authority” substitute “Secretary of State”.
  - (6) In subsection (5)—
    - (a) for “relevant authority” (in each place where it occurs) substitute “Secretary of State”, and
    - (b) omit “itself”.
  - (7) In subsection (6)—
    - (a) for “relevant authority” substitute “Secretary of State”, and
    - (b) for “OFT” substitute “CMA”.
  - (8) For the heading substitute “Role of CMA in relation to undertakings and orders in public interest cases: Part 4”.
- 196 (1) Section 166 (register of undertakings and orders: Part 4) is amended as follows.
- (2) In subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (3) In subsection (3)—
    - (a) in the words before paragraph (a), for “OFT” substitute “CMA”,
    - (b) in paragraph (a), omit “(whether by the Commission, the Secretary of State or a relevant sectoral regulator)”, and
    - (c) in paragraph (b), omit “(whether by the Commission, the Secretary of State or a relevant sectoral regulator)”.
  - (4) In subsection (4), for “OFT” substitute “CMA”.
  - (5) In subsection (5)—
    - (a) omit “Commission, the”, and
    - (b) for “OFT” substitute “CMA”.
  - (6) In subsections (6) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- 197 (1) Section 167 (rights to enforce undertakings and orders under this Part) is amended as follows.
- (2) In subsection (6), for “OFT” substitute “CMA”.
  - (3) In subsection (7)—
    - (a) after “accepted” insert “by the Secretary of State”,
    - (b) after “an order” insert “made by the Secretary of State”, and

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- (c) for “relevant authority” substitute “Secretary of State”.
- (4) Omit subsection (8).
- (5) In subsection (9), for “(6) to (8)” substitute “(6) and (7)”.
- 198 In section 168 (regulated markets), in subsections (1), (2), (6) and (7), for “Commission” (in each place where it occurs) substitute “CMA”.
- 199 In section 169 (certain duties of relevant authorities to consult: Part 4), in subsection (6)—
- (a) in the definition of “relevant authority”, for “OFT, the appropriate Minister or the Commission” substitute “CMA, the appropriate Minister”,
  - (b) in the definition of “relevant decision”, in paragraph (a), in the opening words, for “OFT” (in each place where it occurs) substitute “CMA”,
  - (c) also in that paragraph of that definition, after sub-paragraph (ii) insert “; or—
    - (iii) on the questions mentioned in section 134, 141 or 141A; and”, and
  - (d) also in that definition, omit paragraph (c) and the word “and” preceding it.
- 200 (1) Section 170 (general information duties) is amended as follows.
- (2) Omit subsections (1) and (2).
  - (3) In subsection (3)—
    - (a) in the words before paragraph (a), for “OFT and the Commission” substitute “CMA”,
    - (b) in paragraph (a), for “their possession” substitute “its possession”, and
    - (c) in paragraph (b), for “OFT (or as the case may be) the Commission” substitute “CMA”.
  - (4) In subsection (4), for “OFT” (in each place where it occurs) substitute “CMA”.
  - (5) In subsection (5), omit the words from the beginning to “and the Secretary of State” and insert “The Secretary of State”.
- 201 (1) Section 171 (advice and information: Part 4) is amended as follows.
- (2) In subsection (1)—
    - (a) omit “As soon as reasonably practicable after the passing of this Act,”,
    - (b) for “the OFT” substitute “The CMA”, and
    - (c) for “the making of references by it under section 131” substitute “—
      - (a) the making and consideration by it of market investigation references, and
      - (b) the way in which relevant customer benefits may affect the taking of enforcement action in relation to such references.”
  - (3) In subsection (2), for “OFT” substitute “CMA”.
  - (4) Omit subsections (3) and (4).
  - (5) In subsection (5)(b), for “OFT or (as the case may be) the Commission” substitute “CMA”.
  - (6) In subsection (6)—

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- (a) omit “or (3)”, and
  - (b) for “OFT or (as the case may be) the Commission” substitute “CMA”.
- (7) In subsection (7)—
- (a) omit “or (3)”, and
  - (b) for “OFT or (as the case may be) the Commission” substitute “CMA”.
- (8) In subsection (8)—
- (a) for “OFT or the Commission” substitute “CMA”, and
  - (b) for “OFT or (as the case may be) the Commission” substitute “CMA”.
- (9) In subsection (9), for “OFT shall consult the Commission and such other persons” substitute “CMA shall consult such persons”.
- (10) Omit subsection (10).
- 202 (1) Section 172 (further publicity requirements: Part 4) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “CMA”.
- (3) In subsection (2), for “Commission shall” substitute “CMA shall also”.
- (4) In subsection (10), for “Commission’s” substitute “CMA’s”.
- 203 In section 173 (defamation)—
- (a) for “OFT” substitute “CMA”,
  - (b) for “by the Secretary of State,” substitute “by the Secretary of State or”, and
  - (c) omit “or by the Commission”.
- 204 In section 174 (investigatory powers), in subsections (3) to (5), for “OFT” (in each place where it occurs) substitute “CMA”.
- 205 In section 177 (excisions from reports: Part 4), in subsections (1), (4) and (5), for “Commission” (in each place where it occurs) substitute “CMA”.
- 206 (1) Section 178 (minority reports: Part 4) is amended as follows.
- (2) In subsection (1)—
- (a) omit “in pursuance of paragraph 15 of Schedule 7 to the Competition Act 1998 (c. 41)”, and
  - (b) for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In the heading, for “Commission” substitute “CMA”.
- 207 In section 179 (review of decisions under Part 4), in subsection (1)—
- (a) for “OFT” substitute “CMA”, and
  - (b) for “, the Secretary of State or the Commission” substitute “or the Secretary of State”.
- 208 In section 183 (interpretation of Part 4), in subsection (3), for “Commission” (in each place where it occurs) substitute “CMA”.
- 209 (1) Section 184 (index of defined expressions: Part 4) is amended as follows.
- (2) At the appropriate place in the table insert—

“The CMA

| Section 273”

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- (3) Omit the entries in the table for “The Commission” and “The OFT”.
- (4) In the first column of the entry in the table for “Reports of the Commission”, for “Commission” substitute “CMA”.

#### *Part 6*

- 210 In section 190 (cartel offence: prosecution), in subsections (2)(b) and (4), for “OFT” substitute “CMA”.
- 211 In section 192 (investigation of cartel offences), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 212 In section 193 (powers when conducting an investigation), in subsections (1) to (4), for “OFT” (in each place where it occurs) substitute “CMA”.
- 213 In section 194 (power to enter premises under a warrant), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 214 In section 195 (exercise of powers by authorised person), in subsection (1), for “OFT” (in both places where it occurs) substitute “CMA”.
- 215 In section 196 (privileged information etc), in subsection (2)(b), for “OFT” substitute “CMA”.
- 216 In section 201 (offences), in subsection (4)(a), for “OFT” substitute “CMA”.

#### *Part 11*

- 217 (1) Section 273 (interpretation) is amended as follows.
  - (2) For the definition of “the Commission” substitute—
    - ““the CMA” means the Competition and Markets Authority;”.
  - (3) Omit the definition of “the OFT”.

### **PART 3**

#### ABOLITION OF THE COMPETITION COMMISSION

##### *Amendments of the 1998 Act*

- 218 The 1998 Act is amended as follows.
- 219 In the heading of Chapter 4 of Part 1, omit “The Competition Commission and”.
- 220 Omit section 45 (establishment of Competition Commission) and the cross- heading preceding it.
- 221 In section 59 (interpretation of Part 1), in subsection (1), in the definition of “the Commission”, omit “(except in relation to the Competition Commission)”.
- 222 Omit Schedule 7 (Competition Commission).
- 223 Omit Schedule 7A (Competition Commission: procedural rules for mergers and markets refinances).

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*Amendments of the 2002 Act*

- 224 The 2002 Act is amended as follows.
- 225 Omit sections 185 to 187 (the Competition Commission).
- 226 In Schedule 3 (the Competition Service), omit Part 2 (transfers of property etc between the Competition Commission and the Competition Service).
- 227 Omit Schedule 11 (the Competition Commission).
- 228 Omit Schedule 12 (Competition Commission: certain procedural rules).

**PART 4**

ABOLITION OF THE OFFICE OF FAIR TRADING

- 229 Omit sections 1 to 4 of, and Schedule 1 to, the 2002 Act (which make provision about the establishment of the Office of Fair Trading), and the italic cross-heading preceding section 1.