

SCHEDULES

SCHEDULE 12

Section 143(3)

CIVIL PENALTIES: AMENDMENTS RELATING TO SECTORAL REGULATORS

The Civil Aviation Authority (CAA)

- 1 In the Civil Aviation Act 2012, Chapter 2 of Part 1 (regulation of operators of dominant airports: competition) is amended as follows.
- 2 (1) Section 60 (functions of the CAA under Part 4 of EA 2002) is amended as follows.
 - (2) In subsection (2), in the words before paragraph (a), after “166” insert “, 167C”.
 - (3) In subsection (3), in paragraph (a), after “166” insert “, 167C”.
- 3 In section 61 (functions of the CAA under Part 4 of EA 2002: supplementary), in subsection (8), for “or 171” substitute “, 167C, 171 or 174E”.
- 4 (1) Section 62 (functions of the CAA under CA 1998) is amended as follows.
 - (2) In subsection (2), in the words after paragraph (b), after “31D(1) to (6)” insert “, 35C”.
 - (3) In subsection (4), after “31D(1) to (6)” insert “, 35C”.
- 5 In section 63 (functions of the CAA under CA 1998: supplementary), in subsection (1), after “31D(1) to (6)” insert “, 35C”.
- 6 (1) Section 86 of the Transport Act 2000 (functions of the CAA with respect to competition) is amended as follows.
 - (2) In subsection (2), in the words before paragraph (a), after “166” insert “, 167C”.
 - (3) In subsection (3), in the words before paragraph (a), after “31D(1) to (6)” insert “, 35C”.
 - (4) In subsection (4)—
 - (a) in paragraph (a), after “166” insert “, 167C”;
 - (b) in paragraph (b), after “31D(1) to (6)” insert “, 35C”.
 - (5) In subsection (7), in paragraph (b), after “31D(1) to (6)” insert “, 35C”.

The Financial Conduct Authority (FCA)

- 7 The Financial Services and Markets Act 2000 is amended as follows.
- 8 (1) Section 234I (functions of the FCA under Part 4 of EA 2002) is amended as follows.
 - (2) In the list in subsection (3)—
 - (a) after the entry for section 166 of EA 2002 insert—

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- “[section 167C](#) (statement of policy in relation to functions under sections 167 and [167A](#));”;
- (b) after the entry for section 171 of EA 2002 insert—
“[section 174E](#) (statement of policy on penalties).”
- (3) In subsection (5), in paragraph (a) for “or 171” substitute “, [167C](#), 171 or 174E”.
- 9 (1) Section 234J (functions of the FCA under CA 1998) is amended as follows.
- (2) In subsection (3) after the entry for section 31D(1) to (6) of CA 1998 insert—
“[section 35C](#) (statement of policy in relation to functions under sections 31E, 34 and [35A](#));”.
- (3) In subsection (5), in paragraph (a), after “31D(1) to (6)” insert “, [35C](#)”.

The Northern Ireland Authority for Utility Regulation

- 10 (1) Article 29 of the Water and Sewerage Services (Northern Ireland) Order 2006 ([S.I. 2006/3336 \(N.I. 21\)](#)) (functions of the Northern Ireland Authority for Utility Regulation with respect to competition) is amended as follows.
- (2) In paragraph (2), in the words before sub-paragraph (a), after “166” insert “, [167C](#)”.
- (3) In paragraph (3), in the words before sub-paragraph (a)—
(a) after “31D(1) to (6)” insert “, [35C](#)”;
(b) after “38(1) to (6)” insert “, 40B(1) to (4)”.
- (4) In paragraph (4), in sub-paragraph (a), after “166” insert “, [167C](#)”.
- (5) In paragraph (5)—
(a) after “31D(1) to (6)” insert “, [35C](#)”;
(b) after “38(1) to (6)” insert “, 40B(1) to (4)”.
- (6) In paragraph (9), in sub-paragraph (b)—
(a) after “31D(1) to (6)” insert “, [35C](#)”;
(b) after “38(1) to (6)” insert “, 40B(1) to (4)”.
- (7) Omit paragraph (10).
- 11 (1) Article 23 of the Gas (Northern Ireland) Order 1996 ([S.I. 1996/275 \(N.I. 2\)](#)) (functions of the Northern Ireland Authority for Utility Regulation with respect to competition) is amended as follows.
- (2) In paragraph (2A), in the words before sub-paragraph (a), after “166” insert “, [167C](#)”.
- (3) In paragraph (2B), in sub-paragraph (a), after “166” insert “, [167C](#)”.
- (4) In paragraph (3), in the words before sub-paragraph (a), after “31D(1) to (6)” insert “, [35C](#)”.
- (5) In paragraph (3A), after “31D(1) to (6)” insert “, [35C](#)”.
- (6) In paragraph (6), in sub-paragraph (b), after “31D(1) to (6)” insert “, [35C](#)”.
- (7) Omit paragraph (7).

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- 12 (1) Article 46 of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)) (functions of the Northern Ireland Authority for Utility Regulation with respect to competition) is amended as follows.
- (2) In paragraph (2A), in the words before sub-paragraph (a), after “166” insert “, 167C”.
- (3) In paragraph (2B), in sub-paragraph (a), after “166” insert “, 167C”.
- (4) In paragraph (3), in the words before sub-paragraph (a), after “31D(1) to (6)” insert “, 35C”.
- (5) In paragraph (3A), after “31D(1) to (6)” insert “, 35C”.
- (6) In paragraph (6), in sub-paragraph (b), after “31D(1) to (6)” insert “, 35C”.
- (7) Omit paragraph (6A).

The Office of Communications (OFCOM)

- 13 The Communications Act 2003 is amended as follows.
- 14 (1) Section 370 (functions of OFCOM under Part 4 of EA 2002) is amended as follows.
- (2) In subsection (2), in the words before paragraph (a), after “166” insert “, 167C”.
- (3) In subsection (3), in paragraph (a), after “166” insert “, 167C”.
- (4) Omit subsection (10).
- 15 (1) Section 371 (functions of OFCOM under CA 1998) is amended as follows.
- (2) In subsection (2), in the words before paragraph (a), after “31D(1) to (6)” insert “, 35C”.
- (3) In subsection (3), in paragraph (a), after “31D(1) to (6)” insert “, 35C”.
- 16 (1) Section 392 (penalties imposed by OFCOM) is amended as follows.
- (2) In subsection (1), after “the Competition Act 1998 (c. 41)” insert “and Part 4 of the Enterprise Act 2002”.
- (3) In subsection (6), after “the Competition Act 1998 (c. 41)” insert “and Part 4 of the Enterprise Act 2002”.

The Office of Gas and Electricity Markets (Ofgem)

- 17 (1) Section 43 of the Electricity Act 1989 (functions of Ofgem with respect to competition) is amended as follows.
- (2) In subsection (2A), in the words before paragraph (a), after “166” insert “, 167C”.
- (3) In subsection (2B), in paragraph (a), after “166” insert “, 167C”.
- (4) In subsection (3), in the words before paragraph (a), after “31D(1) to (6)” insert “, 35C”.
- (5) In subsection (3A), after “31D(1) to (6)” insert “, 35C”.
- (6) In subsection (6), in paragraph (b), after “31D(1) to (6)” insert “, 35C”.
- (7) Omit subsection (6A).

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- 18 (1) Section 36A of the Gas Act 1986 (functions of Ofgem with respect to competition) is amended as follows.
- (2) In subsection (2A), in the words before paragraph (a), after “166” insert “, 167C”.
- (3) In subsection (2B), in paragraph (a), after “166” insert “, 167C”.
- (4) In subsection (3), in the words before paragraph (a), after “31D(1) to (6)” insert “, 35C”.
- (5) In subsection (3A), after “31D(1) to (6)” insert “, 35C”.
- (6) In subsection (7), in paragraph (b), after “31D(1) to (6)” insert “, 35C”.
- (7) Omit subsection (8).

The Office of Rail and Road (ORR)

- 19 (1) Section 67 of the Railways Act 1993 (functions of the ORR with respect to competition) is amended as follows.
- (2) In subsection (2A), in the words before paragraph (a), after “166” insert “, 167C”.
- (3) In subsection (2B), in paragraph (a), after “166” insert “, 167C”.
- (4) In subsection (3), in the words before paragraph (a), after “31D(1) to (6)” insert “, 35C”.
- (5) In subsection (3A), after “31D(1) to (6)” insert “, 35C”.
- (6) In subsection (8), in paragraph (b), after “31D(1) to (6)” insert “, 35C”.
- (7) Omit subsection (9).

The Payment Systems Regulator

- 20 The Financial Services (Banking Reform) Act 2013 is amended as follows.
- 21 (1) Section 59 (functions of the Payment Systems Regulator under Part 4 of EA 2002) is amended as follows.
- (2) In the list in subsection (3)—
- (a) after the entry for section 166 of EA 2002 insert—
“section 167C (statement of policy in relation to functions under sections 167 and 167A);”;
- (b) after the entry for section 171 of EA 2002 insert—
“section 174E (statement of policy on penalties).”
- (3) In subsection (5), in paragraph (a), for “or 171” substitute “, 167C, 171 or 174E”.
- 22 (1) Section 61 (functions of the Payment Systems Regulator under CA 1998) is amended as follows.
- (2) In subsection (3), after the entry for section 31D(1) to (6) of CA 1998 insert—
“section 35C (statement of policy in relation to functions under sections 31E, 34 and 35A);”.
- (3) In subsection (5), in paragraph (a), after “31D(1) to (6)” insert “, 35C”.

The Water Services Regulation Authority (Ofwat)

- 23 (1) Section 31 of the Water Industry Act 1991 (functions of Ofwat with respect to competition) is amended as follows.
- (2) In subsection (2A), in the words before paragraph (a), after “166” insert “, 167C”.
 - (3) In subsection (3), in the words before paragraph (a), after “31D(1) to (6)” insert “, 35C”.
 - (4) In subsection (4), in paragraph (a), after “166” insert “, 167C”.
 - (5) In subsection (4A), after “31D(1) to (6)” insert “, 35C”.
 - (6) In subsection (8), in paragraph (b), after “31D(1) to (6)” insert “, 35C”.
 - (7) Omit subsection (8A).