
DRAFT STATUTORY INSTRUMENTS

2019 No.

**EXITING THE EUROPEAN UNION
COMPETITION**

The Competition (Amendment etc.) (EU Exit) Regulations 2019

*Made - - - - - ***
Coming into force in accordance with
regulation 1(1)*

**THE COMPETITION (AMENDMENT
ETC.) (EU EXIT) REGULATIONS 2019**

PART 1

Introduction

1. Citation, commencement and extent

PART 2

Amendment of the Competition Act 1998

2. The Competition Act 1998 is amended as follows.
3. (1) Section 10 is amended as follows.
4. After section 10 insert— Power to vary etc retained block...
5. Omit section 11.
6. (1) Section 25 is amended as follows.
7. In section 25A(1)(b), for “subsections (2) to (7)” substitute “subsections...
8. In section 31(2)— (a) at the end of paragraph (a),...
9. In section 32(1), omit “or that it infringes the prohibition...
10. In section 33(1), omit “or that it infringes the prohibition...
11. In section 35— (a) in subsection (1), for “subsections (8)...
12. In section 36— (a) in subsection (1), omit “or that...
13. In section 38— (a) in subsection (1), for the words...
14. In section 46(3)— (a) omit paragraphs (b) and (d);
15. In section 47(1)(a), for “paragraphs (a) to (f)” substitute “paragraph...
16. (1) Section 47A is amended as follows.
17. In section 49C(11), for the definition of “infringement decision” (but...
18. In section 52, omit subsection (1A).
19. (1) Section 58(2) is amended as follows.

20. In section 58A, omit subsection (4).
21. (1) Section 59(1) is amended as follows.
22. Omit section 60).
23. After section 60 insert— Certain principles etc to be considered...
24. Omit Parts 2 and 2A.
25. In section 72(1), omit “, 65 or 65L to 65N”....
26. (1) Section 73 is amended as follows.
27. Omit section 75A.
28. In Schedule 1, omit Part 2.
29. (1) Schedule 3 is amended as follows.
30. (1) Schedule 8A is amended as follows.
31. (1) Schedule 9 is amended as follows.

PART 3

Amendment of the Enterprise Act 2002

32. The Enterprise Act 2002 is amended as follows.
33. In section 16(6), for the definition of “infringement issue” substitute—...
34. (1) Section 22 is amended as follows.
35. In section 25— (a) omit subsections (6), (7) and (8);...
36. (1) Section 33 is amended as follows.
37. In section 34(1)(b), for “, 59(2) or 67(2)” substitute “or...
38. In section 34ZA, omit subsection (5).
39. In section 34ZB, omit subsections (5) and (8).
40. (1) Section 34ZC is amended as follows.
41. Omit section 34A (and the italic heading before it).
42. (1) Section 42 is amended as follows.
43. In section 46— (a) in subsection (1), omit paragraphs (b)...
44. Omit sections 46A and 46B (and the italic heading before...
45. In section 58— (a) in subsection (2), omit the words...
46. In section 59(6)(c), omit “, (6) and (8)”.
47. Omit sections 67 and 68 (and the italic heading before...
48. In section 73A(1), omit paragraph (b) and the “or” before...
49. In section 99(5)— (a) at the end of paragraph (b),...
50. In section 107(1), omit paragraphs (ae), (af), (ag) and (ah)....
51. (1) Section 110B is amended as follows.
52. Omit section 122.
53. (1) Section 124 is amended as follows.
54. In section 129(1)— (a) omit the definition of “EU law”;...
55. In section 130, in the table— (a) omit the entry...
56. In section 153(2), omit the words from “; and in...
57. In section 171, omit subsections (6) and (11).
58. Omit section 209.
59. Omit section 240.

PART 4

Amendment of other primary legislation

60. Schedule 1 (which amends other primary legislation) has effect.

PART 5

Amendment of subordinate legislation

61. Schedule 2 (which amends subordinate legislation) has effect.

PART 6

Amendment of retained EU law

62. Cessation of Treaty Rights and Obligations
63. Amendment of retained direct EU legislation

PART 7

Saving and transitional provision

64. Schedule 4 (which makes saving and transitional provision) has effect....
Signature

SCHEDULE 1 — Amendment of other primary legislation

1. Company Directors Disqualification Act 1986
2. Gas Act 1986
3. Electricity Act 1989
4. Water Industry Act 1991
5. Electricity (Northern Ireland) Order 1992
6. Railways Act 1993
7. Gas (Northern Ireland) Order 1996
8. Financial Services and Markets Act 2000
9. Transport Act 2000
10. Company Directors Disqualification (Northern Ireland) Order 2002
11. Communications Act 2003
12. Water and Sewerage Services (Northern Ireland) Order 2006
13. Health and Social Care Act 2012
14. Civil Aviation Act 2012
15. Financial Services (Banking Reform) Act 2013

SCHEDULE 2 — Amendment of subordinate legislation

PART 1 — Amendment of subordinate legislation made under the Competition Act 1998

1. Competition Act 1998 (Small Agreements and Conduct of Minor Significance) Regulations 2000
2. Competition Act 1998 (Determination of Turnover for Penalties) Order 2000
3. Competition Act 1998 (Appealable Decisions and Revocation of Notification of Excluded Agreements) Regulations 2004
4. Competition Act 1998 (Competition and Markets Authority's Rules) Order 2014
5. Competition Act 1998 (Concurrency) Regulations 2014

PART 2 — Amendment of subordinate legislation made under the Enterprise Act 2002

6. Enterprise Act 2002 (Anticipated Mergers) Order 2003

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Competition (Amendment etc.) (EU Exit) Regulations 2019 No. 93*

7. Enterprise Act 2002 (Mergers) (Interim Measures: Financial Penalties) (Determination of Control and Turnover) Order 2014
8. Competition Appeal Tribunal Rules 2015
PART 3 — Amendment of other subordinate legislation
9. EEC Merger Control (Distinct Market Investigations) Regulations 1990
10. Restriction on Agreements and Conduct (Specified Domestic Electrical Goods) Order 1998
11. Competition Act 1998 and other Enactments (Amendment) Regulations 2004
12. Water Mergers (Modification of Enactments) Regulations 2004
13. Designation of the Competition and Markets Authority as a National Competition Authority Regulations 2014

SCHEDULE 3 — Amendment of retained direct EU legislation

PART 1 — Revocation of retained direct EU legislation

1. The following instruments are revoked— (a) Council Regulation (EEC) 17/62:...
2. EU decisions and EU regulations made by the European Commission...
PART 2 — Amendment of retained EU Regulations
3. Council Regulation (EC) 169/2009
4. Commission Regulation (EC) 906/2009
5. Commission Regulation (EU) 330/2010
6. Commission Regulation (EU) 461/2010
7. Commission Regulation (EU) 1217/2010
8. Commission Regulation (EU) 1218/2010
9. Commission Regulation (EU) 316/2014
10. Effect of certain revocations

SCHEDULE 4 — Saving and transitional provision

PART 1 — Interpretation

1. Interpretation
PART 2 — Exemptions from the Chapter 1 prohibition
2. Pre-existing agreements exempt by virtue of an EU decision
3. Pre-existing research and development agreements
PART 3 — CMA investigations under Part 1 of the 1998 Act
4. Interpretation
5. Termination of EU elements of on-going investigations
6. (1) This paragraph applies where, immediately before exit day, the...
7. Completed investigations terminated by decisions under section 31(2)(c) or (d) of the 1998 Act
8. Cases in which CMA relieved of competence by EU law
PART 4 — Inspections and investigations under Parts 2 and 2A of the 1998 Act
9. On and after exit day— (a) the CMA and other...
10. A warrant issued and in force under section 62(1), 62A(1),...
11. A notice given under section 65E(2) or 65F(2) of the...
12. Despite their repeal by these Regulations, sections 65B and 65K...
PART 5 — Redress schemes further to European Commission decisions
13. (1) This paragraph applies where before exit day the European...
PART 6 — Court and tribunal proceedings relating to competition
14. Claims before a court or tribunal relating to pre-exit day EU competition infringements
15. In relation to claims (and defences to claims) described in...
16. Where, before exit day, a reference has been made in...

17. Claims before a court or tribunal relating to pre-exit day domestic competition infringements
PART 7 — Enterprise Act 2002
18. Interpretation
19. Cases decided under the EC Merger Regulation before exit day
20. Article 22 cases referred to but not decided by the European Commission before exit day
21. (1) This paragraph applies in a case in which immediately...
22. (1) This paragraph applies in a case in which immediately...
23. (1) This paragraph applies in a case in which immediately...
24. Cases referred by the European Commission to the CMA before exit day
25. Intervention to protect legitimate interests: no European intervention notice before exit day
26. Intervention to protect legitimate interests: European intervention notice before exit day
27. (1) This paragraph applies in a case in which immediately...
28. (1) This paragraph applies in a case in which immediately...
29. (1) This paragraph applies in a case falling within paragraph...
30. In a case falling within paragraph 28(1), a report given...
31. In a case falling within paragraph 28(1), on and after...
32. (1) This paragraph applies in a case falling within paragraph...
33. (1) This paragraph applies in a case falling within paragraph...
34. General savings
35. The repeal of section 209 of the 2002 Act does...
PART 8 — Company Directors Disqualification Legislation
36. (1) This paragraph applies where an undertaking engages in conduct...

Explanatory Note