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## SCHEDULES

### SCHEDULE 2

#### COMPETITION TEST: AMENDMENTS OF SCHEDULE 10 TO THE TRANSPORT ACT 2000

##### *Test for the exercise of functions by local authorities*

- 2 For the italic heading preceding paragraph 1 substitute— “ Part 1 Test for exercise of bus functions by local authorities Functions to which this Part of this Schedule applies ”.

##### **Commencement Information**

- I1** Sch. 2 para. 2 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1  
**I2** Sch. 2 para. 2 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(d)

- 3 (1) Paragraph 1 (functions to which Schedule 10 applies) is amended as follows.  
(2) In sub-paragraph (1) after “The functions to which” insert “ this Part of ”.  
(3) In sub-paragraph (2)—  
(a) after “For the purposes of” insert “ this Part of ”;  
(b) after “a function to which” insert “ this Part of ”.

##### **Commencement Information**

- I3** Sch. 2 para. 3 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1  
**I4** Sch. 2 para. 3 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(d)

- 4 (1) Paragraph 2 (competition test) is amended as follows.  
(2) In sub-paragraph (1)—  
(a) after “For the purposes of” insert “ this Part of ”;  
(b) after “a function to which” insert “ this Part of ”.  
(3) In sub-paragraph (3)(b) omit “substantial”.

##### **Commencement Information**

- I5** Sch. 2 para. 4 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1  
**I6** Sch. 2 para. 4 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(d)

- 5 Omit paragraphs 3 and 4.

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- I7** Sch. 2 para. 5 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I8** Sch. 2 para. 5 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

- 6 In paragraph 5 (investigation by OFT)—  
 (a) for “the OFT” substitute “the Office of Fair Trading (in this Schedule referred to as “the OFT”);  
 (b) after “a function to which” insert “ this Part of ”.

**Commencement Information**

- I9** Sch. 2 para. 6 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I10** Sch. 2 para. 6 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

- 7 In paragraph 10 (decisions) omit paragraph (a).

**Commencement Information**

- I11** Sch. 2 para. 7 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I12** Sch. 2 para. 7 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

- 8 Omit paragraph 11.

**Commencement Information**

- I13** Sch. 2 para. 8 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I14** Sch. 2 para. 8 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

- 9 In paragraph 12(1) (enforcement of decision) after “a function to which” insert “ this Part of ”.

**Commencement Information**

- I15** Sch. 2 para. 9 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I16** Sch. 2 para. 9 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

- 10 In paragraph 13(1) (restriction on disclosure of information) after “its functions under” insert “ this Part of ”.

**Commencement Information**

- I17** Sch. 2 para. 10 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I18** Sch. 2 para. 10 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

- 11 In paragraph 14 (offence of disclosing information) after “its functions under” (in both places) insert “ this Part of ”.

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#### Commencement Information

- I19** Sch. 2 para. 11 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1  
**I20** Sch. 2 para. 11 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(d)

12 After paragraph 14 insert—

#### *“Advice and information*

- 14A (1) As soon as is reasonably practicable after the passing of the Local Transport Act 2008, the OFT must prepare and publish advice and information about—
- (a) the application of the competition test,
  - (b) the enforcement of decisions regarding that test.
- (2) The OFT may at any time publish revised, or new, advice or information.
- (3) Advice and information published under this paragraph must be prepared with a view to—
- (a) explaining provisions of this Part of this Schedule to persons who are likely to be affected by them, and
  - (b) indicating how the OFT expects such provisions to operate.
- (4) Advice (or information) published by virtue of sub-paragraph (3)(b) may include advice (or information) about the factors which the OFT may take into account in considering whether, and if so how, to exercise a power conferred on it by this Part of this Schedule.
- (5) Any advice or information published by the OFT under this paragraph is to be published in such form and in such manner as it considers appropriate.
- (6) If the OFT is preparing any advice or information under this paragraph it must consult such persons as it considers appropriate.”

#### Commencement Information

- I21** Sch. 2 para. 12 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1  
**I22** Sch. 2 para. 12 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(d)

13 In paragraph 15 (defamation)—

- (a) after “or notice given” insert “, and to any advice or information given,”;
- (b) after “its functions under” insert “ this Part of”.

#### Commencement Information

- I23** Sch. 2 para. 13 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1  
**I24** Sch. 2 para. 13 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(d)

14 (1) Paragraph 16 (fees) is amended as follows.

- (2) In sub-paragraph (1) after “its functions under” insert “ this Part of”.
- (3) Omit sub-paragraph (3).

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#### **Commencement Information**

- I25** Sch. 2 para. 14 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I26** Sch. 2 para. 14 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

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