



United Kingdom Internal Market Act 2020

2020 CHAPTER 27

PART 4

INDEPENDENT ADVICE ON AND MONITORING OF UK INTERNAL MARKET

General provision about functions under Part 4

30 Functions of the CMA under Part 4: general provisions

- (1) A regulatory provision is within the scope of this Part so far as it meets the conditions in subsections (2) and (4).
- (2) The first condition is that the regulatory provision—
 - (a) imposes a relevant requirement, as defined for the purposes of the mutual recognition principle for goods as that principle applies in relation to a sale of goods in a part of the United Kingdom (see section 3),
 - (b) imposes a relevant requirement, as defined for the purposes of the non-discrimination principle for goods as that principle has effect in relation to a part of the United Kingdom (see section 6),
 - (c) imposes an authorisation requirement within the meaning given by subsection (3) of section 17 (services: overview),
 - (d) imposes a regulatory requirement within the meaning given by subsection (4) of that section, or
 - (e) comprises provision—
 - (i) of the sort described in section 24(1) (access to professions on grounds of qualifications or experience), or
 - (ii) to which section 28 (professional regulation not within section 24: equal treatment) applies.
- (3) In its application for the purposes of section 34 (advising etc on proposed regulatory provisions on request) subsection (2) has effect as if—
 - (a) for each occurrence of “imposes” there were substituted “imposes, varies, or revokes”;

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- (b) in paragraph (e) for “comprises” there were substituted “ comprises, varies, repeals or revokes ”.
- (4) The second condition is that the regulatory provision applies to one or more of England, Wales, Scotland and Northern Ireland but does not apply to the whole of the United Kingdom.
- (5) In subsection (2)(c) the reference to an authorisation requirement does not include an authorisation requirement to which section 19 does not apply by virtue of section 18(1)(c).
- (6) In subsection (2)(d) the reference to a regulatory requirement does not include a regulatory requirement to which sections 20 and 21 do not apply by virtue of section 18(1)(d).
- (7) For the purposes of the law relating to defamation, absolute privilege attaches to any advice given, or report made, by the CMA (or a person acting on the CMA's behalf) in the exercise of any functions of the CMA under this Part.
- (8) In this Part “regulatory provision” means a provision—
 - (a) contained in legislation, or
 - (b) not of a legislative character but made under, and given effect by, legislation.
- (9) But a provision is not a “regulatory provision” so far as it contains anything that is necessary to give effect to the Northern Ireland Protocol.
- (10) In this Part “the CMA” means the Competition and Markets Authority.

Commencement Information

- I1** S. 30(1)-(9) in force at 20.9.2021 by S.I. 2021/1062, reg. 2(a)
- I2** S. 30(10) in force at 31.12.2020 by S.I. 2020/1621, reg. 2(d)

31 Objective and general functions

- (1) In carrying out its functions under this Part the CMA must have regard to the objective in subsection (2).
- (2) The objective is to support, through the application of economic and other technical expertise, the effective operation of the internal market in the United Kingdom (with particular reference to the purposes of Parts 1, 2 and 3).
- (3) That objective includes, in particular, supporting the operation of the internal market—
 - (a) in the interests of all parts of the United Kingdom, and
 - (b) in the interests of consumers of goods and services as well as other classes of person with an interest in its operation.
- (4) The CMA must also, in carrying out its functions under this Part, have regard to the need to act even-handedly as respects the relevant national authorities.
- (5) The following do not apply in relation to the carrying out of the CMA's functions under this Part—
 - (a) section 25(3) of the Enterprise and Regulatory Reform Act 2013 (duty to seek to promote competition), and

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- (b) sections 6(1)(b) (function of giving information or advice to the public) and 7 (provision of information and advice to Ministers etc) of the Enterprise Act 2002.
- (6) The CMA may give information or advice to the Secretary of State on matters relating to any of its functions under this Part.

Commencement Information

I3 [S. 31](#) in force at 20.9.2021 by [S.I. 2021/1062](#), [reg. 2\(b\)](#)

32 Office for the Internal Market panel and task groups

- (1) The CMA may authorise an Office for the Internal Market task group constituted under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 to do anything required or authorised to be done by the CMA under this Part (and such an authorisation may include authorisation to exercise the power conferred on the CMA by this subsection).
- (2) Schedule 3 contains provision about the Office for the Internal Market panel and Office for the Internal Market task groups.

Commencement Information

I4 [S. 32](#) in force at 31.12.2020 by [S.I. 2020/1621](#), [reg. 2\(e\)](#)

Changes to legislation:

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