

## SCHEDULE 2

### Amendments to other enactments

- 3.**—(1) The Electricity Act 1989<sup>(1)</sup> is amended as follows.
- (2) In section 43 (functions with respect to competition)—
- (a) for subsection (3) there is substituted—
- “**(3)** The Authority shall be entitled to exercise, concurrently with the Office of Fair Trading, the functions of the Office of Fair Trading under the provisions of Part 1 of the Competition Act 1998 (other than sections 31D(1) to (6), 38(1) to (6) and 51), so far as relating to—
- (a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act,
- (b) conduct of the kind mentioned in section 18(1) of that Act,
- (c) agreements, decisions or concerted practices of the kind mentioned in Article 81(1) of the treaty establishing the European Community, or
- (d) conduct which amounts to abuse of the kind mentioned in Article 82 of the treaty establishing the European Community,
- which relate to commercial activities connected with the generation, transmission or supply of electricity.”;
- (b) in subsection (3A), for the words “except in sections 38(1) to (6)” there is substituted “except in sections 31D(1) to (6), 38(1) to (6)”;
- (c) in subsection (6)(b), for the words “other than sections 38(1) to (6)” there is substituted “other than sections 31D(1) to (6), 38(1) to (6)”.

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<sup>(1)</sup> 1989 c. 29.