

SCHEDULE

TRANSITIONAL PROVISIONS AND SAVINGS: THE COMPETITION AND MARKETS AUTHORITY AND COMPETITION REFORM

Markets

Public interest interventions

9.—(1) The amendments made by section 35 of, and Schedule 10 to, the Act (public interest interventions in markets investigations) do not apply in relation to—

- (a) any reference made under section 131 or 132 of the 2002 Act before the commencement date, or
- (b) any case where the OFT has published a notice of a proposed undertaking in lieu under section 155(1) or (4) of the 2002 Act⁽¹⁾ before the commencement date.

(2) In their application to cases where the OFT has publicly launched a market study before the commencement date but sub-paragraph (1) does not apply, sections 139 to 140A of the 2002 Act have effect as if—

- (a) section 139(A1) provided for section 139 to apply where the OFT has publicly launched a market study in relation to a matter,
- (b) the permitted period for the purposes of section 139(1) were the period beginning with the public launch of the market study and ending with—
 - (i) the acceptance by the CMA of an undertaking under section 154 instead of the making of a reference under section 131 in relation to the matter,
 - (ii) the publication of notice of the fact that the CMA has otherwise decided not to make such a reference in relation to the matter, or
 - (iii) the making of such a reference in relation to the matter,
- (c) section 140(1)(a) and (b) required an intervention notice under section 139(1) to state—
 - (i) the matter to which the publicly launched market study relates, and
 - (ii) the date of the public launch,
- (d) the references in section 140(4B)(b) and 140A(1) to preparing a market study report in relation to a matter within the period permitted by section 131B(4) were references to preparing a report on the market study concerned in relation to a matter,
- (e) sections 140(4C) and (5)(zc) and 140A(2), (3)(c) and (11) were omitted,
- (f) in section 140(6)(a) the word ““(zc),” were omitted,
- (g) the reference in section 140A(1)(b) to the CMA being required to publish the report were a reference to the CMA publishing the report on the market study concerned,
- (h) section 140A(3)(b) required the CMA not to publish the report but to give it to the Secretary of State, and
- (i) the reference in section 140A(10) to the market study report were a reference to the report.

(1) Section 155 was amended by paragraph 188 of Schedule 5 and paragraph 23 of Schedule 10 to the Enterprise and Regulatory Reform Act 2013.