



House of Commons

NOTICES OF AMENDMENTS

given on

Tuesday 26 June 2012

For other Amendment(s) see the following page(s):
Enterprise and Regulatory Reform Bill Committee 30-36

PUBLIC BILL COMMITTEE

ENTERPRISE AND REGULATORY REFORM BILL

Norman Lamb

- 21
- Schedule 5, page 79, line 39, leave out paragraph 32 and insert—
- ‘32 (1) Section 52 (advice and information) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “the Director” substitute “The CMA”.
- (3) In subsection (1A), for the words from the beginning to “the OFT” substitute “The CMA”.
- (4) In subsections (2) to (6) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.’.

Norman Lamb

- 22
- Schedule 5, page 81, line 29, at end insert—
- ‘ In Schedule 2 (exclusions: other competition scrutiny), in Part 3, in paragraph 5(3)(a), for “Director” substitute “CMA”.’.

Norman Lamb

- 23
- Schedule 5, page 87, leave out line 28.

Norman Lamb

- 24
- Schedule 5, page 89, line 12, at end insert—
- ‘() after “(6)” insert “—
- (a) ”.’.

Enterprise and Regulatory Reform Bill, *continued*

- Norman Lamb 25
- Schedule 5, page 89, line 13, at end insert ‘, and
 () at the end insert “; and
 (b) for the purposes of section 34C, the group constituted in consequence of the reference under section 45 is to be treated as if it were constituted in consequence of a reference under section 22 or (as the case may be) 33.”.
- Norman Lamb 26
- Schedule 12, page 193, line 15, after ‘if’, insert ‘the CMA has accepted an undertaking or group of undertakings under section 154 and’.
- Norman Lamb 27
- Schedule 12, page 193, line 33, at end insert—
 ‘() In subsection (1), after paragraph (a) insert—
 “(aa) any decision not to make a reference under section 131 following a consultation in relation to the matter concerned under section 169;”.
- Norman Lamb 28
- Schedule 12, page 194, line 3, at end insert—
 ‘
 In section 179 (review of decisions under Part 4), in subsection (2), before paragraph (a) insert—
 “(za) does not include a decision whether to carry out functions under section 5 in a case where the CMA is, or would have been, required to publish a market study notice (see section 130A(1));”.
- Norman Lamb 29
- Schedule 11, page 184, line 42, after ‘140A(2)’, insert ‘(b)’.
- Norman Lamb 30
- Schedule 11, page 184, line 46, after ‘140A(2)’, insert ‘(b)’.
- Norman Lamb 31
- Clause 27, page 21, line 24, after ‘where’, insert ‘—
 (a) ’.
- Norman Lamb 32
- Clause 27, page 21, line 25, at end insert ‘; or
 (b) the CMA has begun the process of consultation under section 169 in respect of a decision of the kind mentioned in subsection (6)(a)(i) of that section.’.

Enterprise and Regulatory Reform Bill, *continued*

Norman Lamb

33

Clause 27, page 21, line 30, after ‘permitted period’, insert ‘, in a case to which this section applies by virtue of paragraph (a) of subsection (A1),’.

Norman Lamb

34

Clause 27, page 21, line 42, after ‘period.’ insert—

‘(1B) For the purposes of subsection (1), the permitted period, in a case to which this section applies by virtue of paragraph (b) of subsection (A1), is the period beginning with the date on which the CMA begins the process of consultation concerned and ending with—

- (a) 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 concerned;
- (b) 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
- (c) the making of such a reference in relation to the matter.’.

Norman Lamb

35

Clause 27, page 22, line 28, leave out ‘In subsection (1A)(a), the’ and insert ‘In this section, a’.

Norman Lamb

36

Clause 27, page 22, line 33, leave out ‘subsection (1A)(a)’ and insert ‘this section’.

Norman Lamb

37

Clause 27, page 22, line 44, at end insert—

‘(1A) This section also applies where—

- (a) the CMA has conducted a consultation under section 169 in respect of a decision of the kind mentioned in subsection (6)(a)(i) of that section;
- (b) the CMA has decided that it should make an ordinary reference or a cross-market reference in relation to the matter concerned under section 131; and
- (c) an intervention notice under section 139(1) is in force in relation to the matter at the time when the CMA makes that decision.’.

Norman Lamb

38

Clause 27, page 23, leave out lines 3 to 6 and insert—

‘(b) in a case falling within subsection (1), shall not publish the market study report under section 131B(4) and shall instead, within the period mentioned in section 131B(4), give the report to the Secretary of State; and

- (c) in a case falling within subsection (1A), shall give to the Secretary of State a document containing—
 - (i) its decision and the reasons for its decision; and
 - (ii) such information as the CMA considers appropriate for facilitating a proper understanding of the reasons for its decision.’.

Enterprise and Regulatory Reform Bill, *continued*

- Norman Lamb 39
 Clause 27, page 23, line 13, leave out ‘contained in the market study report concerned’.
- Norman Lamb 40
 Clause 27, page 23, line 20, leave out ‘section 131B’ and insert ‘this Part’.
- Norman Lamb 41
 Clause 27, page 23, line 23, leave out ‘contained in the market study report’.
- Norman Lamb 42
 Clause 27, page 23, line 37, leave out ‘market study report concerned contains the decision of the CMA’ and insert ‘decision of the CMA was’.
- Norman Lamb 43
 Clause 27, page 23, line 40, leave out ‘report contains the decision of the CMA’ and insert ‘decision of the CMA was’.
- Norman Lamb 44
 Clause 27, page 23, line 43, at beginning insert ‘In a case falling within subsection (1),’.
- Norman Lamb 45
 Clause 27, page 23, line 45, at end insert—
 ‘() In a case falling within subsection (1A), the Secretary of State shall publish the document given to the Secretary of State by the CMA under subsection (2)(c), at the same time as the Secretary of State makes a reference under this section.’.
- Norman Lamb 46
 Schedule 10, page 172, line 8, after ‘notice’, insert ‘or (as the case may be) the consultation under section 169’.
- Norman Lamb 47
 Schedule 10, page 172, line 10, after ‘notice’, insert ‘or (as the case may be) on which the process of consultation began’.
- Norman Lamb 48
 Schedule 10, page 172, line 38, after 140A(2)’ insert ‘(b)’.
- Norman Lamb 49
 Schedule 10, page 172, line 41, at end insert—
 ‘(4BA) Subsection (4C) also applies in a case where—

Enterprise and Regulatory Reform Bill, *continued*

- (a) an intervention notice ceases to be in force in accordance with subsection (4A); and
- (b) the CMA has, before the time at which the notice ceases to be in force—
 - (i) decided that it should make an ordinary reference or a cross-market reference under section 131 in relation to the matter concerned; and
 - (ii) given a document containing its decision, the reasons for it and such information as the CMA considers appropriate for facilitating a proper understanding of the reasons for its decision to the Secretary of State in accordance with section 140A(2)(c).’.

Norman Lamb		50
	Schedule 10, page 172, line 47, leave out ‘section 131B’ and insert ‘this Part’.	
Norman Lamb		51
	Schedule 10, page 178, line 22, leave out ‘section 131B’ and insert ‘this Part’.	
Norman Lamb		52
	Schedule 10, page 179, line 33, leave out ‘section 131B’ and insert ‘this Part’.	
Norman Lamb		53
	Schedule 10, page 179, line 38, leave out ‘section 131B’ and insert ‘this Part’.	
Norman Lamb		54
	Schedule 10, page 181, line 9, at end insert— ‘() In subsection (7), omit “or (2)(d)”.’.	
Norman Lamb		55
	Schedule 15, page 203, line 29, leave out paragraph (a) and insert— ‘(a) omit “to the Competition Commission” (in each place where it occurs), and’.	
