

Draft Order laid before Parliament under section 109(5) of the Deregulation Act 2015 (c. 20), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No. ****

REGULATORY REFORM

The Economic Growth (Regulatory Functions) (Amendment) Order 2024

Made - - - -

Coming into force in accordance with article 1(1)

The Secretary of State makes this Order in exercise of the powers conferred by section 109(1) of the Deregulation Act 2015(1).

In accordance with section 109(2) of that Act the Secretary of State has consulted the persons whose functions are specified in this Order and such other persons as the Secretary of State considered appropriate.

In accordance with section 109(5) of that Act a draft of this instrument has been laid before Parliament and approved by a resolution of each House.

Citation, commencement and extent

1.—(1) This Order may be cited as the Economic Growth (Regulatory Functions) (Amendment) Order 2024 and comes into force on the 21st day after the day on which it is made.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

Amendment of the Economic Growth (Regulatory Functions) Order 2017

2.—(1) The Economic Growth (Regulatory Functions) Order 2017(2) is amended as follows.

(2) After Article 2 insert—

(1) 2015 c. 20, as amended by section 71(4) of the Wales Act 2017 (c. 4); there are other amendments not relevant to this Order.
(2) S.I. 2017/267, as amended by S.I. 2019/1027.

“Sunset in relation to Part 1 of the Schedule: certain functions of the Office of Communications

3. In Part 1 of the Schedule, in relation to the Office of Communications⁽³⁾, the words “any regulatory function which is an online safety function within the meaning of section 235 of the Online Safety Act 2023⁽⁴⁾” cease to have effect from the end of 5th April 2026.”

(3) In Part 1 of the Schedule—

(a) after “Gangmasters and Labour Abuse Authority” insert—

“Gas and Electricity Markets Authority⁽⁵⁾ other than any regulatory function which is exercisable concurrently with the Competition and Markets Authority⁽⁶⁾ by virtue of—

- section 36A of the Gas Act 1986⁽⁷⁾
- section 43 of the Electricity Act 1989⁽⁸⁾

(b) after “Office for Students” insert—

“Office of Communications other than any regulatory function—

- under Part 3 of the Enterprise Act 2002⁽⁹⁾
- which is exercisable concurrently with the Competition and Markets Authority by virtue of section 370 or 371 of the Communications Act 2003⁽¹⁰⁾
- which is an online safety function within the meaning of section 235 of the Online Safety Act 2023”;

(c) at the end insert—

“Water Services Regulation Authority⁽¹¹⁾ other than any regulatory function which is exercisable concurrently with the Competition and Markets Authority by virtue of section 31 of the Water Industry Act 1991⁽¹²⁾

Name
Title
Department for Business and Trade

(3) See section 1 of the Office of Communications Act 2002 (c. 11).

(4) 2023 c. 50.

(5) See section 1 of the Utilities Act 2000 (c. 27).

(6) See section 25 of the Enterprise and Regulatory Reform Act 2013 (c. 24).

(7) 1986 c. 44; section 36A was inserted by paragraph 43 of Schedule 3 to the Gas Act 1995 (c. 45); relevant amending Acts and instruments are the Competition Act 1998 (c. 41), the Utilities Act 2000 (c. 27), the Enterprise Act 2002 (c. 40), S.I. 2004/1261, the Enterprise and Regulatory Reform Act 2013 (c. 24), S.I. 2014/892 and S.I. 2019/93.

(8) 1989 c. 29; relevant amending Acts and instruments are the Deregulation and Contracting Out Act 1994 (c. 40), the Competition Act 1998 (c. 41), the Enterprise Act 2002 (c. 40), the Energy Act 2004 (c. 20), S.I. 2004/1261, the Enterprise and Regulatory Reform Act 2013 (c. 24), S.I. 2014/892, S.I. 2019/93 and the Energy Act 2023 (c. 52).

(9) 2002 c. 40; relevant amending Acts are the Communications Act 2003 (c. 21) and the Enterprise and Regulatory Reform Act 2013 (c. 24).

(10) 2003 c. 21; section 370 has been amended by the Postal Services Act 2011 (c. 5) and S.I. 2014/892; section 371 has been amended by S.I. 2004/1261, the Postal Services Act 2011 (c. 5), the Enterprise and Regulatory Reform Act 2013 (c. 24), S.I. 2014/892 and S.I. 2019/93.

(11) See section 1A of the Water Industry Act 1991 (c. 56).

(12) 1991 c. 56; relevant amending Acts and instruments are the Deregulation and Contracting Out Act 1994 (c. 40), the Competition Act 1998 (c. 41), the Enterprise Act 2002 (c. 40), the Water Act 2003 (c. 37), S.I. 2004/1261, the Enterprise and Regulatory Reform Act 2013 (c. 24), S.I. 2014/892 and S.I. 2019/93.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 108 of the Deregulation Act 2015 (the “Act”) imposes a duty on any person exercising a regulatory function which is specified in an Order made by a Minister of the Crown under section 109 of the Act, to have regard to the desirability of promoting economic growth.

The term “regulatory function” is defined in section 111 of the Act.

This Order amends the Economic Growth (Regulatory Functions) Order 2017 (the “2017 Order”) which specifies the regulatory functions to which the duty in section 108 applies. This Order does that by amending Part 1 of the Schedule to the 2017 Order which specifies regulatory functions which are exercised by named regulators so as to include three additional named regulators: the Gas and Electricity Markets Authority, the Office of Communications and the Water Services Regulation Authority.

This Order excludes regulatory functions of those three additional named regulators relating to competition where those functions are concurrent with the competition functions of the Competition and Markets Authority.

In relation to the Office of Communications, this Order also excludes regulatory functions under Part 3 of the Enterprise Act 2002 (relating to relevant types of merger) and those which are online safety functions (as defined in the Online Safety Act 2023) for a time limited period until the end of 5th April 2026.

A full Impact Assessment of the effect that this instrument will have on costs to the private sector is available from the Department for Business and Trade at Old Admiralty Building, London SW1A 2PA and is published with an Explanatory Memorandum alongside the instrument on www.legislation.gov.uk. No, or no significant, impact on the voluntary or public sector is foreseen.