
STATUTORY INSTRUMENTS

2011 No. 2704

The Electricity and Gas (Internal Markets) Regulations 2011

PART 8

Enforcement

Enforcement provisions of the Gas Act 1986

- 37.—(1) Part 1 of the Gas Act 1986 (gas supply) ^{M1} is amended as follows.
- (2) In section 22 (effect of directions) ^{M2}—
- (a) in subsection (1)—
 - (i) omit “, 19B(11), 19D(11)”;
 - (ii) for the words from “and the obligation” to “are duties” substitute “ is a duty ”;
 - (b) in subsection (3) omit “or relevant duties”;
 - (c) omit subsection (5).
- (3) For the italic heading preceding section 28 ^{M3} substitute—

“Enforcement of obligations of regulated persons”.

- (4) In each of the following provisions, for “licence holder” wherever it occurs substitute “regulated person ”
- (a) section 28 (orders for securing compliance with certain provisions);
 - (b) section 29 (procedural requirements) ^{M4};
 - (c) section 30 (validity and effect of orders) ^{M5};
 - (d) section 30A (penalties) ^{M6};
 - (e) section 30C (time limits on the imposition of penalties) ^{M7};
 - (f) section 30E (appeals) ^{M8};
 - (g) section 30F (recovery of penalties) ^{M9};
 - (h) section 38(1) (power to require information etc) ^{M10}.
- (5) In section 28(8)—
- (a) after the definition of “provisional order” insert—

““regulated person” means a person who is one or more of the following—
 - (a) a licence holder;
 - (b) a distribution exemption holder;

- (c) a supply exemption holder;
- (d) the owner of a storage facility;
- (e) the owner of an LNG import or export facility;
- (f) a gas undertaking which is a relevant producer or supplier;”;
- (b) in the definition of “relevant condition”, for “his licence” substitute “ any licence held by that person ”;
- (c) in the definition of “relevant requirement”, for the words from “him” to the end of the definition substitute “ that person under a provision specified in Schedule 4B as a relevant provision in respect of that person ”.
- (6) After Schedule 4A (as inserted by regulation 41(7)) insert the Schedule set out in Schedule 3.

Marginal Citations

- M1** 1986 c. 44.
- M2** Section 22 was amended by regulation 2(2) of, and paragraph 2 of Schedule 2 to, S.I. 2000/1937. Another amendment has been made that is not relevant for these purposes.
- M3** Section 28 was amended by section 48(1) and (2) of the [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#); by section 10(1) of, and paragraph 27(1), (3) and (5) of Schedule 3 to, the [Gas Act 1995 \(c. 45\)](#); by sections 3(2), 77(2), 95(2)(b), 96(1), (2), (3) and (5) and 108 of, and paragraphs 1 and 12 of Part 1 of Schedule 6 to, and Schedule 8 to, the [Utilities Act 2000 \(c. 27\)](#); by sections 25(8), 45(4), 52(1) and 63(1) of, paragraph 1 of Schedule 2 to, paragraph 1(1) and (2) of Schedule 5 to, and paragraphs 4 and 6 of Schedule 7 to, the [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#); and by section 35 of, and paragraphs 1 and 2(1) of the Schedule to, the [Energy Act 2010 \(c. 27\)](#). Other amendments have been made that are not relevant for these purposes.
- M4** Section 29 was amended by section 10(1) of, and paragraph 28 of Schedule 3 to, the [Gas Act 1995 \(c. 45\)](#) and by sections 3(2) and 96(1) and (6) of the [Utilities Act 2000 \(c. 27\)](#).
- M5** Section 30 was amended by section 10(1) of, and paragraph 29 of Schedule 3 to, the [Gas Act 1995 \(c. 45\)](#) and by sections 95(3) and 108 of, and Schedule 8 to, the [Utilities Act 2000 \(c. 27\)](#). Another amendment has been made that is not relevant for these purposes.
- M6** Section 30A was inserted by section 95(1) of the [Utilities Act 2000 \(c. 27\)](#).
- M7** Section 30C was inserted by section 95(1) of the Utilities Act 2000 and subsequently amended by section 24(1) of the [Energy Act 2010 \(c. 27\)](#).
- M8** Section 30E was inserted by section 95(1) of the [Utilities Act 2000 \(c. 27\)](#).
- M9** Section 30F was inserted by section 95(1) of the [Utilities Act 2000 \(c. 27\)](#).
- M10** Section 38(1) was amended by section 10(1) of, and paragraph 46(1) of Schedule 3 to, and Schedule 6 to, the [Gas Act 1995 \(c. 45\)](#) and by section 95(5) of the [Utilities Act 2000 \(c. 27\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Electricity and Gas (Internal Markets) Regulations 2011, Section 37.