

EXPLANATORY MEMORANDUM TO
THE GAS ACT 1986 (EXEMPTIONS) (REVOCATIONS) ORDER 2014

2014 No. 528

1. This explanatory memorandum has been prepared by the Department of Energy and Climate Change and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This instrument revokes a series of Orders specifying a number of exemptions from the requirement under section 5 of the Gas Act 1986 to hold a licence for the transportation, supply and shipping of gas. The exemptions granted were time limited and most expired on 1st March 2011, bar the exemptions under one Order which expired on 30th November 1996. The Orders are spent and can be revoked.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 The Orders being revoked are spent.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to Great Britain.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - What is being done and why
 - 7.1 This Order is made as a result of the government's 'Red Tape Challenge' programme which sought the views of businesses and the public on the removal and reform of areas of regulation. DECC holds primary responsibility for the 'Red Tape Challenge Energy Theme' under which these revocations are being delivered.
 - 7.2 As the exemptions granted by the Orders being revoked have all expired, the Orders are no longer necessary and can be revoked.

- Consolidation

7.3 None.

8. Consultation outcome

8.1 As part of the Red Tape Challenge, every few weeks regulation affecting a specific sector or industry (as well as that of general regulation that cuts across sectors) is published by the Cabinet Office online (at this web address: <http://www.redtapechallenge.cabinetoffice.gov.uk/home/index/>) for the public and stakeholders to suggest how they can be 'scrapped' or 'improved'. The department also ran an internal challenge process to identify measures which could be removed or reformed, which identified the Orders being revoked.

8.2 As required under the enabling power, the Secretary of State gave notice stating that he proposed to make an Order and setting out the proposed terms, stating the reasons why he proposed to make the Order in the terms proposed and specifying the time within which representations with respect to the proposals could be made. A copy of the notice was served on the Gas and Electricity Markets Authority (being the governing body of Ofgem) and Consumer Futures (being the operating name of the New National Consumer Council, created by the merger of the National Consumer Council with several other bodies). The notice was also published on the Department's website.

8.3 One response was received which agreed to the proposals. The response also highlighted that smaller organisations, such as those mentioned in Schedule 3 to the Gas Act 1986 (Exemptions) (No.2) Order 1996, S.I. 1996/471, may not recognise the significance of the expiry and/or revocation of the Orders. This point was noted but following due consideration no further action was deemed to be necessary because the exemptions themselves expired some time ago and the revocation of the Orders makes no substantive difference to organisations' obligations under the Gas Act.

9. Guidance

9.1 No guidance has been produced concerning this instrument.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 No monitoring is required.

13. Contact

Saleha Dani at the Department of Energy and Climate Change Tel: 0300 068 5195 or email: saleha.dani@decc.gsi.gov.uk can answer any queries regarding the instrument.