
STATUTORY INSTRUMENTS

2015 No. 16

**The Enterprise and Regulatory Reform Act 2013
(Amendment) (Gas and Electricity Appeals) Regulations 2015**

Transitional and saving provisions in relation to references to the CMA under the Electricity (Northern Ireland) Order 1992 and membership of CMA groups

3.—(1) The following provisions apply notwithstanding any amendment of any provision of the 2013 Act made by these Regulations.

(2) Paragraphs (3) to (5) apply where the Authority has made a reference under Article 15 of the Electricity Order which is in progress immediately before the operative date.

(3) Any persons who are, immediately before the operative date, members of a group constituted under Schedule 4 to the 2013 Act for the purpose of carrying out functions of the CMA in relation to the reference mentioned in paragraph (2) are to continue as members of the group on and after the operative date for the purpose of carrying out those functions.

(4) Any persons who are, immediately before the operative date, members of the CMA panel appointed for the purpose set out in paragraph 35(1)(e) of the 2013 Act are to continue as members of the CMA panel for the purpose of being available for selection as members of a group constituted to carry out functions of the CMA in relation to the reference mentioned in paragraph (2).

(5) The provisions of paragraphs 51 to 53 of Schedule 4 to the 2013 Act are to apply in respect of a group constituted under Schedule 4 to the 2013 Act for the purpose of carrying out functions of the CMA in relation to the reference mentioned in paragraph (2) as though that group were a special reference group.

(6) For the purposes of this regulation, a reference made by the Authority under Article 15 of the Electricity Order is in progress immediately before the operative date if the Authority made the reference before that date but—

- (a) the CMA has not made a report on the reference before that date; or
- (b) the CMA has made a report on the reference before the operative date but Article 17 of that Order applies to the report and, as at that date, any action which the CMA is required or permitted to take under Article 17A of that Order in connection with the reference has not yet been taken⁽¹⁾.

(1) Articles 17 and 17A of the Electricity (Northern Ireland) Order 1992 are being revoked by regulation 4(2) of the Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015 but saved by regulation 6 of those Regulations for references to the Competition and Markets Authority made before 6th February 2015.