
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Electricity and Gas (Powers to Make Subordinate Legislation) (Amendment) (EU Exit) Regulations 2018

PART 2

Amendments to retained direct EU legislation

CHAPTER 2

Amendment of the Gas Regulation

Insertion of new Articles 28A and 28B: regulations: consultation and procedure

14. After Article 28 insert—

“Article 28A

Regulations made by the Secretary of State: consultation and procedure

1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
2. Before the Secretary of State makes regulations under Article 6 which apply to Northern Ireland, the Secretary of State must consult the Northern Ireland department.
3. Before the Secretary of State makes regulations under Article 7 or Article 23 which apply to Great Britain, the Secretary of State must consult—
 - (a) the Gas and Electricity Markets Authority;
 - (b) persons who are certified, within the meaning given in section 8Q of the Gas Act 1986⁽¹⁾; and
 - (c) such other persons as the Secretary of State considers appropriate.
4. Before the Secretary of State makes regulations under Article 7 or Article 23 which apply to Northern Ireland, the Secretary of State must consult—
 - (a) the Northern Ireland department;
 - (b) the Northern Ireland Authority for Utility Regulation;
 - (c) persons who are certified, within the meaning given in Article 8L of the Gas (Northern Ireland) Order 1996⁽²⁾; and
 - (d) such other persons as the Secretary of State considers appropriate.

(1) 1986 c. 44. Section 8Q was inserted by S.I. 2011/2704.

(2) S.I. 1996/275 (N.I. 2). Article 8L was inserted by S.R. 2011 No. 155.

5. A statutory instrument containing regulations by the Secretary of State may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

6. In this Article, “the Northern Ireland department” has the same meaning as in Article 6.

Article 28B

Regulations made by the Northern Ireland department: consultation and procedure

1. Any power to make regulations conferred on the Northern Ireland department by this Regulation is exercisable by statutory rule for the purpose of the Statutory Rules (Northern Ireland) Order 1979.

2. Before the Northern Ireland department makes regulations under Article 7 or Article 23, it must consult—

- (a) the Northern Ireland Authority for Utility Regulation;
- (b) persons who are certified, within the meaning given in Article 8L of the Gas (Northern Ireland) Order 1996; and
- (c) such other persons as it considers appropriate.

3. Regulations may not be made by the Northern Ireland department under this Regulation unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

4. In this Article, “the Northern Ireland department” has the same meaning as in Article 6.”.