
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 1

Amendment of the Electricity Regulation

Insertion of new Articles 23A and 23B: regulations: consultation and procedure

8. After Article 23 insert—

“Article 23A

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 18 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 10O of the Electricity Act 1989⁽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 18 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 10L of the Electricity (Northern Ireland) Order 1992⁽²⁾; and
 - (d) such other persons as the Secretary of State considers appropriate.

(1) 1989 c. 29. Section 10O was inserted by S.I. 2011/2704.

(2) S.I. 1992/231 (N.I. 1). Article 10L 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 23B

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(3).

2. Before the Northern Ireland department makes regulations under Article 7 or Article 18, it must consult—

- (a) the Northern Ireland Authority for Utility Regulation;
- (b) persons who are certified, within the meaning given in Article 10L of the Electricity (Northern Ireland) Order 1992; 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.”.