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DRAFT STATUTORY INSTRUMENTS

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**2019 No. 0000**

**EXITING THE EUROPEAN UNION  
ENERGY**

The Electricity and Gas etc. (Amendment  
etc.) (EU Exit) Regulations 2019

*Made* - - - - - **\*\*\***

*Coming into force in accordance with regulation 1*

**THE ELECTRICITY AND GAS ETC. (AMENDMENT  
ETC.) (EU EXIT) REGULATIONS 2019**

PART 1

Preliminary

1. Citation, commencement and extent

PART 2

Amendment of primary legislation

2. Energy Act 1976
3. In section 3 (implementation of reserve powers), in subsection (1)(a),...
4. In section 18 (administration, enforcement and offences), in subsection (2)  
—...
5. (1) Schedule 2 (administration and other matters) is amended as...
6. Omit Schedule 3 (EU obligations of which breach is punishable...
7. Gas Act 1986
8. (1) Section 4AA (the principal objective and general duties of...
9. In section 4B (exceptions from sections 4AA to 4A), in...
10. (1) Section 4C (duty of the Gas and Electricity Markets...
11. (1) Section 4D (Gas and Electricity Markets Authority to consult...
12. In section 8D (application for certification), in subsection (3)—
13. (1) Section 8E (report where applicant connected with a country...
14. Notwithstanding the amendments of sections 8D and 8E of the...
15. (1) Section 8F (certification) is amended as set out in...
16. (1) Section 8G (grounds for certification) is amended as follows....
17. (1) Section 8J (designation for the purposes of EU gas...

18. (1) Section 8K (monitoring and review of certification) is amended...
19. (1) Section 8M (report as to any connection of certified...
20. (1) Notwithstanding the amendments of sections 8K and 8M of...
21. (1) Section 8N (continuation or withdrawal of certification) is amended...
22. In section 8Q (interpretation of sections 8C to 8Q), in...
23. (1) Section 8R (independence of storage facilities) is amended as...
24. In section 19A (application of section 19B to storage facilities),...
25. (1) Section 19AA (review and revocation of exemptions under section...
26. In section 19C (application of section 19D to LNG facilities),...
27. (1) Section 19CA (review and revocation of exemptions under section...
28. (1) Section 19D (acquisition of rights to use LNG facilities)...
29. (1) Section 19DZA (duty to allow others to use LNG...
30. In the italic heading preceding section 27B, for “Article 41...
31. (1) Section 27B (meaning of “Article 41 dispute”) is amended...
32. (1) Section 27C (determination of disputes) is amended as follows....
33. (1) Section 27D (time limit for determinations) is amended as...
34. (1) Section 34 (general functions of the Gas and Electricity...
35. (1) In section 48 (interpretation of Part 1 and savings),...
36. In Schedule 2AB (duties of supply exemption holders), in paragraph...
37. (1) Schedule 4B (provisions imposing obligations enforceable as relevant requirements)...
38. Electricity Act 1989
39. (1) Section 3A (the principal objective and general duties of...
40. In section 3D (exceptions from sections 3A to 3C), in...
41. (1) Section 3E (duty of the Gas and Electricity Markets...
42. (1) Section 3F (Gas and Electricity Markets Authority to consult...
43. In section 10B (application for certification), in subsection (3)—
44. (1) —Section 10C (report where applicant connected with a country...
45. Notwithstanding the amendments of sections 10B and 10C of the...
46. (1) Section 10D (certification) is amended as set out in...
47. (1) Section 10E (grounds for certification) is amended as follows....
48. (1) Section 10H (designation for the purposes of EU electricity...
49. (1) Section 10I (monitoring and review of certification) is amended...
50. (1) Section 10K (report as to any connection of certified...
51. (1) Notwithstanding the amendments of sections 10I and 10K of...
52. (1) Section 10L (continuation or withdrawal of certification) is amended...
53. In section 10O (interpretation of sections 10A to 10O), in...
54. In section 25 (orders for securing compliance), in subsection (8),...
55. In the italic heading preceding section 44B, for “Article 37...
56. (1) Section 44B (meaning of “Article 37 dispute”) is amended...
57. (1) Section 44C (determination of disputes) is amended as follows....
58. (1) Section 44D (time limit for determinations) is amended as...
59. In section 47 (general functions of the Gas and Electricity...
60. (1) In section 64 (interpretation of Part 1), subsection (1)...
61. In Schedule 2ZB (duties of supply exemption holders), in paragraph...
62. (1) Schedule 6A (provisions imposing obligations enforceable as relevant requirements)...
63. Utilities Act 2000
64. (1) Section 3A (designation of Gas and Electricity Markets Authority...
65. Omit section 5ZA (report on activities as designated regulatory authority)...
66. In section 33 (standard conditions of electricity licences), in subsection...
67. In section 81 (standard conditions of gas licences), in subsection...
68. (1) Section 105 (general restrictions on disclosure of information) is...

69. (1) Section 105A (restrictions on disclosure in respect of cross-border...
70. In section 106 (interpretation)— (a) omit the definition of “the...
71. In Schedule 1 (the Gas and Electricity Markets Authority), in...
72. Energy Act 2004
73. In section 137 (new standard conditions for transmission licences), in...
74. In section 146 (standard conditions for electricity interconnectors), in subsection...
75. In section 150 (standard conditions for gas interconnectors), in subsection...
76. In Schedule 21 (energy transfer schemes), in paragraph 4 (provision...
77. Consumers, Estate Agents and Redress Act 2007

### PART 3

#### Amendment of subordinate legislation: Great Britain

78. The Electricity Safety, Quality and Continuity Regulations 2002
79. The Electricity (Applications for Licences, Modifications of an Area and Extensions and Restrictions of Licences) Regulations 2010
80. The Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 2010
81. The Electricity and Gas (Internal Markets) Regulations 2011
82. The Energy Supply Company Administration Rules 2013
83. The Electricity Capacity Regulations 2014

### PART 4

#### Amendment of Northern Ireland legislation

84. The Electricity (Northern Ireland) Order 1992
85. In Article 9 (exemptions from Article 8), in paragraph (3)(aa)—...
86. In Article 10C (application for certification) in paragraph (4)—
87. (1) Article 10D (report where applicant connected with a country...
88. Notwithstanding the amendments of Articles 10C and 10D made by...
89. (1) Article 10E (certification) is amended as set out in...
90. (1) Article 10F (grounds for certification) is amended as follows...
91. (1) Article 10H (designation for the purposes of EU electricity...
92. (1) Article 10I (monitoring and review of certification) is amended...
93. (1) Article 10J (report as to connection of a certified...
94. (1) Article 10K (continuation or withdrawal of certification) is amended...
95. (1) Article 10L (interpretation) is amended as follows.
96. For Article 11A (compliance with Community obligations) substitute— Licences: further...
97. In Article 11AB (conditions on transmission and distribution licences relating...
98. For Article 11AC (licensing and energy efficiency) substitute— Licensing and...
99. (1) Article 11B (provision of additional capacity or energy efficiency...
100. (1) Article 31A (dispute resolution) is amended as follows.
101. (1) Article 39 (consent required for construction, etc., of generating...
102. In Article 40 (consent required for overhead lines), in paragraph...
103. In Article 50 (general functions of Authority), after paragraph (3B)...
104. The Gas (Northern Ireland) Order 1996
105. In Article 7 (exemptions from Article 6) in paragraph (4A),...
106. In Article 8 (licences authorising supply etc.) for paragraph (7B)...
107. In Article 8C (application for certification) for paragraph (2) substitute—...

- 108. (1) Article 8D (report where applicant connected with a country...
- 109. Notwithstanding the amendments of Articles 8C and 8D of the...
- 110. (1) Article 8E (certification) is amended as set out in...
- 111. (1) Article 8F (grounds for certification) is amended as follows....
- 112. (1) Article 8H (designation for the purposes of EU gas...
- 113. (1) Article 8I (monitoring and review of certification) is amended...
- 114. (1) Article 8J (report as to any connection of a...
- 115. (1) Article 8K (continuation or withdrawal of certification) is amended...
- 116. (1) Article 8L (interpretation) is amended as follows.
- 117. For Article 9A (limitation of rights under exclusive licences) substitute—...
- 118. For Article 10A (compliance with community obligations) substitute—  
Licences: further...
- 119. For Article 10AA (licensing and energy efficiency) substitute— Licensing  
and...
- 120. (1) Article 10B (exemption from requirement for system access) is...
- 121. (1) Article 27 (general functions) is amended as follows.
- 122. (1) Article 27A (dispute resolution) is amended as follows.
- 123. In Article 38A (requirements for major pipelines etc.), in paragraph...
- 124. (1) Article 39A (exemption from relevant requirements) is amended as...
- 125. (1) Article 39B (review of exemptions under Article 39A) is...
- 126. In Article 45 (directions restricting the use of certain information),...
- 127. The Energy (Northern Ireland) Order 2003
- 128. In Article 2 (interpretation), in paragraph (2)—
- 129. (1) Article 3A (designation of Authority as national regulatory authority...
- 130. Omit Article 6A.
- 131. (1) Article 6B (decisions of the Agency for the Cooperation...
- 132. In Article 7 (publication by Authority of advice and information...
- 133. In Article 8 (powers of Authority in relation to external...
- 134. (1) Article 8A (duty on the Authority to have regard...
- 135. (1) Article 12 (principal objective and general duties of the...
- 136. (1) Article 13 (exceptions from the general duties) is amended...
- 137. (1) Article 14 (principal objective and general duties of the...
- 138. In Article 15 (exceptions from the general duties), in paragraph...
- 139. (1) Article 38 (modification of licences: general provisions) is amended...
- 140. (1) In Article 45 (financial penalties), in paragraph (9)(b), for...
- 141. In Article 54B (amounts of electricity specified in certificates), in...
- 142. In Article 55F (interpretation of Articles 52 to 55F), in...
- 143. In Article 56 (power to amend Part VII), in paragraph...
- 144. In Article 62 (reasons for decisions), in paragraph (1)(g), for...
- 145. In Article 63 (general restrictions on disclosure of information), in...
- 146. The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007
- 147. The Electricity (Priority Dispatch) Regulations (Northern Ireland) 2012
- 148. In regulation 3 (existing transmission and distribution licences), omit  
“Article...
- 149. In regulation 5 (interpretation), in paragraph (1), omit the definition...

## PART 5

## Amendment of EU Regulations and Decisions

- 150. The Electricity Regulation
- 151. The Gas Regulation
- 152. Revocations and savings  
Signature

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#### SCHEDULE 1 — The Electricity Regulation

1. (1) Article 1 of the Electricity Regulation (subject-matter and scope)...
2. For Article 2 (definitions) substitute— Article 2 Definitions In this...
3. Omit Articles 3 to 5.
4. Omit Articles 8 to 13.
5. (1) Article 14 (charges for access to networks) is amended...
6. (1) Article 15 (provision of information) is amended as follows...
7. In Article 16 (general principles of congestion management), in paragraph...
8. (1) Article 17 (new interconnectors) is amended as follows.
9. (1) Article 19 (regulatory authorities) is amended as follows.
10. Omit Articles 20, 21 and 22.
11. Omit Article 24.
12. In Article 25 (repeal)— (a) omit the first sentence;
13. In the text after Article 26 omit “This Regulation shall...
14. (1) Annex I (guidelines on the management and allocation of...
15. In Annex II (correlation table), in the table omit the...

#### SCHEDULE 2 — The Gas Regulation

1. For Article 1 of the Gas Regulation (subject-matter and scope)...
2. For Article 2 (definitions) substitute— Article 2 Definitions In this...
3. Omit Articles 3 to 5.
4. Omit Articles 8 to 12.
5. (1) Article 13 (tariffs for access to networks) is amended...
6. In Article 14 (third-party access services concerning transmission system operators),...
7. (1) Article 16 (principles of capacity-allocation mechanisms and congestion-management procedures...
8. (1) Article 18 (transparency requirements concerning transmission system operators) is...
9. In Article 19 (transparency requirements concerning storage facilities and LNG...
10. In Article 20 (record keeping by system operators), for the...
11. In Article 21 (balancing rules and imbalance charges), for paragraph...
12. In Article 22 (trading of capacity rights), in the second...
13. (1) Article 24 (regulatory authorities) is amended as follows.
14. Omit Articles 25 to 27.
15. Omit Article 29.
16. For Article 30 (derogations and exemptions) substitute— Article 30A Derogations...
17. For the text of Article 31 (repeal) substitute— References made...
18. In the text after Article 32 omit “This Regulation shall...
19. (1) Annex I (guidelines) is amended as follows.
20. In Annex II, in the correlation table, omit the rows...

#### SCHEDULE 3 — EU Regulations and Decisions: Revocations

1. Council Regulation (EEC) No 625/83 of 15 March 1983 establishing...
2. Council Regulation (EEC) No 1890/84 of 26 June 1984 introducing...
3. Regulation (EC) No 663/2009 of the European Parliament and of...
4. Regulation (EC) No 713/2009 of the European Parliament and of...
5. Regulation (EU) No 1233/2010 of the European Parliament and of...

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 No. 530*

6. Commission Decision of 11 August 2011 establishing the composition and the...
7. Commission Decision of 15 November 2012 setting up the Electricity...
8. The TEN-E Regulation.
9. Commission Delegated Regulation (EU) No 1391/2013 of 14 October 2013...
10. Commission Delegated Regulation (EU) 2016/89 of 18 November 2015 amending...
11. Commission Decision of 9 March 2016 setting up a Commission...
12. Commission Delegated Regulation (EU) 2018/540 of 23 November 2017 amending...

#### SCHEDULE 4 — The TEN-E Regulation: Savings

1. Chapter III (permit granting and public participation) of, and Annex...
2. In paragraph 1, “an existing permit application” means an application...
3. In paragraph 2— “a relevant project” means— a project which,...
4. Where Chapter III of and Annex VI to the TEN-E...
5. Article 7 applies as if paragraphs 4 to 7, and...
6. Article 8 applies as if— (a) in paragraph 1, for...
7. Article 9 applies as if— (a) in paragraph 1—
8. Article 10 applies as if— (a) in paragraph 1—
9. Annex VI applies as if— (a) points (2) and (5)...

Explanatory Note