

# UTILITIES ACT 2000

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part VI: Miscellaneous and Supplementary

##### *Sections 103 - 105: Miscellaneous*

163. *Section 104: Specialist members of the Competition Commission.* This section provides for the abolition of the Competition Commission's electricity panel and its replacement with a specialist gas and electricity panel. The Secretary of State will be responsible for appointing at least six specialist members of the Competition Commission for the purpose of the Commission's functions in relation to gas and electricity licence modification references or references relating to licensable activities. The chairman of the Commission will be obliged to select one or more of these specialist members to serve on any group carrying out such functions.
164. *Section 105: General restrictions on disclosure of information.* This section substantially reproduces, and replaces, the existing general restrictions (which differ in some respects from each other) on disclosure in section 42 of the 1986 Act, and section 57 of the 1989 Act. The new section provides that unauthorised disclosure of information obtained under the Act, or under Part I of the 1986 Act or Part I of the 1989 Act, is a criminal offence. It includes a number of exceptions, where disclosure is permitted. Generally these exceptions are for disclosures from one regulatory authority to another for the purpose of facilitating the performance of the other authority's statutory functions.

##### *Sections 106 – 110 and Schedules 6 - 8: Supplementary*

165. *Section 107* makes provision for Parliament to fund expenditure resulting from changes introduced by the Act. *Section 108 and Schedules 6, 7 (see below) and 8* deal with consequential amendments, transitional provisions, savings and repeals. *Section 109* gives the Secretary of State the power to make any necessary transitional provisions and savings.
166. *Schedule 7: Transitional provisions and savings.* **Part 1** of schedule 7 provides a mechanism to facilitate the legal separation of electricity supply and distribution, by enabling suppliers to make schemes to transfer their property, rights and liabilities to new nominated companies. Such transfer schemes are subject to the approval of the Secretary of State, who may modify them before giving approval.
167. The provision also has the effect of enabling the Scottish utility companies to use schemes to transfer their generation and transmission activities, as well as supply and distribution, into separate companies, in order to further the development of competition in the Scottish market.
168. Part II of the schedule provides for the Secretary of State to make licensing schemes in respect of gas and electricity licences. They are necessary in order to ensure the continuity of licensing for those holding licences granted under the 1986 Act and

*These notes refer to the Utilities Act 2000 (c.27)  
which received Royal Assent on 28th July 2000*

the 1989 Act at the time that this Act was passed. They also provide the vehicle by which the standard conditions of licences, which are to be determined and published by the Secretary of State under sections 33(1) (electricity) and 81(2) (gas), will be incorporated into such licences. Part III requires schemes to be made to determine the terms and conditions to be incorporated into contracts between the successors to the public electricity suppliers and customers formerly taking a tariff supply from the PESs. There are provisions for the Authority to make a scheme where the supplier fails to do so.

169. Part IV provides for other miscellaneous transitional provisions relating to the Authority and Council.