



# Utilities Act 2000

## 2000 CHAPTER 27

### PART I

#### NEW REGULATORY ARRANGEMENTS

#### 1 Gas and Electricity Markets Authority.

- (1) There shall be a body corporate to be known as the Gas and Electricity Markets Authority (in this Act referred to as “the Authority”) for the purpose of carrying out—
  - (a) functions transferred to the Authority from the Director General of Gas Supply and the Director General of Electricity Supply; and
  - (b) the other functions of the Authority under this Act.
- (2) The functions of the Authority are performed on behalf of the Crown.
- (3) The offices of Director General of Gas Supply and Director General of Electricity Supply are abolished.
- (4) Schedule 1 has effect with respect to the Authority.

#### Commencement Information

- II** [S. 1](#) wholly in force at 1.10.2001; [s. 1](#) not in force at Royal Assent see [s. 110\(2\)](#); [s. 1\(1\)\(2\)\(4\)](#) in force at 1.11.2000 by [S.I. 2000/2917](#), [art. 2](#); [s. 1\(3\)](#) in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

#### 2 Gas and Electricity Consumer Council.

- (1) There shall be a body corporate to be known as the Gas and Electricity Consumer Council (in this Act referred to as “the Council”) for the purpose of carrying out the functions of the Council under this Act.
- (2) The Council shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

**Status:** Point in time view as at 07/11/2000. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Utilities Act 2000, Part I is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) The Gas Consumers' Council established under section 2 of the <sup>M1</sup>Gas Act 1986 (in this Act referred to as "the 1986 Act") and the consumers' committees established under section 2 of the <sup>M2</sup>Electricity Act 1989 (in this Act referred to as "the 1989 Act") are abolished.
- (4) Schedule 2 has effect with respect to the Council.

#### Commencement Information

**I2** S. 2 wholly in force at 7.11.2000; s. 2 not in force at Royal Assent see s. 110(2); s. 2(1)(2)(4) in force at 1.11.2000 by S.I. 2000/2917, art. 2; s. 2(3) in force at 7.11.2000 by S.I. 2000/2974, art. 2, Sch.(subject to transitional provisions in arts. 3-12)

#### Marginal Citations

**M1** 1986 c. 44.  
**M2** 1989 c. 29.

### 3 Transfer to Authority and Council of functions, property etc.

- (1) The functions of the Director General of Gas Supply and the Director General of Electricity Supply ("the Directors") are transferred to the Authority.
- (2) Any enactment which—
  - (a) relates to a function of either of the Directors; and
  - (b) is in force immediately before the transfer by subsection (1) of that function, shall have effect after the transfer, so far as necessary for the purposes of or in consequence of the transfer, as if references to the Director were references to the Authority.
- (3) The Secretary of State may make one or more schemes ("transfer schemes") for the transfer of the property, rights and liabilities of the Directors to the Authority or to the Council.
- (4) A transfer scheme may provide for the transfer to the Council of rights and liabilities relating to persons employed in the civil service of the state.
- (5) On the day appointed by a transfer scheme, the property, rights and liabilities which are the subject of the scheme shall, by virtue of this subsection, be transferred in accordance with the provisions of the scheme.
- (6) The property, rights and liabilities of the Gas Consumers' Council (including rights and obligations in relation to contracts of employment) are, by virtue of this subsection, transferred to the Council.
- (7) Subsection (6) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (8) Schedule 3 has effect in relation to transfer schemes and transfers by any provision of this Act of functions, property, rights and liabilities to the Authority or Council.

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#### Commencement Information

- I3** S. 3 wholly in force at 20.12.2000; s. 3 not in force at Royal Assent see s. 110(2); s. 3(3)(4)(5)(8) in force at 1.11.2000 by [S.I. 2000/2917](#), [art. 2](#); s. 3(6)(7) in force at 7.11.2000 by [S.I. 2000/2974](#), [art. 2](#), [Sch.](#)(subject to transitional provisions in arts. 3-12); s. 3(1)(2) in force at 20.12.2000 by [S.I. 2000/3343](#), [art. 2](#), [Sch.](#)(subject to transitional provisions in arts. 3-15)

#### 4 Forward work programmes.

- (1) The Authority and the Council shall, before each financial year, each publish a document (the “forward work programme”) containing a general description of the projects, other than those comprising routine activities in the exercise of its functions, which it plans to undertake during the year.
- (2) That description must include the objectives of each project.
- (3) The forward work programme for any year shall also include an estimate of the overall expenditure which the Authority or the Council expects to incur during the year in the exercise of its functions.
- (4) Before publishing the forward work programme for any year, the Authority or the Council shall give notice—
  - (a) containing a draft of the forward work programme, and
  - (b) specifying the time within which representations or objections to the proposals contained in it may be made,and shall consider any representations or objections which are duly made and not withdrawn.
- (5) The notice under subsection (4) must be published by the Authority or the Council in such manner as it considers appropriate for the purpose of bringing the matters contained in it to the attention of persons likely to be affected by them.
- (6) The Authority must send a copy of any notice given by it under subsection (4) to the Council.
- (7) The Council must send a copy of any notice given by it under subsection (4) to the Authority and the Secretary of State.

#### Commencement Information

- I4** S. 4 wholly in force at 20.12.2000; s. 4 not in force at Royal Assent see s. 110(2); s. 4 in force at 7.11.2000 for certain purposes by [S.I. 2000/2974](#), [art. 2](#), [Sch.](#)(subject to transitional provisions in arts. 3-12); s. 4 in force at 20.12.2000 for all remaining purposes by [S.I. 2000/3343](#), [art. 2](#), [Sch.](#)(subject to transitional provisions in arts. 3-15)

VALID FROM 20/12/2000

#### 5 Annual and other reports of Authority.

- (1) The Authority shall, as soon as practicable after the end of each financial year, make to the Secretary of State a report (the “annual report” for that year) on—

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- (a) its activities during that year, and
  - (b) the activities of the Competition Commission during that year in respect of any references made by the Authority.
- (2) The annual report for each year shall include—
- (a) a general survey of developments in respect of matters falling within the scope of the Authority's functions, including in particular developments in competition between persons engaged in, or in commercial activities connected with—
    - (i) the shipping, transportation or supply of gas conveyed through pipes; or
    - (ii) the generation, transmission, distribution or supply of electricity;
  - (b) a report on the progress of the projects described in the forward work programme for that year;
  - (c) a summary of final and provisional orders made and penalties imposed by the Authority during the year; and
  - (d) a report on such other matters as the Secretary of State may from time to time require.
- (3) The annual report for each year shall set out any general directions given by the Secretary of State under section 34(3) of the 1986 Act or section 47(2) of the 1989 Act.
- (4) The Secretary of State shall consult the Authority before exercising the power under subsection (2)(d) in relation to any matter.
- (5) The Secretary of State shall—
- (a) lay a copy of each annual report before each House of Parliament; and
  - (b) arrange for the report to be published in such manner as he considers appropriate.
- (6) The Authority may also prepare other reports with respect to any matter falling within the scope of its functions and may arrange for any such report to be published in such manner as it considers appropriate.
- (7) The Authority shall send a copy of each annual or other report published under this section to the Council.
- (8) In making or preparing any report under this section the Authority shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where publication of that matter would or might, in the opinion of the Authority, seriously and prejudicially affect the interests of that individual or body.
- (9) Section 125(1) of the <sup>M3</sup>Fair Trading Act 1973 (annual and other reports) does not apply to activities of the Competition Commission on which the Authority is required to report under this section.
- (10) Section 39 of the 1986 Act (annual and other reports of the Director General of Gas Supply) and section 50 of the 1989 Act (annual and other reports of the Director General of Electricity Supply) shall cease to have effect.

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**Modifications etc. (not altering text)**

**C1** S. 5(2)(a) modified (19.12.2000) by [S.I. 2000/3343](#), [art. 3](#)

**Commencement Information**

**I5** S. 5 wholly in force at 1.10.2000; s. 5 not in force at Royal Assent see s. 110(2); s. 5(1)-(9) in force at 20.12.2000 by [S.I. 2000/3376](#), [art. 2](#), [Sch.](#); s. 5(10) in force at 20.12.2000 save in respect of Sch. 7 para. 29 by [S.I. 2000/3376](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-15](#)); s. 5(10) in force for all remaining purposes at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

**Marginal Citations**

**M3** 1973 c. 41.

VALID FROM 20/12/2000

**6 Publication of advice and information about consumer matters.**

(1) For section 35 of the 1986 Act (publication by Director of information and advice) there is substituted—

**“35 Publication of advice and information about consumer matters.**

- (1) If it appears to the Authority that the publication of any advice and information would promote the interests of consumers in relation to gas conveyed through pipes, the Authority may publish that advice or information in such manner as it thinks fit.
- (2) In publishing advice or information under this section the Authority shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where publication of that matter would or might, in the opinion of the Authority, seriously and prejudicially affect the interests of that individual or body.
- (3) Before deciding to publish under this section any advice or information relating to a particular individual or body of persons the Authority shall consult that individual or body.
- (4) In this section “consumers” includes both existing and future consumers.”

(2) For subsections (1) and (2) of section 48 of the 1989 Act (publication by Director of information and advice) there is substituted—

- “(1) If it appears to the Authority that the publication of any advice and information would promote the interests of consumers in relation to electricity conveyed by distribution systems, the Authority may publish that advice or information in such manner as it thinks fit.
- (2) In publishing advice or information under this section the Authority shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where publication of that matter would or

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might, in the opinion of the Authority, seriously and prejudicially affect the interests of that individual or body.

(2A) Before deciding to publish under this section any advice or information relating to a particular individual or body of persons the Authority shall consult that individual or body.”

(3) After subsection (3) of that section there is inserted—

“(4) In this section “consumers” includes both existing and future consumers.”

#### Commencement Information

**I6** S. 6 wholly in force at 20.12.2000, see s. 102(2)(3) and S.I. 2000/3343, art. 2, Sch. (subject to arts. 3-15)

VALID FROM 20/12/2000

### 7 Co-operation between Authority and Council.

- (1) The Authority and the Council shall make arrangements with a view to securing—
  - (a) co-operation and the exchange of information between them; and
  - (b) consistent treatment of matters which affect both of them.
- (2) As soon as practicable after agreement is reached on those arrangements, the Authority and the Council shall prepare a memorandum setting them out and send a copy of it to the Secretary of State.
- (3) Arrangements under this section shall be kept under review by the Authority and the Council.
- (4) As soon as practicable after agreement is reached on any changes to those arrangements, the Authority and the Council shall revise their memorandum and send a copy of the revised memorandum to the Secretary of State.
- (5) The Secretary of State shall lay a copy of any document received by him under this section before each House of Parliament.

#### Commencement Information

**I7** S. 7 wholly in force at 20.12.2000, see s. 102(2)(3) and S.I. 2000/3343, art. 2, Sch. (subject to arts. 3-15)

VALID FROM 20/12/2000

### 8 Payments by licence holders relating to new arrangements.

- (1) In this section “payment conditions” means—

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- (a) in relation to a gas licence, conditions included in the licence by virtue of section 7B(4)(c) of the 1986 Act; or
  - (b) in relation to an electricity licence, conditions included in the licence by virtue of section 7(1)(b) of the 1989 Act.
- (2) The payment conditions of a gas licence or an electricity licence may (without prejudice to the generality of the provisions mentioned in subsection (1)) require the payment by the licence holder of sums relating to any of the expenses mentioned in subsection (3).
- (3) Those expenses are—
  - (a) the expenses of the Council; and
  - (b) the expenses of the Secretary of State in relation to the establishment of the Authority and the Council.
- (4) The Authority may, in accordance with this section, modify any payment conditions of a gas licence or an electricity licence where the Authority considers it necessary or expedient to do so in consequence of, or of preparations for—
  - (a) the establishment of the Authority or the Council; or
  - (b) the abolition of any office or body mentioned in section 1(3) or 2(3).
- (5) Where the Authority modifies any payment conditions of a licence under subsection (4) it may make such incidental or consequential modifications as it considers necessary or expedient of the other conditions of the licence.
- (6) Before modifying the conditions of a licence under subsection (4) or (5) the Authority shall consult the licence holder.
- (7) Any consultation undertaken by the Director General of Gas Supply, the Director General of Electricity Supply or the Secretary of State before the commencement of subsection (6) shall be as effective for the purposes of that subsection as if undertaken by the Authority after that time.
- (8) The powers of the Authority under subsections (4) and (5) may not be exercised after the end of the period of two years beginning with the commencement of this section.
- (9) The Secretary of State may give directions to the Authority for the purpose of securing that sums relating to any of the expenses mentioned in subsection (3) are included in the sums payable by virtue of payment conditions in gas licences and electricity licences; and the Authority shall comply with any such direction.

#### Commencement Information

- 18** S. 8 wholly in force at 20.12.2000, see s. 102(2)(3) and [S.I. 2000/3343](#), art. 2, [Sch.](#) (subject to [arts. 3-15](#))

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