



# 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](#))

#### **<sup>F12</sup> Gas and Electricity Consumer Council.**

.....

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#### Textual Amendments

- F1** S. 2 repealed (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 8](#); [S.I. 2008/2550](#), art. 2, Sch.

### 3 Transfer to Authority <sup>F2</sup>... 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—
- relates to a function of either of the Directors; and
  - 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 <sup>F3</sup>....
- <sup>F4</sup>(4) .....
- (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.
- <sup>F5</sup>(6) .....
- (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 <sup>F6</sup>....

#### Textual Amendments

- F2** Words in s. 3 heading omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), [Sch. 1 para. 8\(2\)\(a\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F3** Words in s. 3(3) omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), [Sch. 1 para. 8\(2\)\(b\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F4** S. 3(4) omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), [Sch. 1 para. 8\(2\)\(c\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F5** S. 3(6) repealed (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 8](#); [S.I. 2008/2550](#), art. 2, Sch.
- F6** Words in s. 3(8) omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents](#)

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etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(2)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I2** 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)

### [<sup>F7</sup>3A Designation of Authority as regulatory authority for Great Britain

- (1) The Authority is designated as the regulatory authority for Great Britain in accordance with Article 35 of the Electricity Directive and Article 39 of the Gas Directive.
- (2) The Authority must ensure that members of its staff do not—
  - (a) seek or take any instructions that might compromise, or might reasonably be seen to compromise, the Authority’s independence in relation to its functions as designated regulatory authority for Great Britain; or
  - (b) carry out any other activity, or have any financial or other interest, that might compromise, or might reasonably be seen to compromise, the impartiality of those members of staff.
- (3) If a representative of the Authority is appointed under Article 13(2) of the Agency Regulation to represent the United Kingdom on the Board of Regulators of the Agency, the Authority must—
  - (a) in advance of any meeting of the Board, ensure that the designated regulatory authority for Northern Ireland is given access to any documents and other information that the Authority has access to in relation to that meeting;
  - (b) provide that authority with an opportunity to make representations in respect of those documents or that information;
  - (c) have regard to any representations so made; and
  - (d) notify that authority of the matters discussed and decisions taken by the Board.]

#### Textual Amendments

- F7** S. 3A inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **22**

## 4 Forward work programmes.

- (1) The Authority <sup>F8</sup>... shall, before each financial year, <sup>F9</sup>... 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 <sup>F10</sup>... expects to incur during the year in the exercise of its functions.

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- (4) Before publishing the forward work programme for any year, the Authority<sup>F11</sup>... 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<sup>F12</sup>... 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 [<sup>F13</sup>Citizens Advice and Citizens Advice Scotland].

<sup>F14</sup>(7) .....

#### Textual Amendments

- F8** Words in s. 4(1) repealed (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 7 para. 19\(a\)\(i\)](#), **Sch. 8**; S.I. 2008/2550, art. 2, [Sch.](#)
- F9** Word in s. 4(1) repealed (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 7 para. 19\(a\)\(ii\)](#), **Sch. 8**; S.I. 2008/2550, art. 2, [Sch.](#)
- F10** Words in s. 4(3) repealed (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 7 para. 19\(b\)](#), **Sch. 8**; S.I. 2008/2550, art. 2, [Sch.](#)
- F11** Words in s. 4(4) repealed (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 7 para. 19\(c\)](#), **Sch. 8**; S.I. 2008/2550, art. 2, [Sch.](#)
- F12** Words in s. 4(5) repealed (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 7 para. 19\(d\)](#), **Sch. 8**; S.I. 2008/2550, art. 2, [Sch.](#)
- F13** Words in s. 4(6) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 8(3)** (with [Sch. 1 para. 28](#), [Sch. 2 paras. 13-15](#))
- F14** S. 4(7) repealed (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 7 para. 19\(e\)](#), **Sch. 8**; S.I. 2008/2550, art. 2, [Sch.](#)

#### Commencement Information

- I3** 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)

#### <sup>F15</sup>4A Information in relation to strategy and policy statement

- (1) As soon as reasonably practicable after the designation of a statement as the strategy and policy statement, the Authority must publish a document setting out the required information in relation to the statement.
- (2) The Authority must include the required information in relation to a strategy and policy statement in the forward work programme for each financial year, subject to making such modifications to the information as the Authority considers appropriate from the version as last published under this subsection.

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- (3) The required information in relation to a strategy and policy statement to be set out in a document or forward work programme is—
- (a) the strategy the Authority intends to adopt for the purpose of furthering the delivery of the policy outcomes contained in the statement (both in respect of the year in or for which the document or programme is issued and beyond);
  - (b) the things the Authority proposes to do in implementing that strategy (including when the Authority proposes to do them);
  - (c) the ways in which the Authority has had regard to the strategic priorities contained in the statement in setting out the information required under paragraphs (a) and (b).
- (4) The duty under subsection (1) does not apply if—
- (a) the Authority does not think it reasonably practicable to publish the document mentioned in that subsection before the time when the Authority is next required to publish a forward work programme, and
  - (b) the Authority includes the required information in that forward work programme.
- (5) The duty under subsection (2) does not apply in relation to the first financial year beginning after the designation of the statement if—
- (a) the Authority does not think it reasonably practicable to include the required information in the forward work programme for that year, and
  - (b) the Authority includes the required information in a document published under subsection (1).
- (6) The duty under subsection (2) does not apply in relation to a financial year if the Secretary of State gives notice to the Authority under this subsection that the statement's designation—
- (a) will be withdrawn before the beginning of the year, or
  - (b) is expected to have been withdrawn before the beginning of the year.
- (7) Subsections (4) to (6) of section 4 (notice requirements) apply to a document published under subsection (1) as they apply to a forward work programme.
- (8) In this section—
- “designation”, in relation to a strategy and policy statement, means designation of the statement by the Secretary of State under Part 5 of the Energy Act 2013;
  - “forward work programme” has the meaning given by section 4(1);
  - “policy outcomes”, “strategic priorities” and “strategy and policy statement” have the same meaning as in Part 5 of the Energy Act 2013.]

#### **Textual Amendments**

**F15** S. 4A inserted (18.2.2014) by [Energy Act 2013 \(c. 32\)](#), ss. 137(2), 156(2)

## **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—
- (a) its activities during that year, and

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- (b) the activities of the [<sup>F16</sup>Competition and Markets Authority] 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; <sup>F17</sup>...
- [<sup>F18</sup>(ca) a summary of final notices given by the Authority under the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations 2013; and]
- (d) a report on such other matters as the Secretary of State may from time to time require.
- [<sup>F19</sup>(2A) The annual report for each year shall also include a report on—
- (a) the ways in which the Authority has carried out its duties under section 132(1) and (2) of the Energy Act 2013 in relation to the strategy and policy statement (so far as the statement’s designation was in effect during the whole or any part of the year), and
- (b) the extent to which the Authority has done the things set out under section 4A in a forward work programme or other document as the things the Authority proposed to do during that year in implementing its strategy for furthering the delivery of the policy outcomes contained in the statement (see subsection (3) (b) of that section).
- (2B) The report mentioned in subsection (2A) must, in particular, include—
- (a) the Authority’s assessment of how the carrying out of its functions during the year has contributed to the delivery of the policy outcomes contained in the strategy and policy statement, and
- (b) if the Authority has failed to do any of the things mentioned in subsection (2A) (b), an explanation for the failure and the actions the Authority proposes to take to remedy it.
- (2C) In subsections (2A) and (2B)—
- “ forward work programme ” has the meaning given by section 4(1);
- “ policy outcomes ” and “ strategy and policy statement ” have the same meaning as in Part 5 of the Energy Act 2013. ]
- (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; <sup>F20</sup> ...

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- [<sup>F21</sup>(aa) send a copy of the report to the Scottish Ministers [<sup>F22</sup>and the Welsh Ministers], and]
- (b) arrange for the report to be published in such manner as he considers appropriate.

[<sup>F23</sup>(5A) The Scottish Ministers shall lay a copy of each annual report before the Scottish Parliament.]

[<sup>F24</sup>(5B) The Welsh Ministers shall lay a copy of each annual report before the National Assembly for Wales.]

- (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 [<sup>F25</sup>Citizens Advice and Citizens Advice Scotland].
- (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.

<sup>F26</sup>(9) .....

- (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.

#### Textual Amendments

- F16** Words in s. 5(1)(b) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 83(2)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F17** Word in s. 5(2)(c) omitted (1.7.2015) by virtue of The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 (S.I. 2015/862), regs. 1(1), **4(a)**
- F18** S. 5(2)(ca) inserted (1.7.2015) by The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 (S.I. 2015/862), regs. 1(1), **4(b)**
- F19** S. 5(2A)-(2C) inserted (18.2.2014) by Energy Act 2013 (c. 32), **ss. 137(3)**, 156(2)
- F20** Word in s. 5(5)(a) omitted (23.5.2016) by virtue of Scotland Act 2016 (c. 11), **ss. 64(2)(a)**, 72(7)
- F21** S. 5(5)(aa) inserted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 64(2)(a)**, 72(7)
- F22** Words in s. 5(5)(aa) inserted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 66(2)(a)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(m)
- F23** S. 5(5A) inserted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 64(2)(b)**, 72(7)
- F24** S. 5(5B) inserted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 66(2)(b)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(m)
- F25** Words in s. 5(7) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(4)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F26** S. 5(9) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 83(3)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

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

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

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#### Commencement Information

- I4** 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](#))

#### [<sup>F27</sup>5XA Laying of accounts before Scottish Parliament [<sup>F28</sup>and Welsh Assembly]

- (1) The Comptroller and Auditor General must send to the Authority, in respect of each of its accounting years, a copy of the certified accounts and report of the Authority no later than 15th January of the financial year following that to which the accounts relate.
  - (2) The Authority must send to the Scottish Ministers [<sup>F29</sup>and the Welsh Ministers], in respect of each of its accounting years, a copy of the certified accounts and report of the Authority no later than 31st January of the financial year following that to which the accounts relate.
  - (3) The Scottish Ministers must lay a copy of whatever is sent to them under subsection (2) before the Scottish Parliament.
- [ The Welsh Ministers must lay a copy of whatever is sent to them under subsection (2)
- <sup>F30</sup>(3A) before the National Assembly for Wales.]
- (4) In subsections (1) and (2) “certified accounts and report” means those accounts certified under sections 5 and 7 of the Government Resources and Accounts Act 2000, and the report issued by the Comptroller and Auditor General under section 6(3)(a) of that Act.]

#### Textual Amendments

- F27** S. 5XA inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), [ss. 64\(3\)](#), [72\(7\)](#)
- F28** Words in s. 5XA heading inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 66\(3\)\(a\)](#), [71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(m\)](#)
- F29** Words in s. 5XA(2) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 66\(3\)\(b\)](#), [71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(m\)](#)
- F30** S. 5XA(3A) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 66\(3\)\(c\)](#), [71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(m\)](#)

#### [<sup>F31</sup>5ZA Report on activities as designated regulatory authority

- (1) The Authority must, as soon as is practicable after the end of each reporting period, prepare a report on the activities it has carried out in that period as designated regulatory authority for Great Britain.
- (2) A report prepared under subsection (1) is referred to as a regulatory authority report.
- (3) The regulatory authority report must include, in particular, a general survey of the steps taken and results achieved by the Authority in the performance of its functions in accordance with Article 37 of the Electricity Directive and Article 41 of the Gas Directive.
- (4) In preparing the regulatory authority report, the Authority must have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs



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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.

- (5) The Authority must—
- (a) send a copy of the regulatory authority report to—
    - (i) the Secretary of State,
    - (ii) the European Commission, and
    - (iii) the Agency; and
  - (b) publish it in such manner as the Authority considers appropriate.
- (6) In this section “reporting period” means—
- (a) the period beginning with the date on which this section comes into force and ending on 15 July 2012;
  - (b) each subsequent period of 12 months.
- (7) Nothing in this section or section 5 prevents a regulatory authority report and an annual report from including a report on the same matters.]

#### Textual Amendments

**F31** S. 5ZA inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), 23

#### [<sup>F32</sup>5A Duty of Authority to carry out impact assessment

- (1) This section applies where—
- (a) the Authority is proposing to do anything for the purposes of, or in connection with, the carrying out of any function exercisable by it under or by virtue of Part 1 of the 1986 Act or Part 1 of the 1989 Act; and
  - (b) it appears to it that the proposal is important;
- but this section does not apply if it appears to the Authority that the urgency of the matter makes it impracticable or inappropriate for the Authority to comply with the requirements of this section.
- (2) A proposal is important for the purposes of this section only if its implementation would be likely to do one or more of the following—
- (a) involve a major change in the activities carried on by the Authority;
  - (b) have a significant impact on persons engaged in the shipping, transportation or supply of gas conveyed through pipes or in the generation, transmission, distribution or supply of electricity [<sup>F33</sup>or in the provision of smart meter communication services (in respect of electricity meters or gas meters)];
  - (c) have a significant impact on persons engaged in commercial activities connected with the shipping, transportation or supply of gas conveyed through pipes or with the generation, transmission, distribution or supply of electricity;
  - (d) have a significant impact on the general public in Great Britain or in a part of Great Britain; or
  - (e) have significant effects on the environment.
- (3) Before implementing its proposal, the Authority must either—

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- (a) carry out and publish an assessment of the likely impact of implementing the proposal; or
  - (b) publish a statement setting out its reasons for thinking that it is unnecessary for it to carry out an assessment.
- (4) An assessment carried out under this section must—
- (a) include an assessment of the likely effects on the environment of implementing the proposal; and
  - (b) relate to such other matters as the Authority considers appropriate.
- (5) In determining the matters to which an assessment under this section should relate, the Authority must have regard to such general guidance relating to the carrying out of impact assessments as it considers appropriate.
- (6) An assessment carried out under this section may take such form as the Authority considers appropriate.
- (7) Where the Authority publishes an assessment under this section—
- (a) it must provide an opportunity of making representations to the Authority about its proposal to members of the public and other persons who, in the Authority's opinion, are likely to be affected to a significant extent by the proposal's implementation;
  - (b) the published assessment must be accompanied by a statement setting out how representations may be made; and
  - (c) the Authority must not implement its proposal unless the period for making representations about the proposal has expired and it has considered all the representations that were made in that period.
- (8) Where the Authority is required (apart from this section)—
- (a) to consult about a proposal to which this section applies, or
  - (b) to give a person an opportunity of making representations about it,
- the requirements of this section are in addition to, but may be performed contemporaneously with, the other requirements.
- (9) Every report under section 5(1) must set out—
- (a) a list of the assessments under this section carried out during the financial year to which the report relates; and
  - (b) a summary of the decisions taken during that year in relation to proposals to which assessments carried out in that year or previous financial years relate.
- (10) The publication of anything under this section must be in such manner as the Authority considers appropriate for bringing it to the attention of the persons who, in the Authority's opinion, are likely to be affected if its proposal is implemented.
- (11) References in sections 4AA, 4AB and 4A of the 1986 Act to functions of the Authority under Part 1 of that Act include references to any functions of the Authority under this section that are exercisable in relation to a proposal to do anything for the purposes of, or in connection with, the carrying out of any function of the Authority under Part 1 of the 1986 Act.
- (12) References in sections 3A, 3B and 3C of the 1989 Act to functions of the Authority under Part 1 of that Act include references to any functions of the Authority under this section that are exercisable in relation to a proposal to do anything for the purposes

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of, or in connection with, the carrying out of any function of the Authority under Part 1 of the 1989 Act.]

#### Textual Amendments

- F32** S. 5A inserted (30.12.2003) by [Sustainable Energy Act 2003 \(c. 30\)](#), **ss. 6, 9(8)**
- F33** Words in s. 5A(2)(b) inserted (19.9.2012) by [The Electricity and Gas \(Smart Meters Licensable Activity\) Order 2012 \(S.I. 2012/2400\)](#), arts. 1, **30(2)**

## 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 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—

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

**Commencement Information**

**I5** 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)

**F347 Co-operation between Authority and Council.**

**Textual Amendments**

**F34** S. 7 omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), [Sch. 1 para. 8\(5\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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

- (1) In this section “payment conditions” means—
  - (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<sup>F35</sup>—
  - (a) relating to any of the expenses mentioned in subsection (3) [<sup>F36</sup> or (3A)]<sup>F37</sup>, or
  - (b) relating to such amounts as the Secretary of State considers reasonable in respect of the provision, in or as regards Scotland, of consumer advocacy and advice by, or by agreement with, a public body or the holder of a public office, in relation to gas and electricity consumers]

- (3) [<sup>F38</sup> The expenses within this subsection] are—
  - (a) the expenses of the [<sup>F39</sup>Gas and Electricity Consumer Council]; and
  - <sup>F40</sup>(b) .....

<sup>F41</sup>(3A) The expenses within this subsection are—

- <sup>F42</sup>(a) .....
- <sup>F42</sup>(b) .....

<sup>F43</sup>(ba) [ the appropriate proportion of the expenses of Citizens Advice (including expenses relating to taking on functions transferred from the National Consumer Council but not including expenses within paragraph (ca));

<sup>F44</sup>(bb) .....]

- (c) any expenses of <sup>F45</sup>... the Secretary of State or the Gas and Electricity Consumer Council which relate to a transfer scheme made in respect of the Gas and Electricity Consumer Council under section 35(2)(a) or (7) of the Consumers, Estate Agents and Redress Act 2007;

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- <sup>F46</sup>(ca) [ the appropriate proportion of the expenses of Citizens Advice which relate to a transfer scheme made in respect of the National Consumer Council under section 23 of the Public Bodies Act 2011;
  - <sup>F44</sup>(cb) .....]
  - (d) the expenses of the Secretary of State which relate to the abolition of the Gas and Electricity Consumer Council;
  - <sup>F47</sup>(da) [ the appropriate proportion of the expenses of the Secretary of State which relate to the abolition of the National Consumer Council and the transfer of functions to Citizens Advice and Citizens Advice Scotland;
  - (db) the appropriate proportion of the expenses of the Secretary of State which relate to the transfer of functions and the conferring of functions on Citizens Advice and Citizens Advice Scotland by the Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/...);
  - (dc) the appropriate proportion of the expenses of the Secretary of State which relate to a transfer scheme made in respect of the National Consumer Council under section 23 of the Public Bodies Act 2011;]
  - <sup>F48</sup>(e) .....
  - (f) the appropriate proportion of the expenses of [<sup>F49</sup> Citizens Advice <sup>F50</sup>...] on, or in connection with, the support of [<sup>F51</sup> any qualifying public consumer advice scheme].
- (3B) The “appropriate proportion” of any expenses means such proportion of the expenses as the Secretary of State considers is reasonable having regard to—
- (a) in the case of expenses within [<sup>F52</sup>subsection (3A)(ba), <sup>F53</sup>... (ca)<sup>F53</sup>... or (db)], the functions exercisable by [<sup>F54</sup>Citizens Advice or Citizens Advice Scotland, as the case may be,] in relation to gas and electricity consumers, <sup>F55</sup>...
  - <sup>F56</sup>(aa) [ in the case of expenses within subsection (3A)(da) or (dc), the functions exercised by the National Consumer Council in relation to gas and electricity consumers, and]
  - (b) in the case of expenses within subsection (3A)(f), the functions under [<sup>F57</sup> the qualifying consumer advice scheme] which are exercisable in relation to gas and electricity consumers.]
- <sup>F58</sup>(3C) A qualifying public consumer advice scheme is a scheme that is supported by Citizens Advice <sup>F59</sup>... in a manner that the [<sup>F60</sup>Competition and Markets Authority] is prohibited from using by section 8A of the Enterprise Act 2002.]
- (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—
- <sup>F61</sup>(a) .....
  - <sup>F62</sup>(b) the abolition of the Gas and Electricity Consumer Council.]
  - <sup>F63</sup>(c) the abolition of the National Consumer Council, or
  - (d) the conferring of functions which are exercisable in relation to gas and electricity consumers on Citizens Advice or Citizens Advice Scotland by the Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/...).]
- <sup>F64</sup>(5) The Authority may, in accordance with this section, make such incidental or consequential modifications of—

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- (a) the other conditions of a gas licence or an electricity licence, or  
(b) any code or agreement relevant to the conditions of such a licence,  
as it considers necessary or expedient in consequence of, or of preparations for, an event mentioned in subsection (4)(a) or (b).]
- (6) Before modifying the conditions of a licence <sup>F65</sup> or any code or agreement] under subsection (4) or (5) the Authority shall consult the licence holder.
- <sup>F66</sup>(7) . . . . .
- <sup>F67</sup>(8) The powers of the Authority under subsection (4) (as amended by paragraph 29 of Schedule 1 to the Consumers, Estate Agents and Redress Act 2007), and subsection (5) as it applies in relation to that subsection, may not be exercised after the end of the period of 2 years beginning with the commencement of that paragraph.]
- (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) <sup>F68</sup> or (3A)] <sup>F69</sup> or to amounts mentioned in subsection (2)(b)] 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.
- <sup>F70</sup>(10) For the purposes of this section—
- <sup>F71</sup>  
...  
<sup>F71</sup>  
...
- “ consumer ” has the same meaning as in Part 1 of the Consumers, Estate Agents and Redress Act 2007 (see section 3 of that Act);
- “ gas and electricity consumers ” means consumers in relation to gas conveyed through pipes or electricity conveyed by distribution systems or transmission systems;
- “ OFT scheme ” means any public consumer advice scheme supported by the Office of Fair Trading. ]

#### Textual Amendments

- F35** Words in s. 8(2) inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 50(10)(a)**, 72(7)
- F36** Words in s. 8(2) inserted (21.12.2007) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), **Sch. 1 para. 29(2)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F37** S. 8(2)(b) and word inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 50(10)(b)**, 72(7)
- F38** Words in s. 8(3) substituted (21.12.2007) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), **Sch. 1 para. 29(3)(a)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F39** Words in s. 8(3)(a) substituted (21.12.2007) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), **Sch. 1 para. 29(3)(b)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F40** S. 8(3)(b) repealed (21.12.2007) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), **Sch. 1 para. 29(3)(c)**, **Sch. 8** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F41** S. 8(3A) - (3B) inserted (21.12.2007) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), **Sch. 1 para. 29(4)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F42** S. 8(3A)(a)(b) omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 8(6)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F43** S. 8(3A)(ba)(bb) inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 8(6)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F44** S. 8(3A)(bb)(cb) omitted (23.5.2016) by virtue of [Scotland Act 2016 \(c. 11\)](#), **ss. 50(11)(a)**, 72(7)

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- F45** Words in s. 8(3A)(c) omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(6)(a)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F46** S. 8(3A)(ca)(cb) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(6)(a)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F47** S. 8(3A)(da)-(dc) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(6)(a)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F48** S. 8(3A)(e) omitted (28.3.2013) by virtue of The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783), arts. 1(2), **5(2)**
- F49** Words in s. 8(3A)(f) substituted (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783), arts. 1(2), **5(3)(a)**
- F50** Words in s. 8(3A)(f) omitted (23.5.2016) by virtue of Scotland Act 2016 (c. 11), **ss. 50(11)(b)**, 72(7)
- F51** Words in s. 8(3A)(f) substituted (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783), arts. 1(2), **5(3)(b)**
- F52** Words in s. 8(3B)(a) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(6)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F53** Words in s. 8(3B)(a) omitted (23.5.2016) by virtue of Scotland Act 2016 (c. 11), **ss. 50(11)(c)**, 72(7)
- F54** Words in s. 8(3B)(a) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(6)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F55** Word in s. 8(3B)(a) omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(6)(b)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F56** S. 8(3B)(aa) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(6)(b)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F57** Words in s. 8(3B)(b) substituted (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783), arts. 1(2), **5(4)**
- F58** S. 8(3C) inserted (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783), arts. 1(2), **5(5)**
- F59** Words in s. 8(3C) omitted (23.5.2016) by virtue of Scotland Act 2016 (c. 11), **ss. 50(11)(d)**, 72(7)
- F60** Words in s. 8(3C) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 145** (with art. 3)
- F61** S. 8(4)(a) omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(6)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F62** S. 8(4)(a)(b) substituted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(5)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F63** S. 8(4)(c)(d) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(6)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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- F64** S. 8(5) substituted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(6)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F65** Words in s. 8(6) inserted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(7)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F66** S. 8(7) repealed (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), Sch. 1 para. 29(8), **Sch. 8** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F67** S. 8(8) substituted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(9)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F68** Words in s. 8(9) inserted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(10)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F69** Words in s. 8(9) inserted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 50(12)**, 72(7)
- F70** S. 8(10) inserted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(11)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F71** Words in s. 8(10) omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(6)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I6** 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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