



# Utilities Act 2000

## 2000 CHAPTER 27

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Miscellaneous*

#### **103 Overall [<sup>F1</sup>carbon emissions reduction targets].**

- (1) For the purposes of the exercise [<sup>F2</sup>of the functions of the Administrator] under either or both of—
- (a) section 33BC of the 1986 Act ([<sup>F3</sup>promotion of reductions in carbon emissions:] gas transporters and suppliers) and any order made under that section, and
  - (b) section 41A of the 1989 Act ([<sup>F3</sup>promotion of reductions in carbon emissions:] electricity <sup>F4</sup>... distributors and suppliers) and any order made under that section,

the Secretary of State may by order specify an overall target for the promotion of [<sup>F5</sup>the measures mentioned in subsection (2) of each of those sections].

[<sup>F6</sup>(1A) The power conferred by this section may be exercised so as to specify more than one overall target in relation to the same period or to periods that overlap to any extent.]

- (2) Where an overall target applies in relation to both sections mentioned in subsection (1), the order specifying the target may make provision [<sup>F7</sup> the target to be apportioned ] between—
- (a) persons who are gas transporters or gas suppliers (for the purposes of section 33BC of the 1986 Act and any order under that section); and
  - (b) persons who are <sup>F8</sup>... electricity distributors or electricity suppliers (for the purposes of section 41A of the 1989 Act and any order under that section),
- by reference to such criteria as may be specified in the order.

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- (3) <sup>F9</sup> The Administrator ] shall exercise its functions under the provisions mentioned in subsection (1) in relation to which an overall target applies (and in particular its functions relating to the determination of <sup>F10</sup>carbon emissions reduction targets)) in the manner it considers best calculated to result in the achievement of the overall target.
- (4) Before making an order under this section the Secretary of State shall consult the Authority, <sup>F11</sup>Citizens Advice, Citizens Advice Scotland], gas transporters, gas suppliers, <sup>F12</sup>... electricity distributors, electricity suppliers, and such other persons as he considers appropriate.
- (5) An order under this section shall not be made unless a draft of the instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

#### Textual Amendments

- F1** Words in s. 103 substituted (28.2.2007) by [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#), s. 28(3), [Sch. para. 7\(2\)](#); S.I. 2007/538, art. 2
- F2** Words in s. 103(1) substituted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), s. 121(5)(a), [Sch. 1 para. 8\(2\)\(a\)](#)
- F3** Words in s. 103(1)(a)(b) substituted (28.2.2007) by [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#), s. 28(3), [Sch. para. 7\(3\)\(a\)](#); S.I. 2007/538, art. 2; S.I. 2007/538, art. 2
- F4** Word in s. 103(1)(b) omitted (1.1.2013) by virtue of [Energy Act 2011 \(c. 16\)](#), s. 121(5)(b), [Sch. 1 para. 8\(2\)\(b\)](#)
- F5** Words in s. 103(1) substituted (28.2.2007) by [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#), s. 28(3), [Sch. para. 7\(3\)\(b\)](#); S.I. 2007/538, art. 2
- F6** S. 103(1A) inserted (26.1.2009) by [Climate Change Act 2008 \(c. 27\)](#), s. 100(5), [Sch. 8 para. 6\(3\)](#)
- F7** Words in s. 103(2) substituted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), s. 121(5)(a), [Sch. 1 para. 8\(3\)\(a\)](#)
- F8** Words in s. 103(2)(b) omitted (1.1.2013) by virtue of [Energy Act 2011 \(c. 16\)](#), s. 121(5)(b), [Sch. 1 para. 8\(3\)\(b\)](#)
- F9** Words in s. 103(3) substituted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), s. 121(5)(a), [Sch. 1 para. 8\(4\)](#)
- F10** Words in s. 103(3) substituted (28.2.2007) by [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#), s. 28(3), [Sch. para. 7\(4\)](#); S.I. 2007/538, art. 2
- F11** Words in s. 103(4) 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\(7\)](#) (with [Sch. 1 para. 28](#), [Sch. 2 paras. 13-15](#))
- F12** Words in s. 103(4) omitted (1.1.2013) by virtue of [Energy Act 2011 \(c. 16\)](#), s. 121(5)(b), [Sch. 1 para. 8\(5\)](#)

#### Commencement Information

- I1** S. 103 wholly in force at 1.10.2001; s. 103 not in force at Royal Assent see s. 110(2); s. 103 in force at 1.10.2001 by [S.I. 2001/3266](#), art. 2, [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

#### <sup>F13</sup>103A Overall home-heating cost reduction targets

- (1) For the purposes of the exercise of the functions of the Administrator under either or both of—
- (a) section 33BD of the 1986 Act (promotion of reductions in home-heating costs: gas transporters and suppliers) and any order made under that section, and

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- (b) section 41B of the 1989 Act (promotion of reductions in home-heating costs: electricity distributors and suppliers) and any order made under that section, the Secretary of State may by order specify an overall target for the promotion of measures for reducing the cost to individuals of heating their homes.
- (2) The power conferred by this section may be exercised so as to specify more than one overall target in relation to the same period or to periods that overlap to any extent.
- (3) Where an overall target applies in relation to both sections mentioned in subsection (1), the order specifying the target may make provision for the target to be apportioned between—
- (a) persons who are gas transporters or gas suppliers (for the purposes of section 33BD of the 1986 Act and any order made under that section); and
- (b) persons who are electricity distributors or electricity suppliers (for the purposes of section 41B of the 1989 Act and any order under that section),
- by reference to such criteria as may be specified in the order.
- (4) The Administrator shall exercise its functions under the provisions mentioned in subsection (1) in relation to which an overall target applies (and in particular its functions relating to the determination of home-heating cost reduction targets) in the manner it considers best calculated to result in the achievement of the overall target.
- (5) Before making an order under this section the Secretary of State shall consult the Authority, [<sup>F14</sup>Citizens Advice, Citizens Advice Scotland], gas transporters, gas suppliers, electricity distributors, electricity suppliers, and such other persons as the Secretary of State considers appropriate.
- (6) An order under this section shall not be made unless a draft of the instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.]

#### Textual Amendments

**F13** S. 103A inserted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), ss. 70, 121(3)

**F14** Words in s. 103A(5) 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\(8\)](#) (with [Sch. 1 para. 28](#), [Sch. 2 paras. 13-15](#))

#### [<sup>F15</sup>**103B Power of Secretary of State to require information: carbon emissions reduction targets and home-heating cost reduction targets**

- (1) The Secretary of State may by notice require a person within subsection (3) to provide the Secretary of State with specified information, or information of a specified kind, for the purpose of enabling the Secretary of State—
- (a) to decide whether to make a carbon emissions reduction order or a home-heating cost reduction order and, if so, what provision to include in the order;
- (b) to review the operation and effect of a carbon emissions reduction order or a home-heating cost reduction order;
- (c) to establish and maintain a record (“a measures record”) of properties in respect of which carbon emissions reduction measures or home-heating cost reduction measures have been taken and of the type of measure taken in respect of each such property.

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- (2) For the purpose of enabling a person (“A”) to establish and maintain a measures record on behalf of the Secretary of State, the Secretary of State may by notice require any person within subsection (3) to provide A with specified information or information of a specified kind.
- (3) Those persons are—
- (a) gas transporters and gas suppliers;
  - (b) electricity distributors and electricity suppliers;
  - (c) the Authority; and
  - (d) any body other than the Authority that is for the time being the Administrator in relation to a carbon emissions reduction order or a home-heating cost reduction order.
- (4) Information required to be provided by a notice under this section must be provided—
- (a) in such form as may be specified;
  - (b) within such period as may be specified or at such intervals as may be specified.
- (5) No person shall be required by a notice under this section to provide any information which the person could not be compelled to give in evidence in civil proceedings in the High Court or, in Scotland, the Court of Session.
- (6) Information obtained by virtue of this section may be disclosed by the Secretary of State—
- (a) to the Welsh Ministers for the purpose of enabling them to review the operation and effect in Wales of a carbon emissions reduction order or a home-heating cost reduction order;
  - (b) to the Scottish Ministers for the purpose of enabling them to review the operation and effect in Scotland of a carbon emissions reduction order or a home-heating cost reduction order.
- (7) In sections 28 to 30F and section 38 of the 1986 Act (enforcement of relevant requirements etc) a reference to a “relevant requirement” is to be treated as including a reference to a requirement imposed on a gas transporter or gas supplier under this section.
- (8) In sections 25 to 28 of the 1989 Act (enforcement of relevant requirements etc) a reference to a “relevant requirement” is to be treated as including a reference to a requirement imposed on an electricity distributor or electricity supplier under this section.
- (9) In this section—
- “a carbon emissions reduction order” means an order under—
    - (a) section 33BC of the 1986 Act;
    - (b) section 41A of the 1989 Act; or
    - (c) section 103 of this Act;
  - “a home-heating cost reduction order” means an order under—
    - (a) section 33BD of the 1986 Act;
    - (b) section 41B of the 1989 Act; or
    - (c) section 103A of this Act;
  - “a carbon emissions reduction measure” is a measure of a kind mentioned in subsection (2) of each of section 33BC of the 1986 Act and section 41A of the 1989 Act;

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“a home-heating cost reduction measure” is a measure of a kind mentioned in subsection (2)(b) of each of section 33BD of the 1986 Act and section 41B of the 1989 Act;

“specified” means specified in a notice under this section.]

**Textual Amendments**

**F15** S. 103B inserted (18.12.2011) by [Energy Act 2011 \(c. 16\), ss. 71, 121\(3\)](#)

**<sup>F16</sup>104 Specialist members of the Competition Commission.**

**Textual Amendments**

**F16** S. 104 omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 84; S.I. 2014/416, art. 2\(1\)\(d\)](#) (with Sch.)

**105 General restrictions on disclosure of information.**

(1) Information which—

(a) has been obtained under or by virtue of the provisions of this Act, Part I of the 1986 Act<sup>F17</sup>, Part 1 of the 1989 Act<sup>F18</sup>...<sup>F19</sup>, section 184(5) or 185(5) of the Energy Act 2004<sup>F20</sup> or Part 2 or section 27 or 28 of the Energy Act 2010<sup>F21</sup> or section 50 or 51 of the Energy Act 2013] or section 41 or 100 of the Energy Act 2008;] and

(b) relates to the affairs of any individual or to any particular business, shall not be disclosed during the lifetime of the individual or so long as the business continues to be carried on, except as provided below.

(2) Subsection (1) does not apply to a disclosure made with the consent of the individual or the person for the time being carrying on the business.

(3) Subsection (1) does not apply to a disclosure if—

(a) it is made for the purpose of facilitating the performance of any functions of the Secretary of State, the Authority, <sup>F22</sup>Citizens Advice, Citizens Advice Scotland] or the <sup>F23</sup>Competition and Markets Authority] under the 1986 Act, the 1989 Act<sup>F24</sup>, section 184 or 185 of the Energy Act 2004<sup>F25</sup> sections 41 to 43<sup>F26</sup>... of the Energy Act 2008<sup>F27</sup>, Part 2 or section 28 of the Energy Act 2010<sup>F21</sup>, section 50 or 51 of the Energy Act 2013<sup>F28</sup>, the REMIT Regulations] or this Act;

<sup>F29</sup>(aa) it is made for the purpose of facilitating any functions of any person under section 100 of the Energy Act 2008;]

<sup>F30</sup>(ab) it is required by a notice under section 103B of this Act or is permitted by subsection (6) of that section;]

(b) it is required by a notice under section 38(1A) of the 1986 Act or section 28(2A) of the 1989 Act;

(c) it is made by a licence holder and is required to be made by a condition of his licence; or

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- (d) it is made by one licence holder to another and is required by that other licence holder for purposes connected with the carrying on of relevant activities.
- (4) Subsection (1) does not apply to any disclosure of information made—
- (a) for the purpose of facilitating the performance by a person or body mentioned in subsection (5) of any function under an Act or instrument specified in subsection (6);
- (b) for the purpose of facilitating the performance by the Comptroller and Auditor General,<sup>F31</sup>...the Health and Safety Executive of any of his or its functions;
- [<sup>F32</sup>(ba) for the purpose of facilitating the performance by the Office for Nuclear Regulation of any of its functions;]
- (c) for the purpose of facilitating the exercise by the Secretary of State of any power conferred<sup>F33</sup> . . . by the enactments relating to companies<sup>F33</sup> . . . or insolvency;
- (d) for the purpose of facilitating the performance of the functions of an inspector appointed under the enactments relating to companies;
- [<sup>F34</sup>(da) for the purpose of facilitating the performance by the Secretary of State, the Treasury [<sup>F35</sup>, the Financial Conduct Authority, the Prudential Regulation Authority or the Bank of England ] of any functions under the Financial Services and Markets Act 2000 [<sup>F36</sup>or the Consumer Credit Act 1974];
- (db) for the purpose of facilitating the discharge of any function by a person appointed under—
- (i) section 97 of the financial Services and Markets Act 2000 (investigations into a breach of listing rules etc. ),
- (ii) section 167 of that Act (general investigations), or
- (iii) section 168 of that Act (investigations in particular cases);]
- (e) for the purpose of facilitating the performance by an official receiver of his functions under the enactments relating to insolvency or by a recognised professional body for the purposes of section 391 of the<sup>M1</sup>Insolvency Act 1986 of its functions as such a body;
- (f) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
- (g) for the purposes of any civil proceedings brought under or by virtue of the 1986 Act, the 1989 Act, this Act or any Act or instrument specified in subsection (6);
- [<sup>F37</sup>(ga) in connection with the investigation of any failure to comply with a REMIT requirement or for the purposes of any proceedings brought under or by virtue of REMIT;]or
- (h) in pursuance of a Community obligation.
- (5) The persons and bodies specified for the purposes of subsection (4)(a) are—
- (a) a Minister of the Crown;
- (b) the [<sup>F38</sup>Competition and Markets Authority];
- <sup>F39</sup>(c) . . . . .
- [<sup>F40</sup>(d) the Office of Communications;]
- [<sup>F41</sup>(e) the Water Services Regulation Authority;]
- [<sup>F42</sup>(f) the Northern Ireland Authority for Utility Regulation;]
- (h) [<sup>F43</sup>the Office of Rail and Road] ;
- (i) the Civil Aviation Authority;

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- <sup>F44</sup>(j) .....
    - (k) the Coal Authority; <sup>F45</sup> ...
    - (l) a local weights and measures authority in Great Britain [<sup>F46</sup>, <sup>F47</sup> ...
  - <sup>F48</sup>(m) Citizens Advice, and
  - (n) Citizens Advice Scotland.]]
- <sup>F49</sup>(6) The Acts and instruments specified for the purposes of subsection (4)(a) and (g) are—
- (a) the <sup>M2</sup>Trade Descriptions Act 1968;
  - (b) the <sup>M3</sup>Fair Trading Act 1973;
  - (c) the <sup>M4</sup>Consumer Credit Act 1974;
  - (d) the <sup>M5</sup>Estate Agents Act 1979;
  - (e) the <sup>M6</sup>Competition Act 1980;
  - (f) the <sup>M7</sup>National Audit Act 1983;
  - (g) the <sup>M8</sup>Telecommunications Act 1984;
  - (h) the <sup>M9</sup>Airports Act 1986;
  - (i) the <sup>M10</sup>Insolvency Act 1986;
  - (j) the <sup>M11</sup>Consumer Protection Act 1987;
  - <sup>F50</sup>(k) .....
  - (l) the <sup>M12</sup>Water Act 1989, the <sup>M13</sup>Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of the Water Industry Act 1991) [<sup>F51</sup> or the Water Act 2003][<sup>F52</sup> or the Water and Sewerage Services (Northern Ireland) Order 2006];
  - (m) the <sup>M14</sup>Electricity (Northern Ireland) Order 1992;
  - (n) the <sup>M15</sup>Railways Act 1993;
  - (o) the <sup>M16</sup>Coal Industry Act 1994;
  - (p) the <sup>M17</sup>Gas (Northern Ireland) Order 1996;
  - (q) the <sup>M18</sup>Competition Act 1998.
  - <sup>F53</sup>(r) Part I of the Transport Act 2000.]
  - <sup>F54</sup>(s) the Enterprise Act 2002]
  - <sup>F49</sup>(t) the Communications Act 2003.]
  - <sup>F55</sup>(u) the Railways Act 2005.]
  - <sup>F56</sup>(v) the Business Protection from Misleading Marketing Regulations 2008;
  - (w) the Consumer Protection from Unfair Trading Regulations 2008.]
  - <sup>F57</sup>(x) the Consumers, Estate Agents and Redress Act 2007.]
  - <sup>F58</sup>(x) Part 1 of the Civil Aviation Act 2012]
  - <sup>F59</sup>(y) the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations (Northern Ireland) 2013.]
  - <sup>F60</sup>(y) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013;]
- <sup>F61</sup>(6A) If the Authority is making a decision whether to disclose information to another national regulatory authority under subsection (4)(ga), the Authority must have regard in particular to whether there are arrangements in place for the provision of mutual assistance in relation to the disclosure of information.]
- (7) The Secretary of State may by order modify subsection (3), (4), (5) or (6).
  - (8) Nothing in subsection (1) is to be construed either as limiting the matters which may be—

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- (a) published under section <sup>F62</sup>... 35 of the 1986 Act or section [<sup>F63</sup> 32J or]<sup>F62</sup>... 48 of the 1989 Act;
- (b) made public by the Authority as part of a notice under section 26; or
- (c) included in, or made public as part of, a report of the Authority <sup>F64</sup>... or the [<sup>F65</sup>Competition and Markets Authority] under any provision of this Act, Part I of the 1986 Act or Part I of the 1989 Act;
- or as applying to information which has been so published or has been made public as part of such a notice or such a report.
- (9) A person who discloses any information in contravention of this section is guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (10) In this section—
- “licence holder” means the holder of a gas licence or an electricity licence; and
- [<sup>F66</sup>“national regulatory authority” has the same meaning as in REMIT;]
- “relevant activities”, in relation to a licence holder, means activities he is authorised by his licence to carry on (including, in the case of a gas transporter, the activities mentioned in section 7(1)(b) and (c) of the 1986 Act).
- [<sup>F67</sup>“REMIT” means Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency;
- “the REMIT Regulations” means the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations 2013;
- “REMIT requirement” has the same meaning as in the REMIT Regulations.]
- (11) Information obtained by the Authority in the exercise of functions which are exercisable concurrently with [<sup>F68</sup>the Competition and Markets Authority] under Part I of the <sup>M19</sup>Competition Act 1998 is subject to [<sup>F69</sup>Part 9 of the Enterprise Act 2002 (Information)] and not to subsections (1) to (10) of this section.
- [<sup>F70</sup>(11A) Nothing in this section applies to information within section 29(3) of the Consumers, Estate Agents and Redress Act 2007 (application of disclosure regime in Part 9 of the Enterprise Act 2002 to information obtained by [<sup>F71</sup>Citizens Advice or Citizens Advice Scotland]).]
- [<sup>F72</sup>(11B) Nothing in this section applies to information to which section 105A applies.]
- (12) The power to make an order under subsection (7) is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F17** Words in s. 105(1)(a) substituted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 186(a)**, 198(2); S.I. 2004/2575, art. 2(1), Sch. 1

**F18** Words in s. 105(1)(a) omitted (26.1.2009) by virtue of [Energy Act 2008 \(c. 32\)](#), s. 110(2), **Sch. 5 para. 15(a)**; S.I. 2009/45, art. 2(e)(iv)



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- F19** Words in s. 105(1)(a) inserted (26.1.2009) by Energy Act 2008 (c. 32), s. 110(2), **Sch. 5 para. 15(a)**; S.I. 2009/45, art. 2(e)(iv)
- F20** Words in s. 105(1) inserted (8.6.2010) by Energy Act 2010 (c. 27), s. 38(3), **Sch. para. 16(a)**
- F21** Words in s. 105(1)(a)(3)(a) inserted (18.2.2014) by Energy Act 2013 (c. 32), **ss. 52, 156(2)**
- F22** Words in s. 105(3)(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(9)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F23** Words in s. 105(3)(a) 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. 146(2)** (with art. 3)
- F24** Words in s. 105(3)(a) inserted (5.10.2004) by Energy Act 2004 (c. 20), **ss. 186(b)**, 198(2); S.I. 2004/2575, art. 2(1), **Sch. 1**
- F25** Words in s. 105(3)(a) inserted (26.1.2009) by Energy Act 2008 (c. 32), s. 110(2), **Sch. 5 para. 15(b)**; S.I. 2009/45, art. 2(e)(iv)
- F26** Words in s. 105(3)(a) omitted (12.2.2015) by virtue of Infrastructure Act 2015 (c. 7), **ss. 51(9)(a)**, 57(7)(d)
- F27** Words in s. 105(3)(a) inserted (8.6.2010) by Energy Act 2010 (c. 27), s. 38(3), **Sch. para. 16(b)**
- F28** Words in s. 105(3)(a) 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), **5(a)**
- F29** S. 105(3)(aa) inserted (12.2.2015) by Infrastructure Act 2015 (c. 7), **ss. 51(9)(b)**, 57(7)(d)
- F30** S. 105(3)(ab) inserted (18.12.2011) by Energy Act 2011 (c. 16), s. 121(5)(a), **Sch. 1 para. 9**
- F31** Words in s. 105(4)(b) omitted (1.4.2008) by virtue of Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21, Sch. 2)
- F32** S. 105(4)(ba) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 2 para. 21** (with Sch. 4)
- F33** Words in s. 105(4)(c) omitted (3.7.2002) by virtue of S.I. 2002/1555, **art. 27(a)**
- F34** S. 105(4)(da)(db) inserted (3.7.2002) by S.I. 2002/1555, **art. 27(b)**
- F35** Words in s. 105(4)(da) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 89** (with Sch. 20); S.I. 2013/423, art. 3, **Sch.**
- F36** Words in s. 105(4)(da) inserted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by The Financial Services Act 2012 (Consumer Credit) Order 2013 (S.I. 2013/1882), arts. 1(1), **10(3)**
- F37** S. 105(4)(ga) 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), **5(b)**
- F38** Words in s. 105(5)(b) 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. 146(3)(a)** (with art. 3)
- F39** S. 105(5)(c) omitted (1.4.2014) by virtue of 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. 146(3)(b)** (with art. 3)
- F40** S. 105(5)(d) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 163(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, **arts. 3(2), 11**
- F41** S. 105(5)(e) substituted (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 34(a)**; S.I. 2005/2714, art. 4(f)
- F42** S. 105(5)(f) substituted for s. 105(5)(f)(g) (1.7.2015) by The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 (S.I. 2015/862), regs. 1(1), **5(e)**
- F43** Words in s. 105(5)(h) substituted (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 4(o)**

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- F44** S. 105(5)(j) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 6 para. 22(11)**; S.I. 2015/1732, art. 2(e)(vi) (with art. 7)
- F45** Word in s. 105(5) repealed (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 7 para. 20(a)**, **Sch. 8**; S.I. 2008/2550, art. 2, Sch.
- F46** S. 105(5)(m) and word inserted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 7 para. 20(a)**; S.I. 2008/2550, art. 2, Sch.
- F47** Word in s. 105(5)(l) 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(9)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F48** S. 105(5)(m)(n) substituted for s. 105(5)(m) (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(9)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F49** S. 105(6)(t) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 163(3)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, **arts. 3(2)**, 11
- F50** S. 105(6)(k) repealed (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 61(a)**, **Sch. 4 Pt. 1** (with reg. 28(2)(3))
- F51** Words in s. 105(6)(l) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 34(b)**; S.I. 2004/641, art. 3(y), **Sch. 2** (with Sch. 3 para. 7)
- F52** Words in s. 105(6)(l) added (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336), art. 1(2), **Sch. 12 para. 42** (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), **Sch. Pt. 2** (with Sch. 2)
- F53** S. 105(6)(r) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 25**
- F54** S. 105(6)(s) inserted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 43(3)(b)**; S.I. 2003/766, art. 2, **Sch.** (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F55** S. 105(6)(u) inserted (8.6.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 16**; S.I. 2005/1444, art. 2(1), **Sch. 1**
- F56** S. 105(6)(v)(w) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 61(b)** (with reg. 28(2)(3))
- F57** S. 105(6)(x) inserted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 7 para. 20(b)**; S.I. 2008/2550, art. 2, Sch.
- F58** S. 105(6)(x) inserted (6.4.2013) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 11** (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(3)
- F59** S. 105(6)(y) 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), **5(d)**
- F60** S. 105(6)(y) inserted (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. 146(4)** (with art. 3)
- F61** S. 105(6A) 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), **5(e)**
- F62** Words in s. 105(8)(a) repealed (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 7 para. 20(c)(i)**, **Sch. 8**; S.I. 2008/2550, art. 2, Sch.
- F63** Words in s. 105(8)(a) inserted (1.4.2009) by Energy Act 2008 (c. 32), s. 110(2), **Sch. 5 para. 15(c)**; S.I. 2009/45, art. 3(c)(i)
- F64** Words in s. 105(8)(c) repealed (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 7 para. 20(c)(ii)**, **Sch. 8**; S.I. 2008/2550, art. 2, Sch.
- F65** Words in s. 105(8)(c) 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. 146(5)** (with art. 3)
- F66** Words in s. 105(10) 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), **5(f)(i)**

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- F67** Words in s. 105(10) 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), **5(f)(ii)**
- F68** Words in s. 105(11) 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. 146(6)** (with art. 3)
- F69** Words in s. 105(11) substituted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 43(3)(c)(ii)**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
- F70** S. 105(11A) inserted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 7 para. 20(d)**; S.I. 2008/2550, art. 2, Sch.
- F71** Words in s. 105(11A) 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(9)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F72** S. 105(11B) inserted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **36(2)**

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

- C1** S. 105 restricted (31.10.2003) by Railways and Transport Safety Act 2003 (c. 20), s. 115; S.I. 2003/2681, art. 2(b)
- C2** S. 105(1) excluded (24.8.2004) by Energy Act 2004 (c. 20), **ss. 140(4)**, 198(2); S.I. 2004/2184, art. 2(1), Sch. 1
- C3** S. 105(1) excluded (18.12.2013) by Energy Act 2013 (c. 32), **ss. 33(3)**, 156(3)
- C4** S. 105(1) restricted (18.12.2013) by Energy Act 2013 (c. 32), s. 156(3), **Sch. 2 para. 10(4)(a)**
- C5** S. 105(4): disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2)(a), **Sch. 4 Pt. 1 para. 52**
- C6** S. 105(6) modified (8.2.2007) by Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), art. 1, **Sch. para. 7(3)(g)**

#### **Commencement Information**

- I2** S. 105(1)-(7)(8)(a)(c)(9)-(12) in force at 7.11.2000 by S.I. 2000/2974, art. 2, **Sch.**(subject to transitional provisions in arts. 3-12); s. 105(8)(b) in force at 20.12.2000 by S.I. 2000/3343, art. 2, **Sch.**(subject to transitional provisions in arts. 3-15)

#### **Marginal Citations**

- M1** 1986 c. 45.  
**M2** 1968 c. 29.  
**M3** 1973 c. 41.  
**M4** 1974 c. 39.  
**M5** 1979 c. 38.  
**M6** 1980 c. 21.  
**M7** 1983 c. 44.  
**M8** 1984 c. 12.  
**M9** 1986 c. 31.  
**M10** 1986 c. 45.  
**M11** 1987 c. 43.  
**M12** 1989 c. 15.  
**M13** 1991 c. 56.  
**M14** S.I. 1992/231 (N.I.1).  
**M15** 1993 c. 43.  
**M16** 1994 c. 21.  
**M17** S.I. 1996/275 (N.I.2).  
**M18** 1998 c. 41.

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**M19** 1998 c. 41.

### [<sup>F73</sup> 105A Restrictions on disclosure in respect of cross-border exchanges of information

- (1) This section applies to any information provided to the Authority —
  - (a) for the purpose of enabling it to carry out its functions as designated regulatory authority for Great Britain; and
  - (b) by the designated regulatory authority for Northern Ireland or for another Member State (“the originating authority”) in accordance with Article 38(1) of the Electricity Directive or Article 42(1) of the Gas Directive.
- (2) The Authority may disclose information to which this section applies only if—
  - (a) the originating authority has confirmed in writing that the originating authority would be permitted to disclose the information in the circumstances in question; and
  - (b) the Authority would be permitted under section 105 to disclose the information if it was received under or by virtue of an enactment listed in subsection (1) of that section.
- (3) Subsection (1) applies whether the information is provided directly or indirectly by the originating authority.]

#### Textual Amendments

**F73** S. 105A inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **36(3)**

### Supplementary

#### 106 Interpretation.

- (1) In this Act—
  - [<sup>F74</sup> “the Agency” means the Agency for the Cooperation of Energy Regulators established under the Agency Regulation;]
  - [<sup>F74</sup> “the Agency Regulation” means [Regulation 2009/713/EC of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators](#);]
  - “Authority” means the Gas and Electricity Markets Authority;
  - [<sup>F75</sup> “Citizens Advice” means the National Association of Citizens Advice Bureaux;]
  - [<sup>F75</sup> “Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux;]
  - <sup>F76</sup> .....
  - [<sup>F74</sup> “designated regulatory authority” means an authority designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive;]
  - [<sup>F74</sup> “designated regulatory authority for Great Britain” means the authority designated by virtue of section 3A;]

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[<sup>F74</sup>“the Electricity Directive” means Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC;]

“electricity licence” means a licence under section 6 of the 1989 Act;

[<sup>F74</sup>“the Gas Directive” means Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC;]

“gas licence” means a licence under section 7 [<sup>F77</sup>, 7A or 7AB ] of the 1986 Act;

“the 1986 Act” means the <sup>M20</sup>Gas Act 1986;

“the 1989 Act” means the <sup>M21</sup>Electricity Act 1989.

- (2) Expressions used in this Act, as regards matters relating to gas, which are defined in section 48 or 66 of the 1986 Act or used in Part I of that Act have, unless the context otherwise requires, the same meaning as in that Part of that Act.
- (3) Expressions used in this Act, as regards matters relating to electricity, which are defined in section 64 or 111 of the 1989 Act or used in Part I of that Act have, unless the context otherwise requires, the same meaning as in that Part of that Act.
- (4) Section 46 of the 1986 Act (service of notices, etc.) shall apply to any document authorised or required by virtue of any provision of this Act to be served on or given to any person as if it were authorised or required to be served or given by virtue of that Act.

#### Textual Amendments

- F74** Words in s. 106(1) inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **25**
- F75** Words in s. 106(1) 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(10)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F76** Words in s. 106(1) 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(10)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F77** Words in s. 106(1) substituted (19.9.2012) by [The Electricity and Gas \(Smart Meters Licensable Activity\) Order 2012 \(S.I. 2012/2400\)](#), arts. 1, **30(3)**

#### Marginal Citations

- M20** 1986 c. 44.
- M21** 1989 c. 29 .

## 107 Financial provisions.

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by the Authority by virtue of this Act;
- (b) any expenditure incurred by the Secretary of State by virtue of this Act;
- (c) any increase attributable to this Act in the sums payable out of money so provided under any other Act.



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## 108 Amendments, transitional provisions and repeals.

Schedule 6 (minor and consequential amendments), Schedule 7 (transitional provisions and savings) and Schedule 8 (repeals) have effect.

### Commencement Information

- I3** S. 108 wholly in force at 1.10.2001; s. 108 not in force at Royal Assent see s. 110(2); s. 108 in force at 20.12.2000 for certain purposes by [S.I. 2000/3343, art. 2, Sch.](#)(subject to transitional provisions in arts. 3-15); s. 108 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](#))

## 109 Power to make transitional provision etc.

- (1) The Secretary of State may by regulations make such transitional and consequential provisions and such savings as he considers necessary or expedient in preparation for, or in connection with, or in consequence of—
  - (a) the coming into force of any provision of this Act; or
  - (b) the operation of any enactment repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.
- (2) Such regulations may make modifications of any enactment contained in any Act or subordinate legislation (including an enactment contained in this Act or in any Act passed or subordinate legislation made in the same Session as this Act).
- (3) The power of the Secretary of State to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

## 110 Short title, commencement and extent.

- (1) This Act may be cited as the Utilities Act 2000.
- (2) This Act (apart from this section and section 68) shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) An order under subsection (2) may contain transitional provisions and savings relating to the provisions being brought into force by the order.
- (4) Any amendment or repeal made by this Act has the same extent as the enactment being amended or repealed.
- (5) Subject to subsection (4), this Act does not extend to Northern Ireland.

### Subordinate Legislation Made

- P1** S. 110 power partly exercised: 29.9.2000 and 21.11.2000 appointed for specified provisions by [S.I. 2000/2412, arts. 2, 3, Sch.](#)
- P2** S. 110(2) power partly exercised: 1.11.2000 appointed for specified provisions by [S.I. 2000/2917, art. 2](#)  
S. 110(2) power partly exercised: 7.11.2000 appointed for specified provisions by [S.I. 2000/2974, art. 2, Sch.](#)

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S. 110(2) power partly exercised: 20.12.2000 appointed for specified provisions by [S.I. 2000/3343](#), [art. 2](#), [Sch.](#) (as amended (14.5.2001) by [S.I. 2001/1780](#), [art. 2](#))

S. 110(2) power partly exercised: 16.5.2001 appointed for specified provisions by [S.I. 2001/1781](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-10](#))

S. 110(2) power partly exercised: 1.10.2001 appointed for specified provisions by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [art. 3-20](#))

**Status:**

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