

## SCHEDULES

### SCHEDULE 6

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART II

##### ELECTRICITY ACT 1989

- 24 The Electricity Act 1989 is amended as follows.
- 25 In section 12(7) (matters to which the Competition Commission is to have regard in making determinations) for “3 above” there is substituted “3A to 3C”.
- 26 (1) Section 23 (determination of disputes) is amended as follows.
- (2) For subsections (1) and (2) there is substituted—
- “ (1) This section applies (in addition to any disputes to which it applies by virtue of any other provision of this Act) to any dispute arising under sections 16 to 21 between an electricity distributor and a person requiring a connection.
- (1A) A dispute to which this section applies—
- (a) may be referred to the Authority by either party, or with the agreement of either party, by the Council; and
- (b) on such a reference, shall be determined by order made either by the Authority or, if the Authority thinks fit, by an arbitrator (or in Scotland an arbiter) appointed by the Authority.
- (1B) The practice and procedure to be followed in connection with any such determination shall be such as the Authority may consider appropriate.
- (1C) No dispute arising under sections 16 to 21 which relates to the making of a connection between any premises and a distribution system may be referred to the Authority after the end of the period of 12 months beginning with the time when the connection is made.
- (2) Where a dispute arising under sections 16 to 21 between an electricity distributor and a person requiring a connection falls to be determined under this section, the Authority may give directions as to the circumstances in which, and the terms on which, the distributor is to make or (as the case may be) to maintain a connection pending the determination of the dispute.”
- (3) After subsection (4) there is inserted—
- “(4A) A person making an order under this section shall include in the order his reasons for reaching his decision with respect to the dispute.”
- (4) After subsection (6) there is inserted—

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- “(7) Section 16(4)(a) does not apply to the references in this section to making a connection.”
- 27 In section 25(5)(a) (circumstances in which the Authority may not make or confirm an order under the section) for “3 above” there is substituted “3A to 3C”.
- 28 In section 25 (orders for securing compliance with certain provisions), in the definition of “relevant requirement” in subsection (8), for the words “or section 40(3), 41(3), 42A or 42B below” there is substituted “, or sections 32 to 32C, section 40, 40A, 42, 42A, 42C, 43A or 43B below or section 27(4)(b) of the Utilities Act 2000 (order to comply with a direction under section 24 of that Act).”
- 29 (1) Section 28 (power to require information etc.) is amended as follows.
- (2) After subsection (2) there is inserted—
- “(2A) Where a licence has been or is to be revoked or suspended, or has expired or is about to expire by effluxion of time, and it appears to the Authority, having regard to the duties imposed by section 3A, 3B or 3C, to be requisite or expedient to do so for any purpose connected with the revocation, suspension or expiry, the Authority may, with the consent of the Secretary of State, by notice in writing—
- (a) require the licence holder to produce, at a time and place specified in the notice, to the Authority, or to any person so specified, any records which are specified or described in the notice and are in the licence holder’s custody or under his control; or
- (b) require the licence holder to furnish to the Authority, or to any person specified in the notice, such information as may be specified or described in the notice, and specify the time, the manner and the form in which any such information is to be furnished.”.
- (3) In subsection (3), after “documents” there is inserted “or records”.
- (4) In subsection (4), after “subsection (2)” there is inserted “or (2A)”.
- (5) In subsection (5)—
- (a) after “document” there is inserted “or record”;
- (b) after “subsection (2)” there is inserted “or (2A)”.
- (6) In subsection (6), after “subsection (2)” there is inserted “or (2A)”.
- 30 (1) Section 29 (regulations relating to supply and safety of electricity) is amended as follows.
- (2) In subsection (1)(b), after “transmission” there is inserted “, distribution”.
- (3) In subsection (2)—
- (a) in paragraph (a) for “supply” there is substituted “distribution”;
- (b) in paragraph (b) for “of supplies or transmissions” there is substituted “in the distribution or transmission”;
- (c) in paragraph (c) for “supply” there is substituted “distribute”;
- (d) in paragraph (d) for the words from “persons” to “supply” (in the second place it appears) there is substituted “electricity distributors from any duty under section 16 or authorising them to disconnect any premises or distribution system”.

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- 31 (1) Section 30 (electrical inspectors) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) for “supply” there is substituted “distribute”;
  - (b) in paragraph (b) after “transmission” there is inserted “, distribution”;
  - (c) in paragraph (c) for “supply of electricity through or by” there is substituted “conveyance of electricity through”.
- (3) In subsection (3)—
- (a) in paragraph (b) for “generate, transmit or supply electricity” there is substituted “carry on licensable activities”;
  - (b) in paragraph (c) for the words from “persons” to “supply” (in the second place it appears) there is substituted “electricity distributors from any duty under section 16 or authorising them to disconnect any premises or distribution system”.
- 32 In section 39 (standards of performance in individual cases)—
- (a) for subsection (1) there is substituted—
    - “(1) The Authority may, with the consent of the Secretary of State, make regulations prescribing such standards of performance in connection with the activities of electricity suppliers, so far as affecting customers or potential customers of theirs, as in the Authority’s opinion ought to be achieved in individual cases.”;
  - (b) in subsection (2), for the words from “and may” to the end there is substituted “ and, if the Authority is of the opinion that the differences are such that no electricity supplier would be unduly disadvantaged in competing with other electricity suppliers, may make different provision for different electricity suppliers.”;
  - (c) in subsection (2)(a) and (c) for “public electricity suppliers” there is substituted “electricity suppliers”;
  - (d) in subsections (3) and (4) for “a public electricity supplier” there is substituted “an electricity supplier”.
- 33 In section 40 (overall standards of performance)—
- (a) in subsection (1)(a) for “such” (in the second place it appears) there is substituted “electricity”;
  - (b) in subsection (2) at the end there is inserted “if the Authority is of the opinion that the differences are such that no electricity supplier would be unduly disadvantaged in competing with other electricity suppliers”;
  - (c) in subsection (2) for “public electricity suppliers” there is substituted “electricity suppliers”;
  - (d) in subsection (3) for “public electricity supplier” there is substituted “electricity supplier”.
- 34 In section 42 (information with respect to levels of performance)—
- (a) in subsection (1) for “public electricity suppliers” there is substituted “electricity suppliers”;
  - (b) in subsection (2) for “public electricity supplier” there is substituted “electricity supplier”;
  - (c) in subsection (3) for “a public electricity supplier” there is substituted “an electricity supplier”.

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- 35 Section 42B (procedures for dealing with complaints) shall cease to have effect.
- 36 (1) Section 44A (billing disputes) is amended as follows.
- (2) In subsection (2)—
- (a) for “a public electricity supplier” there is substituted “an electricity supplier”;
- (b) for “tariff customer” there is substituted “customer”.
- (3) In subsection (8)—
- (a) for “public electricity supplier” there is substituted “electricity supplier”;
- (b) for “tariff customer” there is substituted “customer”.
- 37 In section 59 (making of false statements etc.) in subsection (2)(a), for “a public electricity supplier” there is substituted “, or other person acting on behalf of, an electricity distributor or electricity supplier”.
- 38 (1) Section 64(1) (interpretation of Part I) is amended as follows.
- (2) After the definition of “authorised area” there is inserted—
- ““authorised distributor” means a person who is authorised by a licence or exemption to distribute electricity;
- “authorised supplier” means a person who is authorised by a licence or exemption to supply electricity;
- “distribute”, in relation to electricity, has the meaning given by section 4(4), and cognate expressions shall be construed accordingly;”.
- (3) In the definition of “electrical plant” after “transmission” there is inserted “, distribution”.
- (4) After the definition of “electric line” there is inserted—
- ““electricity distributor” and “electricity supplier” have the meanings given by section 6(9).”
- (5) After the definition of “licence” there is inserted—
- ““licensable activity” means an activity which, if carried on without the authority of a licence or exemption, constitutes an offence under section 4(1);”
- (6) In the definition of “prescribed”, for the words from “except” to “made” there is substituted “means prescribed by regulations made, unless the context otherwise requires,”.
- (7) After the definition of “relevant condition” there is inserted—
- ““special connection agreement” means a special agreement under section 22;”
- (8) The definition of “private electricity supplier”, the definition of “public electricity supplier” and the definition of “tariff customer” shall be omitted.
- 39 In section 106(2) (regulations and orders), in paragraph (b), after “company” there is inserted “, an order under section 11A, 27A, 32, 41A, 43A or 56A,”.
- 40 In section 111(1) (interpretation)—

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- (a) after the definition of “Area Board” there is inserted—
  - ““the Authority” means the Gas and Electricity Markets Authority;”;
  - and
- (b) after the definition of “contravention” there is inserted—
  - ““the Council” means the Gas and Electricity Consumer Council;”.