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SCHEDULES

SCHEDULE 1

Section 1(4).

THE GAS AND ELECTRICITY MARKETS AUTHORITY

Membership

- 1 (1) The Authority shall consist of a chairman, and no fewer than two other members, appointed by the Secretary of State.
- (2) The Secretary of State shall consult the chairman before appointing any other member.

Terms of appointment, remuneration, pensions etc.

- 2 (1) Subject to this Schedule, the chairman and other members shall hold and vacate office as such in accordance with the terms of their respective appointments.
- (2) The terms of appointment of the chairman and other members shall be determined by the Secretary of State.

- [^{F1}2A. A person holding office as chairman or other member must not—
- (a) seek or take any instructions that might compromise, or might reasonably be seen to compromise, the independence of the Authority 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, that person's impartiality.]

Textual Amendments

- F1** Sch. 1 para. 2A inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **24(2)**

- [^{F2}3 (1) An appointment of a person to hold office as chairman or other member must be for a term of not less than 5 years and not more than 7 years.
- (2) But in appointing as chairman or other member a person who is on the Authority's staff, the Secretary of State may make the appointment subject to a condition that the appointment will end if that person ceases to be on the Authority's staff.
- (3) The appointment of a person as chairman or other member may be renewed only once.
- (4) The Secretary of State must ensure that there is sufficient continuity in the persons holding office as chairman or other member in determining—
- (a) the term of a person's appointment in accordance with sub-paragraph (1) (whether initially or on renewal); and

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- (b) whether or not to renew an appointment in accordance with sub-paragraph (3).
- (5) A person holding office as chairman or other member may resign that office by giving notice in writing to the Secretary of State.
- (6) A person holding office as chairman or other member may be removed from office by the Secretary of State on one of the following grounds only—
 - (a) a breach of paragraph 2A;
 - (b) incapacity; or
 - (c) misbehaviour.]

Textual Amendments

F2 Sch. 1 para. 3 substituted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **24(3)**

- 4 (1) The Authority shall pay to the chairman and other members such remuneration, and such travelling and other allowances, as may be determined by the Secretary of State.
- (2) The Authority shall, if required to do so by the Secretary of State—
 - (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who is or has been the chairman or a member of the Authority; or
 - (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) If, where any person ceases to hold office as chairman or other member, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, the Authority shall pay to him a sum by way of compensation of such amount as may be determined by the Secretary of State.

Staff

- 5 The Authority may, with the approval of the Minister for the Civil Service as to numbers and terms and conditions of service, appoint such staff as it may determine.

Committees

- 6 (1) The Authority may establish committees and any committee of the Authority may establish sub-committees.
- (2) The members of a committee of the Authority may include persons who are not members of the Authority (and the members of a sub-committee may include persons who are not members of the committee).

Proceedings etc.

- 7 (1) The Authority may regulate its own procedure (including quorum).
- (2) The validity of anything done by the Authority is not affected by a vacancy among its members or by a defect in the appointment of a member.

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- 8 (1) The application of the seal of the Authority to a statutory instrument shall be authenticated by the signature of the chairman or by some other person who has been authorised by the Authority to act for that purpose.
- (2) A document purporting to be duly executed under the seal of the Authority, or signed on its behalf, shall be received in evidence and, unless the contrary is proved, be taken to be so executed or signed.

Performance of functions

- 9 (1) Anything authorised or required to be done by the Authority may be done by—
- (a) any member or employee of the Authority who is authorised for that purpose by the Authority, whether generally or specially;
 - (b) any committee of the Authority which has been so authorised.
- (2) Sub-paragraph (1) does not apply to any power to make statutory instruments.
- [^{F3}(2A) Sub-paragraph (1) is subject to provision in rules made under section 51 of the Competition Act 1998 by virtue of paragraph 1A of Schedule 9 to that Act in respect of the exercise of a function under Part 1 of that Act.]
- (3) In sub-paragraph (1)(b) “committee of the Authority” does not include a committee whose members include any person who is not a member or employee of the Authority.

Textual Amendments

- F3** Sch. 1 para. 9(2A) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 15 para. 13; S.I. 2014/416, art. 2(1)(f) (with Sch.)

- 10 The ^{M1}Statutory Instruments Act 1946 shall apply to any power to make statutory instruments conferred on the Authority by or under any Act as if the Authority were a Minister of the Crown.

Marginal Citations

- M1** 1946 c. 36.

Supplementary powers

- 11 (1) The Authority has power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of its functions.
- (2) That power includes the formation of advisory bodies.

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^{F4}SCHEDULE 2

Section 2(4).

THE GAS AND ELECTRICITY CONSUMER COUNCIL

Textual Amendments

F4 Sch. 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.

^{F4} *Membership of Council*

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^{F4} *Terms of appointment, remuneration, pensions et cetera*

.....

^{F4} *Staff*

.....

^{F4} *Annual reports*

.....

^{F4} *Financial provisions and accounts*

.....

^{F4} *Regional and other committees and sub-committees*

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^{F4} *Performance of functions of the Council*

.....

^{F4} *Supplementary powers*

.....

SCHEDULE 3

Section 3(8).

FURTHER PROVISION ABOUT TRANSFERS OF FUNCTIONS, PROPERTY ETC.

Preliminary

1 In this Schedule—

“transfer” means—

- (a) a transfer of functions under any provision of this Act to the Authority;
- or
- (b) a transfer of property, rights and liabilities under section 3; and

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“transfer scheme” means a transfer scheme under section 3(3).

Contents of transfer schemes

- 2 (1) The property, rights and liabilities which may be transferred by a transfer scheme include property, rights and liabilities that would not otherwise be capable of being transferred or assigned.
- (2) The transfers authorised by sub-paragraph (1) include transfers which are to take effect as if there were no such contravention, liability or interference with any interest or right as there would otherwise be by reason of any provision having effect (whether under any enactment or agreement or otherwise) in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.
- 3 A transfer scheme may define the property, rights and liabilities to be transferred by specifying them or describing them or by referring to all (or all except anything specified or described) of the property, rights and liabilities comprised in a specified part of the undertaking of the transferor (or partly in one way and partly in the other).
- 4 A transfer scheme may include such supplementary, incidental, transitional and consequential provision as the Secretary of State considers appropriate.

Modification of transfer scheme after appointed day

- 5 (1) If, after the day appointed by a transfer scheme, the transferor and transferee so agree in writing, the scheme shall for all purposes be deemed to have come into force on that day with such modifications as may be agreed.
- (2) An agreement under this paragraph may, in connection with giving effect to modifications to the scheme, include incidental, supplemental, consequential and transitional provision.

Effect of transfers

- 6 (1) Anything done by the transferor for the purpose of or in connection with anything transferred which is in effect immediately before it is transferred shall be treated as if done by the transferee.
- (2) A transfer does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.
- 7 There may be continued by or in relation to the transferee anything (including legal proceedings) relating to anything transferred which is in the process of being done by or in relation to the transferor immediately before it is transferred.
- 8 The transferee shall be substituted for the transferor in any document relating to anything transferred.

Continuity of employment, etc. of transferred employees

- 9 (1) Where a person employed in the civil service of the state becomes an employee of the Council under a transfer scheme, his period of employment in that service counts as a period of employment with the Council for the purposes of the ^{M2}Employment Rights Act 1996 (and the change of employer does not break the continuity of the period of employment for those purposes).

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- (2) Where an employee of the Gas Consumers' Council becomes an employee of the Gas and Electricity Consumer Council—
- (a) he shall not be regarded for the purposes of Part XI of the ^{M3}Employment Rights Act 1996 as having been dismissed by virtue of the transfer; and
 - (b) his period of employment with the Gas Consumers' Council counts as a period of employment with the Gas and Electricity Consumer Council for the purposes of the ^{M4}Employment Rights Act 1996 (and the change of employer does not break the continuity of his employment).

Marginal Citations

- M2** 1996 c. 18.
M3 1996 c. 18.
M4 1996 c. 18.

SCHEDULE 4

Section 51.

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 6 TO THE 1989 ACT

Commencement Information

- II** [Sch. 4](#) wholly in force at 1.10.2001; [Sch. 4](#) not in force at Royal Assent see [s. 110\(2\)](#); [Sch. 4](#) 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](#)); [Sch. 4](#) 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](#))

“SCHEDULE 6

THE ELECTRICITY CODE

Suppliers' charges relating to meters for disabled persons

- 1 (1) Where an electricity supplier, for the purpose of meeting the needs of a disabled person—
 - (a) alters the position of any electricity meter provided by him for a customer of his; or
 - (b) replaces such a meter with one which has been specially adapted, the supplier shall not charge the customer for the alteration or replacement.
- (2) Section 23 applies to any dispute arising under this paragraph.

Non-payment of suppliers' charges

- 2 (1) Where a customer has not, within the requisite period, paid all charges due from him to an electricity supplier in respect of the supply of electricity to any premises or the provision of an electricity meter, the supplier may—
 - (a) install a pre-payment meter on the premises; or

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- (b) disconnect the premises,
and the supplier may recover any expenses incurred in so doing from the customer.
- (2) The power of a supplier under sub-paragraph (1)(a) or (b) may not be exercised—
 - (a) as respects any amount which is genuinely in dispute (disregarding for this purpose a dispute under section 39 or regulations made under it); and
 - (b) unless not less than seven working days' notice has been given to the occupier of the premises (or the owner of the premises if they are unoccupied) of his intention to exercise it.
- (3) In this paragraph the “requisite period” means the period of 28 days after the making by the supplier of a demand in writing for payment of the charges due.

Deemed contracts in certain cases

- 3 (1) Where an electricity supplier supplies electricity to any premises otherwise than in pursuance of a contract, the supplier shall be deemed to have contracted with the occupier (or the owner if the premises are unoccupied) for the supply of electricity as from the time (“the relevant time”) when he began so to supply electricity.
- (2) Where—
 - (a) the owner or occupier of any premises takes a supply of electricity which has been conveyed to those premises by an electricity distributor;
 - (b) that supply is not made by an authorised supplier; and
 - (c) a supply of electricity so conveyed has been previously made by an electricity supplier,the owner or occupier shall be deemed to have contracted with the appropriate supplier for the supply of electricity as from the time (“the relevant time”) when he began to take such a supply.
- (3) Nothing in sub-paragraph (2) shall be taken to afford a defence in any criminal proceedings.
- (4) The Authority shall publish a document containing provision for determining the “appropriate supplier” for the purposes of sub-paragraph (2).
- (5) The Authority may revise the current document published under sub-paragraph (4); and where it does so it shall publish the revised document.
- (6) The express terms and conditions of a contract which, by virtue of sub-paragraph (1) or (2), is deemed to have been made shall be provided for by a scheme made under this paragraph.
- (7) Each electricity supplier shall make (and may from time to time revise), a scheme for determining the terms and conditions which are to be incorporated in the contracts which, by virtue of sub-paragraph (1) or (2), are to be deemed to have been made.
- (8) The terms and conditions so determined may include terms and conditions for enabling the electricity supplier to determine, in any case where the meter is not read immediately before the relevant time, the quantity of electricity which is to be treated as supplied by the supplier to the premises, or taken by the owner or occupier of the premises, during the period beginning with the relevant time and ending with—
 - (a) the time when the meter is first read after the relevant time; or

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- (b) the time when the supplier ceases to supply electricity to the premises, or the owner or occupier ceases to take a supply of electricity, whichever is the earlier.
- (9) A scheme under this paragraph may (subject to section 7B) make different provision for different cases or classes of cases, or for different areas, determined by, or in accordance with, the provisions of the scheme.
- (10) As soon as practicable after an electricity supplier makes a scheme under this paragraph, or a revision of such a scheme, he shall—
- (a) publish, in such manner as he considers appropriate for bringing it to the attention of persons likely to be affected by it, a notice stating the effect of the scheme or revision;
 - (b) send a copy of the scheme or revision to the Authority and to the Council; and
 - (c) if so requested by any other person, send such a copy to that person without charge to him.

Supplies of electricity illegally taken

- 4 (1) Where any person takes a supply of electricity which is in the course of being conveyed by an electricity distributor, the distributor shall be entitled to recover from that person the value of the electricity so taken.
- (2) Where—
- (a) any person at premises at which a connection has been restored in contravention of paragraph 5(1) takes a supply of electricity which has been conveyed to those premises by an electricity distributor; and
 - (b) the supply is taken otherwise than in pursuance of a contract made with an authorised supplier, or of a contract deemed to have been made with an electricity supplier by virtue of paragraph 3 above or paragraph 23 (former tariff customers) of Schedule 7 to the Utilities Act 2000,
- the distributor shall be entitled to recover from that person the value of the electricity so taken.
- (3) Each electricity distributor shall make, and from time to time revise, a scheme providing for the manner in which, and the persons by whom, the quantity of electricity taken in such circumstances as are mentioned in sub-paragraph (1) or (2) is to be determined for the purposes of that sub-paragraph.
- (4) Sub-paragraphs (9) and (10) of paragraph 3 shall apply in relation to a scheme under this paragraph as they apply in relation to a scheme under that paragraph.
- (5) In this paragraph “value”, in relation to any electricity taken in such circumstances as are mentioned in sub-paragraph (1) or (2), means the amount which, if the electricity had been taken in such circumstances as are mentioned in sub-paragraph (2) of paragraph 3, could reasonably be expected to have been payable in respect of the electricity under a contract deemed to have been made by virtue of that sub-paragraph.

Restoration of connection without consent

- 5 (1) Where, otherwise than in the exercise of a power conferred by regulations under section 29, premises have been disconnected by an electricity supplier or an electricity

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distributor, no person shall, without the consent of the supplier or, as the case may be, the distributor, restore the connection.

- (2) A person who acts in contravention of this paragraph shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A connection restored in contravention of this paragraph may be disconnected by the distributor to whose distribution system the connection is made or, if the original disconnection was carried out by an electricity supplier, by that supplier.

Damage to electrical plant etc.

- 6 (1) A person who intentionally or by culpable negligence damages or allows to be damaged—
 - (a) any electric line or electrical plant provided by an electricity distributor; or
 - (b) any electricity meter provided by an electricity supplier,shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Where an offence has been committed under sub-paragraph (1) by the occupier of any premises (or by the owner of the premises if they are unoccupied when the offence is committed) in relation to any electric line or electrical plant provided by an electricity distributor for making or maintaining a connection to the premises, the distributor may disconnect the premises.
- (3) Where an offence has been committed under sub-paragraph (1) in relation to an electricity meter provided by an electricity supplier which is situated on any premises, by the occupier (or by the owner of the premises if they are unoccupied when the offence is committed), the supplier may disconnect the premises and may remove the meter.
- (4) A meter removed under sub-paragraph (3) shall be kept safely by the supplier until the Authority authorises its destruction or disposal.
- (5) The distributor or supplier shall not be under any obligation to reconnect (and in the case of a supplier to restore the supply to) any premises disconnected under sub-paragraph (2) or (3) until—
 - (a) the offender is no longer the occupier or, as the case may be, the owner of the premises; or
 - (b) the matter in consequence of which the premises were disconnected has been remedied.

Entry during continuance of connection or supply

- 7 (1) Any officer or other person authorised by an electricity distributor may at all reasonable times enter any premises to which the distributor is maintaining a connection, for the purpose of inspecting any electric line or electrical plant provided by him.
- (2) Any officer or other person authorised by an electricity supplier may at all reasonable times enter any premises to which electricity is being supplied by him for the purpose of—
 - (a) ascertaining the register of any electricity meter and, in the case of a pre-payment meter, removing any money or tokens belonging to the supplier;
 - (b) removing, inspecting or re-installing any electricity meter or installing any substitute meter.

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- (3) The supplier shall provide a substitute meter while a meter is removed under sub-paragraph (2)(b).
- (4) Where an electricity supplier is authorised by paragraph 2(1) to install a pre-payment meter on any premises, any officer or other person authorised by the supplier may at all reasonable times enter the premises for the purpose of installing such a meter.
- (5) A power of entry for the purpose of removing or installing an electricity meter may not be exercised unless at least two working days' notice has been given to the occupier (or the owner of the premises if they are unoccupied).

Entry on discontinuance of supply or connection

- 8 (1) Where an electricity supplier or an electricity distributor is authorised by paragraph 6(2) or (3) above or paragraph 11(3) of Schedule 7 to this Act—
- (a) to disconnect any premises; or
 - (b) to remove an electricity meter,
- any officer or other person authorised by the supplier or distributor may at all reasonable times enter the premises for the purpose of disconnecting the premises or removing the meter.
- (2) Where—
- (a) an electricity distributor is authorised by any provision of this Act (other than one mentioned in sub-paragraph (1)) or of regulations made under it to disconnect any premises;
 - (b) a person occupying premises which are connected to a distribution system of an electricity distributor ceases to require a connection; or
 - (c) a person entering into occupation of any premises connected to a distribution system of an electricity distributor does not require such a connection,
- any officer or other person authorised by the distributor may at all reasonable times enter the premises for the purpose of disconnecting the premises or removing any electrical plant or electric line provided by the distributor.
- (3) Where—
- (a) an electricity supplier is authorised by any provision of this Act (other than one mentioned in sub-paragraph (1)), or of regulations made under it, to disconnect any premises or to discontinue the supply to any premises;
 - (b) a person occupying premises which are supplied with electricity by an electricity supplier ceases to require such a supply; or
 - (c) a person entering into occupation of any premises previously supplied with electricity by an electricity supplier does not require such a supply;
- any officer or other person authorised by the supplier may at all reasonable times enter the premises for the purpose of disconnecting the premises or removing any electricity meter provided by the supplier.
- (4) A power of entry under sub-paragraph (2) or (3) may not be exercised unless at least two working day's notice has been given to the occupier (or to the owner of the premises if they are unoccupied).

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Entry for replacing, repairing or altering lines or plant

- 9 (1) Any officer or other person authorised by an electricity distributor may at all reasonable times enter any premises for the purpose of—
- (a) placing a new electric line or any new electrical plant in the place of or in addition to any existing line or plant which has already been lawfully placed; or
 - (b) repairing or altering any such existing line or plant.
- (2) A power of entry under sub-paragraph (1) may not be exercised unless at least five working days' notice has been given to the occupier of any premises (or to the owner of the premises if they are unoccupied).
- (3) In the case of emergency arising from faults in an electric line or any electrical plant entry may be made under sub-paragraph (1) above without the notice required by sub-paragraph (2), but notice shall then be given as soon as possible after the occurrence of the emergency.

Provisions as to powers of entry

- 10 (1) The ^{M5}Rights of Entry (Gas and Electricity Boards) Act 1954 (entry under a justice's warrant) shall apply in relation to the powers of entry conferred by this Schedule.
- (2) Any reference in this Schedule to an officer or other person authorised by an electricity supplier or an electricity distributor includes a reference to a person who, in accordance with a written authority given by the supplier or distributor to an agent of the supplier or distributor, is authorised by the agent on behalf of the supplier or distributor.
- (3) Where in pursuance of any power of entry conferred by this Schedule, entry is made on any premises by a person authorised to do so—
- (a) that person shall ensure that the premises are left no less secure by reason of the entry; and
 - (b) the supplier or distributor shall make good, or pay compensation for, any damage caused by that person (or by any other person accompanying him under sub-paragraph (5)) in entering the premises, in taking any action on the premises or in making them secure.
- (4) A person may only exercise a power of entry conferred by this Schedule on production of some duly authenticated document showing his authority.
- (5) Any person exercising a power of entry conferred by this Schedule may be accompanied by such other persons as may be necessary or expedient for the purpose for which the entry is made or for the purposes of sub-paragraph (3)(a) or (b) above.
- (6) A person who intentionally obstructs a person exercising powers of entry conferred by this Schedule shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Electrical plant etc. not to be subject to distress

- 11 (1) This paragraph applies to any electric line, electrical plant or electricity meter belonging to or provided by an electricity distributor or electricity supplier which is marked or impressed with a sufficient mark or brand indicating an electricity supplier or electricity distributor as the owner or provider thereof.
- (2) Anything to which this paragraph applies—

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- (a) shall be deemed not to be landlord’s fixtures, notwithstanding that they may be fixed or fastened to any part of any premises; and
- (b) shall not in England and Wales be subject to distress or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession they may be.”

Marginal Citations

M5 1954 c. 1.

SCHEDULE 5

Section 52.

ELECTRICITY METERING

- 1 Schedule 7 to the 1989 Act (use etc. of electricity meters) is amended as follows.

Commencement Information

I2 Sch. 5 para. 1 wholly in force at 1.10.2001; Sch. 1 para. 5 not in force at Royal Assent see s. 110(2); Sch. 1 para. 5 in force for specified purposes at 16.5.2001 by S.I. 2001/1781, art. 2, Sch. (subject to transitional provisions in arts. 3-10); Sch. 5 para. 1 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)

- 2 (1) For the expression “electricity supplier” in each place it appears (otherwise than in the expression “public electricity supplier”) there is substituted “authorised supplier”.
- (2) In paragraph 13 the definition of “electricity supplier” shall be omitted.

Commencement Information

I3 Sch. 5 para. 2 wholly in force at 1.10.2001; Sch. 5 para. 2 not in force at Royal Assent see s. 110(2); Sch. 5 para. 2 in force at 1.10.2001 by S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

- 3 (1) Paragraph 1 (consumption to be ascertained by appropriate meter) is amended as follows.
- (2) After sub-paragraph (1) there is inserted—
- “(1A) An authorised supplier may give a supply otherwise than through an appropriate meter in such circumstances as may be prescribed.”
- (3) In sub-paragraph (2)—
- (a) after “customer” there is inserted “(who may provide a meter which belongs to him or is made available otherwise than in pursuance of arrangements made by the supplier)”; and
 - (b) for “(whether by way of sale, hire or loan)” there is substituted “(who may provide a meter which belongs to him or to any person other than the customer)”.

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(4) In sub-paragraph (2A) for “a public electricity supplier” there is substituted “ an authorised supplier ”.

(5) In sub-paragraphs (7) and (9), for “a public electricity supplier” there is substituted “ an electricity supplier ”.

Commencement Information

I4 Sch. 5 para. 3 wholly in force at 1.10.2001; Sch. 5 para. 3 not in force at Royal Assent see s. 110(2); Sch. 5 para. 3(1)(2) in force for specified purposes at 16.5.2001 by S.I. 2001/1781, art. 2, Sch. (subject to transitional provisions in arts. 3-10); Sch. 5 para. 3(1)(2) in force for all remaining purposes and Sch. 5 para. 3(3)-(5) in force for all purposes at 1.10.2001 by S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

4 In paragraph 3 (offences relating to use of meter), after sub-paragraph (1) there is inserted—

“(1A) Regulations under paragraph 1(1A) may provide for this paragraph not to apply in such circumstances as may be prescribed (being circumstances in which an authorised supplier is not required to supply electricity through an appropriate meter).”

Commencement Information

I5 Sch. 5 para. 4 wholly in force at 1.10.2001; Sch. 5 para. 4 not in force at Royal Assent see s. 110(2); Sch. 5 para. 4 in force for specified purposes at 16.5.2001 by S.I. 2001/1781, art. 2, Sch. (subject to transitional provisions in arts. 3-10); Sch. 5 para. 4 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)

5 In paragraph 5(3) (certification without examination or testing of certain meters) the words “a public electricity supplier or by” shall cease to have effect.

Commencement Information

I6 Sch. 5 para. 5 wholly in force at 1.10.2001; Sch. 5 para. 5 not in force at Royal Assent see s. 110(2); Sch. 5 para. 5 in force at 1.10.2001 by S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

6 In paragraph 6 (apparatus for testing etc. meters)—
(a) in sub-paragraph (1), the words “a public electricity supplier or”; and
(b) sub-paragraph (5),
shall cease to have effect.

Commencement Information

I7 Sch. 5 para. 6 wholly in force at 1.10.2001; Sch. 5 para. 6 not in force at Royal Assent see s. 110(2); Sch. 5 para. 6 in force at 1.10.2001 by S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

7 In paragraph 10 (meters to be kept in proper order)—
(a) in sub-paragraph (1) for “belonging to” there is substituted “ provided by ”;

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- (b) in sub-paragraph (2) for “let for hire or lent” there is substituted “ provided ”;
- (c) after sub-paragraph (2) there is inserted—
- “(2A) Section 23 of this Act shall apply in relation to any dispute arising under this paragraph between an electricity supplier and a customer.”;
- and
- (d) sub-paragraph (3) shall cease to have effect.

Commencement Information

I8 [Sch. 5 para. 7](#) wholly in force at 1.10.2001; [Sch. 5 para. 7](#) not in force at Royal Assent see [s. 110\(2\)](#); [Sch. 5 para. 7](#) in force at 1.10.2001 by [S.I. 2001/3266, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 8 In paragraph 12 (pre-payment meters) for sub-paragraph (2) there is substituted—
- “(2) A pre-payment meter installed on any premises shall not be used to recover any sum other than a sum owing to an authorised supplier in respect of the supply of electricity to those premises or the provision of the meter.”

Commencement Information

I9 [Sch. 5 para. 8](#) wholly in force at 1.10.2001; [Sch. 5 para. 8](#) not in force at Royal Assent see [s. 110\(2\)](#); [Sch. 5 para. 8](#) in force at 1.10.2001 by [S.I. 2001/3266, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

SCHEDULE 6

Section 108.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

GAS ACT 1986

- 1 The ^{M6}Gas Act 1986 is amended as follows.

Commencement Information

I10 [Sch. 6 para. 1](#) in force at 7.11.2000 for specified purposes by [S.I. 2000/2974, art. 2, Sch.](#)(subject to transitional provisions in [arts. 3-12](#)); [Sch. 6 para. 1](#) 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](#)); [Sch. 6 para. 1](#) in force for specified purposes at 16.5.2001 by [S.I. 2001/1781, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-10](#)); [Sch. 6 para. 1](#) in force for all remaining purposes at 1.10.2001 by [S.I. 2001/3266, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

Marginal Citations

M6 1986 c. 44.

Status: Point in time view as at 16/10/2015.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Utilities Act 2000. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- 2 (1) In the following provisions, for “public gas transporter”, in each place where it appears, there is substituted “gas transporter” and for “public gas transporters” in each place where it appears, there is substituted “ gas transporters ”
- section 7A
 - section 7B
 - section 8
 - section 9
 - section 10
 - section 11
 - section 12
 - section 13
 - section 18
 - section 18A
 - section 19
 - section 21
 - section 27A
 - section 43
 - section 46
 - section 48
 - section 62
 - Schedule 2B
 - Part I of Schedule 3
 - Schedule 4.
- (2) In section 19(6)(a), paragraph 5(2) of Schedule 2B and Part II of Schedule 3, in each place where it appears, for “public gas transporter’s” there is substituted “ gas transporter’s ”.

Commencement Information

- I11** Sch. 6 para. 2(1) in force for specified purposes at 16.5.2001 by [S.I. 2001/1781](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-10](#)); Sch. 6 para. 2(1) in force for all remaining purposes and Sch. 6 para. 2(2) in force for all purposes at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 3 In section 5 (prohibition on unlicensed activities), in subsection (1)(a) and (c) for “public gas transporter” there is substituted “ gas transporter ”.

Commencement Information

- I12** Sch. 6 para. 3 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 4 In section 7 (licensing of public gas transporters), in subsections (2)(b), (6)(b) and (9) for “public gas transporter” there is substituted “ gas transporter ”.

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Commencement Information

I13 Sch. 6 para. 4 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 5 In section 7B (general provisions about licences), subsection (4)(d) (which provides for conditions in licences requiring the furnishing of information and is superseded by other provisions of this Act about information) shall cease to have effect. The repeal of subsection (4)(d) of section 7B is without prejudice to the generality of the power conferred by subsection (4)(a) of that section.

Commencement Information

I14 Sch. 6 para. 5 in force at 7.11.2000, see s. 102(2)(3) and [S.I. 2000/2974](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-12](#))

- 6 In section 7B(9)—
- (a) in paragraph (b)—
 - (i) for “or extension” in both places where it appears, there is substituted “, extension or restriction ”;
 - (ii) for “previously included” there is substituted “ includes ”; and
 - (b) at the end of paragraph (b) there is inserted “; and
 - (c) to any other person who holds a licence and whose interests may, in the opinion of the Authority, be affected by the grant.”.

Commencement Information

I15 Sch. 6 para. 6 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 7 In section 15A (billing disputes)—
- (a) for “domestic customer” (in each place) there is substituted “ customer ”;
 - (b) subsection (10) shall cease to have effect.

Commencement Information

I16 Sch. 6 para. 7 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 8 (1) Section 24 (modification references to Competition Commission) is amended as follows.
- (2) In subsection (1)(a)(i) and subsection (1A)(a), for “required” there is substituted “ regulated ”.
 - (3) In subsection (6) for “4 and 4A(1) and (2) above” there is substituted “ 4AA, 4AB and 4A ”.
 - (4) In subsection (8) for “and 26 below” there is substituted “ , 26 and 26A ”.

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Commencement Information

- I17** Sch. 6 para. 8(1) in force for specified purposes and s. 8(3) in force at 20.12.2000 by [S.I. 2000/3343](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-15](#)); Sch. 6 para. 8(1) in force for all remaining purposes and Sch. 6 para. 8(2)(4) in force for all purposes at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

^{F5}9

Textual Amendments

- F5** Sch. 6 para. 9 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); [S.I. 2003/1397](#), [art. 2\(1\)](#), [Sch.](#) (with [art. 8](#))

- 10 In section 27A(1) (determination of certain disputes) for “domestic customer” there is substituted “ customer of a person authorised by a licence or exemption to supply gas ”.

Commencement Information

- I18** Sch. 6 para. 10 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 11 In section 28(5)(a) (circumstances in which the Authority may not make or confirm an order under the section) for “4 or 4A above” there is substituted “ 4AA, 4AB or 4A ”.

Commencement Information

- I19** Sch. 6 para. 11 in force at 20.12.2000, see s. 102(2)(3) and [S.I. 2000/3343](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-15](#))

- 12 In section 28 (orders for securing compliance with certain provisions), in the definition of “relevant requirement” in subsection (8)—
- (a) after “9(1)” there is inserted “ , (1A) ”;
 - (b) after “12(1) or (6)” there is inserted “ , 16(10), ”
 - (c) after “33B,” there is inserted “ 33BA, 33C, ”;
 - (d) “33BB” is omitted;
 - (e) for “or 33E” there is substituted “ , 33F, 41A or 41B ”; and
 - ^{F6}(f)

Textual Amendments

- F6** Sch. 6 para. 12(f) 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.](#)

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Commencement Information

- I20** Sch. 6 para. 12(f) in force at 7.11.2000 by [S.I. 2000/2974](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in arts. 3-12); Sch. 6 para. 12(a)-(e) in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 13 In section 33A (standards of performance in individual cases)—
(a) for subsections (1) and (2) there is substituted—

“(1) The Authority may make regulations prescribing such standards of performance in connection with the activities of gas suppliers, so far as affecting customers or potential customers of theirs, as in the Authority’s opinion ought to be achieved in individual cases.

(2) Regulations under this section may only be made with the consent of the Secretary of State.”;

- (b) in subsection (3)(a), for “domestic customers” there is substituted “customers or potential customers”; and
(c) in subsection (4), for “domestic customer” there is substituted “customer or potential customer” and after “failure” there is inserted “and is of a prescribed description”.

Commencement Information

- I21** Sch. 6 para. 13 in force for specified purposes at 16.5.2001 by [S.I. 2001/1781](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-10](#)); Sch. 6 para. 13 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](#))

- 14 In section 33C (information with respect to levels of performance), in subsection (2) (b), for “may be so specified” there is substituted “the Authority may direct”.

Commencement Information

- I22** Sch. 6 para. 14 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 15 Section 33E (procedures for dealing with complaints) shall cease to have effect.

Commencement Information

- I23** Sch. 6 para. 15 wholly in force at 7.11.2000, see s. 102(2)(3) and [S.I. 2000/2974](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-12](#))

- 16 In section 36(2) (keeping of register), in paragraph (c)—
(a) the words “made otherwise than by order” shall be omitted; and
(b) for “subsection (5)” there is substituted “subsection (7)”.

Commencement Information

- I24** Sch. 6 para. 16 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

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- 17 In section 38 (power to require information etc.)—
- (a) in subsection (1A) for “4 or 4A above” there is substituted “ 4AA, 4AB or 4A ”; and
 - (b) in subsection (3) after “document” there is inserted “ or record ”.

Commencement Information

I25 Sch. 6 para. 17 in force at 20.12.2000, see s. 102(2)(3) and [S.I. 2000/3343](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-15](#))

- 18 In section 46(3), for “his authorised area” there is substituted “ any authorised area of his ”.

Commencement Information

I26 Sch. 6 para. 18 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 19 In section 48(1) (interpretation of Part I)—
- (a) after the definition of “authorised area” there is inserted—
 - ““authorised supplier” means a person authorised by a licence or exemption to supply to any premises gas which has been conveyed to those premises through pipes;
 - “authorised transporter” means a person authorised by a licence or exemption to convey gas through pipes to any premises or to a pipe-line system operated by a gas transporter;”;
 - (b) before the definition of “gas” there is inserted—
 - ““exemption” means an exemption under section 6A;”;
 - (c) the definition of “domestic customer” shall be omitted; and
 - (d) for the definition of “licence” there is substituted—
 - ““licence” means a licence under section 7 or 7A and “licence holder” shall be construed accordingly;”.

Commencement Information

I27 Sch. 6 para. 19(a) in force for specified purposes at 7.11.2000 by [S.I. 2000/2974](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-12](#)); Sch. 6 para. 19(a) in force for all remaining purposes and Sch. 6 para. 19(b)-(d) in force for all purposes at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 20 In section 62, after subsection (2A) there is inserted—
- “(2AB) If immediately before the commencement of paragraph 2 of Schedule 6 to the Utilities Act 2000 (substitution of “gas transporter” for “public gas transporter”) subsection (2A) applies to an agreement, that subsection continues to apply to that agreement notwithstanding the substitution.”.

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Commencement Information

I28 Sch. 6 para. 20 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

21 In section 64(2) (orders) after “section” there is inserted “ 23, 30A, 33BC, 41A, 41C ”.

Commencement Information

I29 Sch. 6 para. 21 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

22 In section 66 (interpretation)—
 (a) after the definition of “the appointed day” there is inserted—
 ““the Authority” means the Gas and Electricity Markets Authority;”;
 and
^{F7}(b)

Textual Amendments

F7 Sch. 6 para. 22(b) 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.](#)

Commencement Information

I30 Sch. 6 para. 22(b) in force at 7.11.2000 by [S.I. 2000/2974](#), [art. 2](#), [Sch.](#)(subject to transitional provisions in [arts. 3-12](#)); Sch. 6 para. 22(a) in force at 20.12.2000 by [S.I. 2000/3343](#), [art. 2](#), [Sch.](#)(subject to transitional provisions in [arts. 3-15](#))

23 In Schedule 2B (the gas code), in paragraph 8—
 (a) sub-paragraphs (4), (5) and (6) shall be omitted;
 (b) in sub-paragraph (8) the words from “but this” to the end shall cease to have effect;
 (c) in sub-paragraph (11)—
 (i) for the words from “a revision” to “such an election” there is substituted “ or a revision of such a scheme ”; and
 (ii) in paragraphs (a) and (b), for “, revision, election or withdrawal” there is substituted “ or revision ”.

Commencement Information

I31 Sch. 6 para. 23 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

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PART II

ELECTRICITY ACT 1989

24 The ^{M7}Electricity Act 1989 is amended as follows.

Commencement Information

I32 Sch. 6 para. 24 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); Sch. 6 para. 24 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); Sch. 6 para. 24 in force for specified purposes at 16.5.2001 by [S.I. 2001/1781](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in arts. 3-10); Sch. 6 para. 24 in force for all remaining purposes at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in arts. 3-20)

Marginal Citations

M7 1989 c. 29.

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 ”.

Commencement Information

I33 Sch. 6 para. 25 in force at 20.12.2000, see s. 102(2)(3) and [S.I. 2000/3343](#), [art. 2](#), [Sch.](#) (subject to arts. 3-15)

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.”

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(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—

“(7) Section 16(4)(a) does not apply to the references in this section to making a connection.”

Commencement Information

I34 Sch. 6 para. 26 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

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 ”.

Commencement Information

I35 Sch. 6 para. 27 in force at 20.12.2000, see s. 102(2)(3) and [S.I. 2000/3343](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-15](#))

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). ”

Commencement Information

I36 Sch. 6 para. 28 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](#)); Sch. 6 para. 28 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](#))

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

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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) ”.

Commencement Information

I37 Sch. 6 para. 29 in force at 20.12.2000, see s. 102(2)(3) and [S.I. 2000/3343](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-15](#))

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 ”; and
 - (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 ”.

Commencement Information

I38 Sch. 6 para. 30 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

31 (1) Section 30 (electrical inspectors) is amended as follows.

- (2) In subsection (2)—
 - ^{F8}(a)
 - (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 ”.

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Textual Amendments

F8 Sch. 6 para. 31(2)(a) repealed (1.9.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 23 Pt. 1](#); [S.I. 2004/2184](#), art. 2(2), [Sch. 2](#)

Commencement Information

I39 Sch. 6 para. 31 in force at 1.10.2001 by [S.I. 2001/3266](#), art. 2, [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

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 ”.

Commencement Information

I40 Sch. 6 para. 32 in force for specified purposes at 16.5.2001 by [S.I. 2001/1781](#), art. 2, [Sch.](#) (subject to transitional provisions in [arts. 3-10](#)); Sch. 6 para. 32 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](#))

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 ”.

Commencement Information

I41 Sch. 6 para. 33 in force for specified purposes at 16.5.2001 by [S.I. 2001/1781](#), art. 2, [Sch.](#) (subject to transitional provisions in [arts. 3-10](#)); Sch. 6 para. 33 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](#))

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- 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”.

Commencement Information

I42 Sch. 6 para. 34 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 35 Section 42B (procedures for dealing with complaints) shall cease to have effect.

Commencement Information

I43 Sch. 6 para. 35 in force at 7.11.2000, see s. 102(2)(3) and [S.I. 2000/2974](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-12](#))

- 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”.

Commencement Information

I44 Sch. 6 para. 36 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 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”.

Commencement Information

I45 Sch. 6 para. 37 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

- 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;

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“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.

Commencement Information

I46 Sch. 6 para. 38 in force at 1.10.2001; Sch. 6 para. 38 not in force at Royal Assent see s. 110(2); Sch. 6 para. 38(2) in force for specified purposes at 7.11.2000 by [S.I. 2000/2974, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-12](#)); Sch. 6 para. 38(1)(3)-(8) in force for all purposes and Sch. 6 para. 38(2) 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](#))

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, ”.

Commencement Information

I47 Sch. 6 para. 39 in force at 1.10.2001 by [S.I. 2001/3266, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

40 In section 111(1) (interpretation)—

(a) after the definition of “Area Board” there is inserted—

““the Authority” means the Gas and Electricity Markets Authority;”;

and

F9(b)

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Textual Amendments

- F9** Sch. 6 para. 40(b) 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.

Commencement Information

- I48** Sch. 6 para. 40(b) in force at 7.11.2000 by [S.I. 2000/2974](#), art. 2, [Sch.](#) (subject to transitional provisions in arts. 3-12); Sch. 6 para. 40(a) in force at 20.12.2000 by [S.I. 2000/3343](#), art. 2, [Sch.](#) (subject to transitional provisions in arts. 3-15)

PART III

OTHER ACTS

Rights of Entry (Gas and Electricity Boards) Act 1954 (c. 21)

- 41 (1) The Rights of Entry (Gas and Electricity Boards) Act 1954 is amended as follows.
- (2) In section 1(2) (restriction on exercise of rights), for “a public electricity supplier” there is substituted “an electricity operator”.
- (3) In section 2(1) (warrants)—
- (a) for paragraph (a) there is substituted—
- “(a) that admission to premises specified in the information is reasonably required by a gas operator or an electricity operator or by an employee of a gas operator or an electricity operator;”;
- and
- (b) for the words “supplier or any employee of the operator or supplier” (in paragraph (b) and the words following paragraph (c)) there is substituted “any employee of the operator”.
- (4) In section 2(3) for “a public electricity supplier” there is substituted “an electricity operator”.
- (5) In section 3 (interpretation)—
- (a) in the definition of “employee”, for paragraph (b) there is substituted—
- “(b) in relation to an electricity operator, an officer, servant or agent of the operator and any person authorised by such an agent”;
- (b) for the definition of “public electricity supplier” there is substituted—
- ““electricity operator” means an electricity distributor or an electricity supplier (within the meaning of Part I of the Electricity Act 1989);”.

Commencement Information

- I49** Sch. 6 para. 41 in force at 1.10.2001 by [S.I. 2001/3266](#), art. 2, [Sch.](#) (subject to transitional provisions in arts. 3-20)

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Public Records Act 1958 (c. 51)

F10 42

Textual Amendments

F10 Sch. 6 para. 42 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.](#)

Parliamentary Commissioner Act 1967 (c. 13)

43 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation), the following entries are inserted at the appropriate places—

“Gas and Electricity Markets Authority.”;

“Gas and Electricity Consumer Council.”

Superannuation Act 1972 (c. 11)

44 (1) In Schedule 1 to the Superannuation Act 1972, in the list of “Other Bodies” the following entry is inserted at the appropriate place—

“The Gas and Electricity Consumer Council.”.

(2) Section 1 of that Act (persons to or in respect of whom benefits may be provided by schemes under that section) shall apply to persons who at any time before the abolition of the Gas Consumers’ Council have ceased to serve in employment with that Council.

House of Commons Disqualification Act 1975 (c. 24)

45 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), the following entries are inserted at the appropriate places—

“The Gas and Electricity Markets Authority.”;

“The Gas and Electricity Consumer Council.”;

“A regional committee of the Gas and Electricity Consumer Council established under section 18(2) of the Utilities Act 2000.”

Commencement Information

I50 Sch. 6 para. 45 in force at 1.11.2000 for certain purposes by [S.I. 2000/2917](#), art. 2, [Sch.](#); Sch. 6 para. 45 in force at 7.11.2000 by [S.I. 2000/2974](#), art. 2, [Sch.](#)(subject to transitional provisions in arts. 3-12)

Bankruptcy (Scotland) Act 1985 (c. 66)

46 In section 70 of the Bankruptcy (Scotland) Act 1985 (supplies by utilities), in subsection (4)(b), for “public electricity supplier” there is substituted “ electricity supplier ”.

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Commencement Information

I51 Sch. 6 para. 46 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

Insolvency Act 1986 (c. 45)

- 47 (1) The Insolvency Act 1986 is amended as follows.
- (2) In section 233 (supplies of gas, water, electricity etc)—
- (a) in subsection (3), for paragraph (b) there is substituted—
- “(b) a supply of electricity by an electricity supplier within the meaning of Part I of the Electricity Act 1989;”;
- and
- (b) subsection (5)(b) shall be omitted.
- (3) In section 372 (supplies of gas, water, electricity etc in cases of individual insolvency)—
- (a) in subsection (4), for paragraph (b) there is substituted—
- “(b) a supply of electricity by an electricity supplier within the meaning of Part I of the Electricity Act 1989;”;
- and
- (b) subsection (5)(b) shall be omitted.

Commencement Information

I52 Sch. 6 para. 47 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

SCHEDULE 7

Section 108.

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

SEPARATION OF ELECTRICITY SUPPLY AND DISTRIBUTION

Application and purpose of Part I

- 1 (1) This paragraph applies to any holder of an existing supply licence under section 6(1)(c) or (2) of the 1989 Act whose activities, immediately before the passing of this Act, include both—
- (a) the supply of electricity to premises; and
- (b) the distribution of electricity for the purpose of giving a supply to premises or enabling a supply to be so given.

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- (2) This Part of this Schedule has effect for the purpose of enabling the existing supply licence held by such a licence holder to have effect as if it were a distribution licence under section 6(1)(c) and a supply licence under section 6(1)(d), each granted to different persons.
- (3) Those persons must be—
- (a) the licence holder and one of his associates nominated for the purpose of holding whichever of the licences mentioned in sub-paragraph (2) is not to be retained by the licence holder; or
 - (b) any two associates of the licence holder nominated by him for the purpose of holding those licences.
- (4) If immediately before the passing of this Act a person to whom this paragraph applies holds two or more existing supply licences, sub-paragraph (2) applies in relation to such one or more of those licences as the licence holder may, with the approval of the Secretary of State, nominate.
- (5) If immediately before the passing of this Act a person to whom this paragraph applies—
- (a) generates electricity in pursuance of an existing generation licence; and
 - (b) transmits electricity in pursuance of an existing transmission licence,
- the provisions of this Part of this Schedule also have effect, if that person makes either or both of the nominations mentioned in sub-paragraph (6), for either or both of the purposes mentioned in sub-paragraph (6)(a) and (6)(b).
- (6) Those purposes are securing that—
- (a) the licence holder's existing generation licence has effect as if it were a generation licence granted to an associate of his nominated by him for the purpose; and
 - (b) the licence holder's existing transmission licence has effect as if it were a transmission licence granted to an associate of his nominated by him for the purpose.
- (7) The same associate may not be nominated both for the purpose of sub-paragraph (6)(a) and for the purpose of sub-paragraph (3)(a) or (b) or (6)(b).

Nominations and transfer schemes

- 2 (1) Before such date as the Secretary of State may direct, a person to whom paragraph 1 applies may (subject to paragraph 3)—
- (a) make a nomination for the purposes of paragraph (a) of paragraph 1(3) and make a scheme for the division of all his property, rights and liabilities between himself and the associate nominated under that paragraph; or
 - (b) make two nominations for the purposes of paragraph (b) of paragraph 1(3) and make a scheme for the division of all his property, rights and liabilities between himself and the associates so nominated;
- and in this Part of this Schedule the person who makes such a scheme is referred to as “the supplier”.
- (2) A scheme under sub-paragraph (1) (referred to in this Part of this Schedule as “a transfer scheme”) may—

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- (a) define the property, rights and liabilities to be allocated to a nominated associate—
 - (i) by specifying or describing the property, rights and liabilities in question;
 - (ii) by referring to all (or all but as much as may be excepted) of the property, rights and liabilities comprised in a specified part of the supplier’s undertaking; or
 - (iii) partly in the one way and partly in the other;
 - (b) provide that any rights or liabilities specified or described in the scheme shall be enforceable either by or against any one or more of the persons between whom the supplier’s property, rights and liabilities are being divided;
 - (c) impose on any of those persons an obligation to enter into such written agreements with, or execute such other instruments in favour of the other such person or, where sub-paragraph (1)(b) applies, either or both of the other such persons as may be specified in the scheme; and
 - (d) make such supplemental, incidental and consequential provision as the supplier considers appropriate.
- (3) Without prejudice to the generality of sub-paragraph (2)(d), a transfer scheme may, in relation to transfers or transactions effected in pursuance of the scheme, make provision, either generally or for specified purposes—
- (a) for the transfers or transactions to be regarded as taking place in a specified order; and
 - (b) for the nominated associate or, where sub-paragraph (1)(b) applies, either or both of the nominated associates to be treated as the same person in law as the supplier.
- (4) An obligation imposed by a provision included in a transfer scheme by virtue of sub-paragraph (2)(c) shall be enforceable by civil proceedings by the person or persons to whom it is owed for an injunction or for interdict or for any other appropriate relief or remedy.
- (5) A transaction of any description which is effected in pursuance of a provision included in a transfer scheme by virtue of sub-paragraph (2)(c)—
- (a) shall have effect subject to any statutory requirements for transactions of that description to be registered in any statutory register; but
 - (b) subject to that, shall be binding on all other persons, notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.
- In this sub-paragraph “statutory requirements” means requirements imposed by or under any Act or any Act of the Scottish Parliament.
- (6) Where a lease of any land is granted in pursuance of a provision included in a transfer scheme by virtue of sub-paragraph (2)(c), any right of pre-emption or other like right affecting that land—
- (a) shall not become exercisable by reason of the grant of the lease; but
 - (b) shall have effect as if the lessee were the same person in law as the lessor.
- 3 (1) If the supplier is a supplier to whom paragraph 1(5) applies, he may, before such date as the Secretary of State may direct—
- (a) make such nomination or nominations as he thinks fit for either or both of the purposes mentioned in paragraph 1(6); and

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- (b) include the associate or associates so nominated among the persons between whom his property, rights and liabilities may be divided by the transfer scheme.
- (2) Paragraph 2 applies to a transfer scheme dividing property, rights and liabilities between persons including persons nominated for the purposes of paragraph 1(6) with the substitution—
- (a) in sub-paragraph (2)(c) for the words from “the other such” to “both”; and
- (b) in sub-paragraph (3)(b) for the words from “the” (in the first place it appears) to “both”,
- of the words “any one or more”.
- 4 The Secretary of State may, on the application of a person to whom paragraph 1 applies, direct that paragraphs 1 and 2 are to apply to his existing supply licence (or such of his existing supply licences as may be nominated under paragraph 1(4)) as if—
- (a) in paragraph 1(2) for “a distribution licence” there were substituted “ two distribution licences ”;
- (b) in paragraph 1(3) for “one” there were substituted “ two ” and for “two” there were substituted “ three ”;
- (c) in paragraph 2(1)(a) for “a nomination” and “associate” there were substituted respectively “ two nominations ” and “ associates ”; and
- (d) in paragraph 2(1)(b) for “two” there were substituted “ three ”.

Secretary of State’s powers in relation to transfer schemes

- 5 (1) A transfer scheme shall not take effect unless it is approved by the Secretary of State.
- (2) The Secretary of State may if he thinks fit, before approving a transfer scheme, make such modifications of the scheme as he considers appropriate for the purpose of securing that the scheme makes only such provision as he considers to be requisite or expedient for the purposes of this Part of this Schedule.
- (3) The powers of the Secretary of State under this paragraph may in particular be exercised with a view to ensuring that a proposed transfer scheme does not operate against the public interest.
- (4) It shall be the duty of the supplier to provide the Secretary of State with all such information and other assistance as he may require for the purposes of or in connection with the exercise of any function conferred on him by sub-paragraph (1) and (2).

Effect of transfer scheme

- 6 (1) Subject to the provisions of paragraph 7, on the effective date for a transfer scheme, all property, rights and liabilities—
- (a) to which immediately before that day the supplier was entitled or subject; and
- (b) which are allocated to a nominated associate by the transfer scheme,
- shall become by virtue of this paragraph property, rights and liabilities of that associate.
- (2) For the purposes of this Part of this Schedule, the “effective date”, in relation to a transfer scheme, is the day on which section 6(2) of the 1989 Act (as substituted by

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section 30 above) comes into force or such earlier day as the Secretary of State may direct for the purposes of the scheme.

Supplementary provisions as to transfers

- 7 (1) The provisions of Schedule 10 to the 1989 Act (supplementary provisions as to transfers) shall apply to any transfer which is effected by paragraph 6—
- (a) with the modifications made by sub-paragraph (2); and
 - (b) to the extent mentioned in those provisions as so modified;
- and paragraph 6 shall have effect subject to those provisions as so modified.
- (2) For the purpose of its application to a transfer effected by paragraph 6, Schedule 10 to the 1989 Act shall apply as if—
- (a) paragraphs 2(4) and (5), 3 and 6(2) and in paragraphs 4(4)(b) and 8(1) and (2) the words “or of a direction under paragraph 2(4) above” were omitted;
 - (b) any reference to transfers effected in pursuance of a transfer scheme were references to transfers effected by paragraph 6;
 - (c) any reference to the transferor were a reference to the supplier;
 - (d) any reference to a transfer of all property, rights and liabilities comprised in a specified part of the transferor’s undertaking were a reference to a transfer of all (or all but as much as may be excepted) of the property, rights and liabilities comprised in a specified part of the supplier’s undertaking;
 - (e) any reference to a transferee of a specified part or any other part of the transferor’s undertaking were a reference to a transferee of a specified part or any other part of the supplier’s undertaking; and
 - (f) any reference to the transfer date were a reference to the effective date for the transfer scheme.
- (3) For the purposes of sub-paragraphs (1) and (2)(b), (d) and (e), any property, rights or liabilities retained by the supplier in pursuance of the transfer scheme shall be deemed to be transferred to the supplier by paragraph 6 in pursuance of the scheme.

Shares issued in pursuance of a transfer scheme

- 8 Any shares issued to the supplier or to an associate of his by a transferee in pursuance of the transfer scheme—
- (a) shall be of such nominal value as may be specified in or determined under the scheme;
 - (b) shall be issued or allotted on such terms as may be so specified or determined; and
 - (c) shall be issued as fully paid and treated for the purposes of the ^{M8}Companies Act 1985 as if they had been paid up by virtue of the payment to the transferee in cash of their nominal value and, if the scheme so provides, such premium as may be so specified or determined.

Marginal Citations

M8 1985 c. 6.

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Statutory accounts

- 9 (1) This paragraph has effect for the purposes of any statutory accounts of a transferee, that is to say, any accounts prepared by the transferee for the purpose of any provision of the ^{M9}Companies Act 1985 (including group accounts).
- (2) Subject to sub-paragraph (3), the value or amount to be assigned to any asset or liability which is vested in the transferee by virtue of paragraph 6 shall be—
- (a) the value or amount (if any) assigned to the asset or liability for the purposes of the corresponding statement of accounts prepared by the supplier in respect of the last complete accounting year of the supplier to end before the effective date; or
 - (b) if the asset or liability is part only of an asset or liability to which a value or amount is so assigned, so much of that value or amount as may be determined by or under the transfer scheme; or
 - (c) if no value or amount is given by paragraph (a) or (b) or the value or amount so given is inappropriate in all the circumstances of the case, such value or amount as may be determined, on the basis of the supplier's accounting records, by or under the transfer scheme.
- (3) The amount to be included in respect of any item shall be determined as if so much of anything done by the supplier (whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise) as may be determined by or under the transfer scheme had been done by the transferee.
- (4) Without prejudice to the generality of the preceding provisions of this paragraph, the amount to be included from time to time in any reserves of the transferee as representing the transferee's accumulated realised profits shall be determined as if such proportion of any profits realised and retained by the supplier as is determined by or under the transfer scheme had been realised and retained by the transferee.
- (5) In this paragraph, in relation to the supplier—
- “accounting records” means accounting records kept by the supplier in pursuance of section 221 of the ^{M10}Companies Act 1985;
- “complete accounting year” means a financial year of the supplier determined in accordance with section 223 of that Act.

Marginal Citations

M9 1985 c. 6.

M10 1985 c. 6.

Consequential modifications of rating provisions

- 10 (1) This paragraph applies where any transfer effected by paragraph 6 is a transfer of a hereditament which, immediately before the effective date is a hereditament which falls within—
- (a) the description set out in Part 2 of the Schedule to the ^{M11}Central Rating List (England) Regulations 2000; or
 - (b) the description set out in Part 2 of the Schedule to the ^{M12}Central Rating List (Wales) Regulations 1999.

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- (2) The Secretary of State may by order make such modifications of that Part of that Schedule, and of the ^{M13}Electricity Supply Industry (Rateable Values)(England) Order 2000 or the ^{M14}Electricity ^{M15}Supply Industry (Rateable Values)(Wales) Order 2000, as may appear to him necessary or expedient as a consequence of the transfer.
- (3) An order under this paragraph which is made after the effective date may have effect as from that day or any later day.
- (4) Where, by virtue of sub-paragraph (3), an order under this paragraph has effect from a day earlier than that on which it is made, any necessary alteration shall be made with effect from that earlier day to any central rating list in which the hereditament is shown.
- (5) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

- M11 S.I. 2000/525.
M12 S.I. 1999/3453 (W. 50).
M13 S.I. 2000/947.
M14 S.I. 2000/1163 (W. 91).
M15 S.I. 2000/1163 (W. 91).

Interpretation

- 11 In this Part of this Schedule—
“effective date” has the meaning given by paragraph 6(2);
“existing” in relation to an electricity licence, means in force immediately before the passing of this Act;
“the supplier” means the person who makes a transfer scheme;
“transferee” means the transferee under a transfer effected by paragraph 6;
“transfer scheme” means a scheme under paragraph 2.
- 12 (1) For the purposes of this Part of this Schedule a company is an associate of the supplier if—
(a) the company is a wholly owned subsidiary of the supplier;
(b) the supplier is a wholly owned subsidiary of the company; or
(c) the company and the supplier are both wholly owned subsidiaries of another company;
and the company is registered under the ^{M16}Companies Act 1985 as a company limited by shares.
- (2) The references in sub-paragraph (2) to a wholly owned subsidiary shall be construed in accordance with section 736 of the Companies Act 1985.

Marginal Citations

- M16 1985 c. 6.

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PART II

SECRETARY OF STATE'S LICENSING SCHEMES

Existing electricity supply licences

- 13 (1) This paragraph applies to any holder of an existing supply licence under section 6(1)(c) or (2) of the 1989 Act (“the supplier”) who has made a transfer scheme under paragraph 2.
- (2) As soon as practicable after the date specified in the Secretary of State’s direction under paragraph 2(1) and in any event before the day on which section 6(2) of the 1989 Act (as substituted by section 30) comes into force, the Secretary of State shall make a scheme providing—
- (a) for the supplier’s existing supply licence to have effect as mentioned in paragraph 1(2); and
 - (b) if the supplier has nominated an associate or associates for either or both of the purposes of paragraph 1(6), for either or both of his existing generation and transmission licences to have effect as mentioned in paragraph 1(5).
- (3) In making a scheme under this paragraph, the Secretary of State shall have regard to the provisions of the supplier’s transfer scheme.
- (4) A scheme under this paragraph shall have no effect in relation to an existing supply licence if the supplier’s transfer scheme does not take effect.
- (5) In this paragraph “existing”, in relation to a licence, means in force immediately before the passing of this Act.
- 14 (1) The Secretary of State shall as soon as practicable after the passing of this Act make a scheme under this paragraph in relation to existing licences under section 6(1)(c) of the 1989 Act which—
- (a) are held by a person whose activities include both of those mentioned in paragraph 1(1); and
 - (b) are not the subject of a scheme under paragraph 13.
- (2) A scheme under this paragraph shall provide for each licence to which it relates to have effect on and after such date as the scheme may specify as if it were—
- (a) a distribution licence and a supply licence, each granted to the holder of the existing licence;
 - (b) a distribution licence; or
 - (c) a supply licence.
- (3) In this paragraph “existing”, in relation to a licence, means in force immediately before the date mentioned in sub-paragraph (1).
- 15 (1) The Secretary of State shall as soon as practicable after the passing of this Act make a scheme, in relation to existing licences under section 6(1)(c) of the 1989 Act other than licences which—
- (a) are the subject of a scheme under paragraph 13; or
 - (b) fall within paragraph 14(1),
- providing for each such licence to have effect on and after such date as the scheme may specify as if it were a supply licence.

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- (2) In this paragraph “existing”, in relation to a licence, means in force immediately before the date mentioned in sub-paragraph (1).
- 16 (1) The Secretary of State shall as soon as practicable after the passing of this Act make a scheme, in relation to existing licences under section 6(2) of the 1989 Act, providing for each such licence to have effect on and after such date as the scheme may specify as if it were—
- (a) a supply licence; or
 - (b) an exemption from section 4(1)(c) of the 1989 Act granted under section 5 of that Act (exemptions from prohibition).
- (2) In this paragraph “existing”, in relation to a licence, means in force immediately before the date mentioned in sub-paragraph (1).
- 17 (1) Subject to sub-paragraph (2), a scheme under paragraph 13, 14, 15 or 16 shall secure that each condition which by virtue of section 33(1) is a standard condition for the purposes of licences of the appropriate type is incorporated in any licence to be treated by virtue of the scheme as a supply licence or a distribution licence and, where the scheme makes the provision mentioned in paragraph 13(2)(b), in any licence to be treated as a generation licence or as a transmission licence.
- (2) Such a scheme may provide that each licence, and in the case of a scheme under paragraph 16 each exemption, which is to be treated as granted by virtue of the scheme (including both the terms and conditions of the licence or exemption which are derived from the existing licence and, in the case of a licence, the standard conditions which would otherwise be incorporated by virtue of sub-paragraph (1)) shall have effect with—
- (a) such incidental, consequential and supplementary amendments as appear to the Secretary of State to be necessary or expedient;
 - (b) such amendments relating to the revocation of the licence or exemption as the Secretary of State thinks fit; and
 - (c) such other amendments (if any) as may be agreed between the Secretary of State and the holder of the existing licence from which the licence or exemption is derived.
- (3) Such a scheme may—
- (a) make such transitional provision as appears to the Secretary of State to be necessary or expedient; and
 - (b) make different provision for different cases or classes of cases determined by, or in accordance with, the provisions of the scheme.
- (4) As soon as practicable after making such a scheme the Secretary of State shall publish, as respects each different case or class of case—
- (a) the text of each licence which is to be treated as a licence granted by virtue of the scheme; and
 - (b) in the case of a scheme under paragraph 16, the text of any exemption which is to be treated as granted by virtue of the scheme.
- (5) Any text so published shall be treated as authoritative unless the contrary is shown.

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Existing generation and transmission licences

- 18 (1) The Secretary of State may, before the day on which section 30 comes into force, make one or more schemes for securing (subject to sub-paragraph (2)) that, on and after that day, the standard conditions which by virtue of section 33(1) are standard conditions for the purposes of licences of the appropriate type are incorporated in each generation licence and each transmission licence which is in force immediately before that day.
- (2) A scheme under this paragraph may provide that the terms and conditions of any existing licence to which it relates (including the standard conditions which would otherwise be incorporated by virtue of sub-paragraph (1)) shall have effect with—
- (a) such incidental, consequential and supplementary amendments as appear to the Secretary of State to be necessary or expedient;
 - (b) such amendments relating to the revocation of the licence as the Secretary of State thinks fit; and
 - (c) such other amendments (if any) as may be agreed between the Secretary of State and the holder of the licence.
- (3) A scheme under this paragraph may—
- (a) make such transitional provision as appears to the Secretary of State to be necessary or expedient; and
 - (b) make different provision for different cases or classes of cases determined by, or in accordance with, the provisions of the scheme.
- (4) As soon as practicable after making such a scheme the Secretary of State shall publish, as respects each different case or class of case, the text on the commencement of section 30 of each licence to which the scheme relates as it has effect by virtue of the scheme.
- (5) Any text so published shall be treated as authoritative unless the contrary is shown.

Existing gas licences

- 19 (1) The Secretary of State may, before the day on which section 81(2) comes into force, make one or more schemes for securing (subject to sub-paragraph (2)) that on and after that day the standard conditions which by virtue of section 81(2) are standard conditions for the purposes of gas licences of any type are incorporated in each gas licence of that type which is in force immediately before that day.
- (2) A scheme under this paragraph may provide that the terms and conditions of any existing licence to which it relates (including both the terms and conditions of that licence and the standard conditions which would otherwise be incorporated by virtue of sub-paragraph (1)) shall have effect with—
- (a) such incidental, consequential and supplementary amendments as appear to the Secretary of State to be necessary or expedient;
 - (b) such amendments relating to the revocation of the licence as the Secretary of State thinks fit; and
 - (c) such other amendments (if any) as may be agreed between the Secretary of State and the holder of the licence.
- (3) Such a scheme may—
- (a) make such transitional provision as appears to the Secretary of State to be necessary or expedient; and

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- (b) make different provisions for different cases or classes of cases determined by, or in accordance with, the provisions of the scheme.
- (4) As soon as practicable after making a scheme under this paragraph, the Secretary of State shall publish, as respects each different case or class of case, the text on the commencement of section 81(2) of each gas licence to which the scheme relates.
- (5) Any text so published shall be treated as authoritative unless the contrary is shown.

Effect of licensing schemes

- 20 (1) On the day on which a scheme under this Part of this Schedule comes into operation, the licences to which it relates shall have effect as provided for by the scheme.
- (2) The modification under paragraph 17(2), 18(2) or 19(2) of part of what would otherwise be a standard condition of—
 - (a) a licence to be treated as granted by virtue of a scheme under paragraph 13, 14 or 15; or
 - (b) a licence to which a scheme under paragraph 16, 18 or 19 relates,shall not prevent any other part of the condition which is not so modified being regarded as a standard condition for the purposes of Part I of the 1989 Act or Part I of the 1986 Act, as the case may be.

Provision of information by licence holders

- 21 (1) It shall be the duty of each holder of a licence under the 1986 Act to provide the Secretary of State with all such information and other assistance as he may require for the purposes of or in connection with the exercise of any function conferred on him by paragraph 19 in relation to such licences.
- (2) It shall be the duty of each holder of a licence under the 1989 Act to provide the Secretary of State with all such information and other assistance as he may require for the purposes of or in connection with the exercise of any function conferred on him by this Part of this Schedule in relation to such licences.

Consultation by Secretary of State

- 22 The Secretary of State shall not exercise any function conferred on him by this Part of this Schedule except after consultation with—
 - (a) the Authority; and
 - (b) such holders of licences under the 1986 Act or such holders of licences under the 1989 Act as he considers appropriate.

PART III

FORMER TARIFF CUSTOMERS

- 23 (1) This paragraph applies where immediately before the commencement date a public electricity supplier (“the supplier”) is supplying tariff customers with electricity.
- (2) The supplier’s supply successor shall be deemed to have contracted with those customers for the supply of electricity as from that day.

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- (3) The express terms and conditions of a contract which, by virtue of sub-paragraph (2), is deemed to have been made by the supplier shall be provided for by the scheme under this paragraph which relates to that supplier.
- (4) Before such date as the Secretary of State may direct, the supplier shall make a scheme for determining the terms and conditions which are to be incorporated in the contracts which, by virtue of sub-paragraph (2), are to be deemed to have been made by the supplier.
- (5) A scheme under this paragraph may (subject to section 7B of the 1989 Act)—
 - (a) make different provisions for different cases or classes of cases, or for different areas, determined by, or in accordance with, the provisions of the scheme; and
 - (b) make such supplemental, incidental, consequential and transitional provisions as the supplier considers appropriate.
- (6) A scheme under this paragraph shall not take effect unless it is approved by the Authority; and the Authority may modify such a scheme before approving it.
- (7) If, in relation to such a scheme—
 - (a) the supplier fails, before the date specified under sub-paragraph (4), to submit the scheme for the approval of the Authority; or
 - (b) the Authority decides not to approve the scheme that has been submitted by the supplier (either with or without modifications),the Authority may itself make the scheme.
- (8) It shall be the duty of the supplier to provide the Authority with all such information and other assistance as it may require for the purposes of or in connection with the exercise of any function conferred by sub-paragraph (6) or (7).
- (9) The Authority shall not exercise any function conferred by sub-paragraph (6) or (7) except after consultation with the supplier.
- (10) A scheme made under this paragraph shall be published in the London and Edinburgh Gazettes before the commencement date and shall come into operation on that date; and conclusive evidence of a scheme so made may be given in all courts of justice and in all legal proceedings whatever by the production of a copy of either of those Gazettes purporting to contain it.
- (11) In this paragraph—

“commencement date” means the date on which section 45 comes into force; and

“supply successor”, in relation to a public electricity supplier, means the person who becomes an electricity supplier by virtue of a scheme made by or in relation to that public electricity supplier under Part II of this Schedule.

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PART IV

OTHER TRANSITIONAL PROVISIONS AND SAVINGS

Compensation for members of abolished consumer bodies

^{F11}24

Textual Amendments

F11 Sch. 7 para. 24 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.

Consultation by Council before establishing regional committees

^{F12}25

Textual Amendments

F12 Sch. 7 para. 25 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.

First financial years of Authority and Council

- 26 (1) In this paragraph “the body” means the Authority ^{F13}....
- (2) If the period beginning with the day on which the body is established and ending with the next 31st March is six months or more, the first financial year of the body is that period.
- (3) If the period mentioned in sub-paragraph (2) is less than six months, the first financial year of the body is the period beginning with the day on which the body is established and ending with 31st March in the following year.

Textual Amendments

F13 Words in Sch. 7 para. 26(1) 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.

First forward work programmes of Authority and Council

- 27 The Authority’s first forward work programme required by section 4(1) shall relate to the financial year following its first financial year.

Commencement Information

I53 Sch. 7 para. 27 in force at 20.12.2000, see s. 102(2)(3) and [S.I. 2000/3343](#), art. 2, [Sch.](#) (subject to [arts. 3-15](#))

^{F14}28

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Textual Amendments

- F14** Sch. 7 para. 28 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.

Last annual reports of the Directors

- 29 (1) After the abolition of the offices of Director General of Gas Supply and Director General of Electricity Supply, any duty of either Director to make an annual report, in relation to any calendar year for which such a report has not been made, shall be carried out by the Authority.
- (2) The period between the abolition of those offices and the end of the preceding calendar year (if less than 12 months) shall be treated as the calendar year for which the last annual reports are required.
- (3) If that period is nine months or more, the Authority shall make the last annual reports as soon as practicable after the end of that period.
- (4) If that period is less than nine months, the last annual reports shall be made no later than the first report of the Authority under section 5(1).
- (5) In this paragraph “annual reports” means reports required by section 39(1) of the 1986 Act and section 50(1) of the 1989 Act.

Commencement Information

- I54** Sch. 7 para. 29 in force at 1.10.2001; Sch. 7 para. 29 not in force at Royal Assent see s. 110(2); Sch. 7 para. 29 in force at 1.10.2001 by [S.I. 2001/3266](#), art. 2, [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

Last annual report of the Gas Consumers' Council

F15³⁰

Textual Amendments

- F15** Sch. 7 para. 30 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.

Investigations being carried out under the 1986 Act

F16³¹

Textual Amendments

- F16** Sch. 7 para. 31 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.

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Investigations being carried out under the 1989 Act

F1732

Textual Amendments

F17 Sch. 7 para. 32 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.](#)

SCHEDULE 8

Section 108.

REPEALS

Commencement Information

I55 [Sch. 8](#) partly in force; [Sch. 8](#) not in force at Royal Assent see [s. 110\(2\)](#); [Sch. 8](#) in force at 7.11.2000 for specified purposes by [S.I. 2000/2974, art. 2, Sch.](#)(subject to transitional provisions in [arts. 3-12](#)); [Sch. 8](#) in force at 20.12.2000 for specified purposes by [S.I. 2000/3343, art. 2, Sch.](#)(subject to transitional provisions in [arts. 3-15](#)); [Sch. 8](#) in force for specified purposes at 16.5.2001 by [S.I. 2001/1781, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-10](#)); [Sch. 8](#) in force for specified purposes at 1.10.2001 by [S.I. 2001/3266, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

Chapter	Short title	Extent of repeal
1967 c. 13.	Parliamentary Commissioner Act 1967.	In Schedule 2, the entries for the East Midlands Region Electricity Consumers' Committee, the Eastern Region Electricity Consumers' Committee, the Office of the Director General of Electricity Supply, the Gas Consumers' Council, the Office of the Director General of Gas Supply, the London Region Electricity Consumers' Committee, the Merseyside and North Wales Region Electricity Consumers' Committee, the Midlands Region Electricity Consumers' Committee, the North Eastern Region Electricity Consumers' Committee, the North Western Region Electricity Consumers' Committee, the North of Scotland Region Electricity Consumers' Committee,

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		the South Eastern Region Electricity Consumers' Committee, the South of Scotland Region Electricity Consumers' Committee, the South Wales Region Electricity Consumers' Committee, the South Western Region Electricity Consumers' Committee and the Southern Region Electricity Consumers' Committee.
1970 c. 44.	Chronically Sick and Disabled Persons Act 1970.	In section 14(1), the words "the Gas Consumers' Council" and "the consumers' committees appointed under section 2 of the Electricity Act 1989".
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entry for the Gas Consumers' Council. In Part III of Schedule 1, the entries for the Chairman of a consumers' committee appointed under section 2 of the Electricity Act 1989, the Chairman of the Gas Consumers' Council, the Director General of Gas Supply and the Director General of Electricity Supply.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the entry for the Gas Consumers' Council. In Part III of Schedule 1, the entries for the Chairman of a consumers' committee appointed under section 2 of the Electricity Act 1989, the Director General of Gas Supply and the Director General of Electricity Supply.
1986 c. 44.	Gas Act 1986.	Sections 1 to 3. In section 5, in subsection (1), the words "and Schedule 2A to this Act" and subsection (2).

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In section 6A(1), the words “after consultation with the Director”.

In section 7, in subsections (5) and (6) the words “or extension” (in each place where they appear), in subsection (5), the words “or, in the case of an extension, such shorter time as may be prescribed” and subsections (7), (8) and (11).

Section 7A(12).

In section 7B, subsection (4)(b), subsection (4)(d) and the word “and” preceding it, in subsection (6) the words “specified or described in the licence” and in subsection (9), the word “and” preceding paragraph (b).

In section 8(1), the words “and sections 23(2), 26(1A) and 27(2) below”.

In section 8A(1), the words “, paragraph 4 of Schedule 2A to this Act”.

Section 15A(10).

In section 22A(1), in paragraph (b) the words “in that area” (in both places where they appear) and the word “and” preceding paragraph (c).

In section 24(2) the words “or all”.

In section 28, subsection (5)(aa) and (b), subsection (7A), the word “33BB” in subsection (8) and subsection (9).

Section 30(2)(b) (and the word “or” preceding it).

Section 31.

Section 32A.

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Section 33A(6) to (9).

Section 33B(2).

In section 33C, in subsection (1), paragraph (c) (and the word “and” preceding it), in subsection (2)(b) the words “or 33BB above” and subsections (3), (4) and (5).

Section 33E.

In section 36, in subsection (1) the words “notifications and directions under paragraph 5 of Schedule 2A to this Act,” and, in subsection (2), paragraph (a), in paragraph (c) the words “made otherwise than by order” and the word “and” preceding paragraph (e).

Sections 39 to 41.

Section 42.

In section 47(7), the words from “and the” to the end.

In section 48(1), the definition of “the Council” and the definition of “domestic customer”.

In section 48, subsections (3) and (4).

In section 66, the definition of “the Director”.

Schedules 1, 2 and 2A.

In Schedule 2B, paragraph 7(2), in paragraph 8(2)(b) and in the definition of “gas supplier” in paragraph 9(5), the words “or an exception contained in Schedule 2A to this Act”, paragraph 8(4), (5) and (6) and in paragraph 8(8) the words from “but this” to the end.

In Schedule 3, paragraph 20.

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		In Schedule 7, paragraph 15(2).
1986 c. 45.	Insolvency Act 1986.	Section 233(5)(b). Section 372(5)(b).
1987 c. 43.	Consumer Protection Act 1987.	In sections 10(7)(c) and 11(7)(c), the words “or paragraph 5 of Schedule 2A to that Act (supply to very large customers an exception to prohibition on unlicensed activities)”.
1989 c. 29.	Electricity Act 1989.	Sections 1 and 2. In section 4(1), the words “or exemption”. In section 9, in subsection (2) the words “subject to subsection (3) below”, and subsections (3) and (4). In section 10(1)(a), the words “a public electricity supplier or”. In section 12, in subsection (2) the words “or all” and subsections (9) and (9A). Section 18. Section 20(2) and (4). In section 25(5), paragraphs (b) and (c). Section 33. Section 39(5), (5A) and (6). Section 40(1A). In section 42, in subsection (1), paragraph (c) (and the word “and” preceding it), in subsection (2)(b) the words “or 41 above” and subsections (3), (4) and (5). Section 42B. Section 45. Section 47(4).

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		In section 49(2), the word “and” preceding paragraph (d).
		Sections 50 to 55.
		Section 57.
		In section 64(1), the definition of “private electricity supplier”, the definition of “public electricity supplier” and the definition of “tariff customer”.
		In section 111(1), the definition of “the Director”.
		Schedules 1 and 2.
		In Schedule 3, paragraph 21.
		In Schedule 7, in paragraph 1(7) the words from “as if” to the end, in paragraph 5(3) the words “a public electricity supplier or by”, in paragraph 6(1) the words “a public electricity supplier or”, paragraph 6(5), paragraph 10(3) and in paragraph 13 the definition of “electricity supplier”.
		In Schedule 16, paragraph 35.
1992 c. 15.	Offshore Safety Act 1992.	Section 2(3)(b).
1992 c. 43.	Competition and Service (Utilities) Act 1992.	Section 14.
		Section 20.
		Section 22.
1995 c. 25.	Environment Act 1995.	In Schedule 22, paragraphs 38 and 39.
1995 c. 45.	Gas Act 1995.	Sections 1 and 2.
		Section 3(2) and (3).
		Section 8(2).
		Section 10(2) to (5).
		Schedule 1.
		In Schedule 3, paragraphs 31, 32, 33, 36, 41, 42(1)(a) and (2)(a), 48, 49 and 50.

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		In Schedule 5, paragraphs 13 and 14(2).
1998 c. 5.	Fossil Fuel Levy Act 1998.	The whole Act.
1998 c. 41.	Competition Act 1998.	In Schedule 10, paragraphs 3(3) and 4(3).

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