



# Utilities Act 2000

## 2000 CHAPTER 27

### PART I

#### NEW REGULATORY ARRANGEMENTS

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

- (1) The Authority shall, as soon as practicable after the end of each financial year, make to the Secretary of State a report (the “annual report” for that year) on—
- (a) its activities during that year, and
  - (b) the activities of the [<sup>F1</sup>Competition and Markets Authority] during that year in respect of any references made by the Authority.
- (2) The annual report for each year shall include—
- (a) a general survey of developments in respect of matters falling within the scope of the Authority’s functions, including in particular developments in competition between persons engaged in, or in commercial activities connected with—
    - (i) the shipping, transportation or supply of gas conveyed through pipes;  
or
    - (ii) the generation, transmission, distribution or supply of electricity;
  - (b) a report on the progress of the projects described in the forward work programme for that year;
  - (c) a summary of final and provisional orders made and penalties imposed by the Authority during the year; <sup>F2</sup> ...
  - [<sup>F3</sup>(ca) a summary of final notices given by the Authority under the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations 2013; and]
  - (d) a report on such other matters as the Secretary of State may from time to time require.

[<sup>F4</sup>(2A) The annual report for each year shall also include a report on—

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*Changes to legislation: Utilities Act 2000, Section 5 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) the ways in which the Authority has carried out its duties under section 132(1) and (2) of the Energy Act 2013 in relation to the strategy and policy statement (so far as the statement's designation was in effect during the whole or any part of the year), and
  - (b) the extent to which the Authority has done the things set out under section 4A in a forward work programme or other document as the things the Authority proposed to do during that year in implementing its strategy for furthering the delivery of the policy outcomes contained in the statement (see subsection (3) (b) of that section).
- (2B) The report mentioned in subsection (2A) must, in particular, include—
- (a) the Authority's assessment of how the carrying out of its functions during the year has contributed to the delivery of the policy outcomes contained in the strategy and policy statement, and
  - (b) if the Authority has failed to do any of the things mentioned in subsection (2A) (b), an explanation for the failure and the actions the Authority proposes to take to remedy it.
- (2C) In subsections (2A) and (2B)—
- “ forward work programme ” has the meaning given by section 4(1);
  - “ policy outcomes ” and “ strategy and policy statement ” have the same meaning as in Part 5 of the Energy Act 2013.]
- (3) The annual report for each year shall set out any general directions given by the Secretary of State under section 34(3) of the 1986 Act or section 47(2) of the 1989 Act.
- (4) The Secretary of State shall consult the Authority before exercising the power under subsection (2)(d) in relation to any matter.
- (5) The Secretary of State shall—
- (a) lay a copy of each annual report before each House of Parliament; <sup>F5</sup>...
  - <sup>F6</sup>(aa) send a copy of the report to the Scottish Ministers [<sup>F7</sup>and the Welsh Ministers], and]
  - (b) arrange for the report to be published in such manner as he considers appropriate.
- <sup>F8</sup>(5A) The Scottish Ministers shall lay a copy of each annual report before the Scottish Parliament.]
- <sup>F9</sup>(5B) The Welsh Ministers shall lay a copy of each annual report before the National Assembly for Wales.]
- (6) The Authority may also prepare other reports with respect to any matter falling within the scope of its functions and may arrange for any such report to be published in such manner as it considers appropriate.
- (7) The Authority shall send a copy of each annual or other report published under this section to [<sup>F10</sup>Citizens Advice and [<sup>F11</sup>Consumer Scotland]].
- (8) In making or preparing any report under this section the Authority shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where publication of that matter would or might, in the opinion of the Authority, seriously and prejudicially affect the interests of that individual or body.

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<sup>F12</sup>(9) .....

(10) Section 39 of the 1986 Act (annual and other reports of the Director General of Gas Supply) and section 50 of the 1989 Act (annual and other reports of the Director General of Electricity Supply) shall cease to have effect.

[<sup>F13</sup>(11) In this section—

- (a) references to functions of the Authority do not include functions under Part 1 of the Energy Act 2023;
- (b) references to activities of the Authority do not include activities in the exercise of such functions;
- (c) the reference in subsection (1) to “references made by the Authority” does not include references made by virtue of section 36(1) of the Energy Act 2023.]

#### Textual Amendments

- F1** Words in s. 5(1)(b) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 83(2)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Word in s. 5(2)(c) omitted (1.7.2015) by virtue of The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 (S.I. 2015/862), regs. 1(1), **4(a)**
- F3** S. 5(2)(ca) inserted (1.7.2015) by The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 (S.I. 2015/862), regs. 1(1), **4(b)**
- F4** S. 5(2A)-(2C) inserted (18.2.2014) by Energy Act 2013 (c. 32), **ss. 137(3)**, 156(2)
- F5** Word in s. 5(5)(a) omitted (23.5.2016) by virtue of Scotland Act 2016 (c. 11), **ss. 64(2)(a)**, 72(7)
- F6** S. 5(5)(aa) inserted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 64(2)(a)**, 72(7)
- F7** Words in s. 5(5)(aa) inserted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 66(2)(a)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(m)
- F8** S. 5(5A) inserted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 64(2)(b)**, 72(7)
- F9** S. 5(5B) inserted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 66(2)(b)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(m)
- F10** Words in s. 5(7) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 8(4)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F11** Words in s. 5(7) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 5(3)** (with art. 5)
- F12** S. 5(9) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 83(3)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F13** S. 5(11) inserted (26.12.2023) by Energy Act 2023 (c. 52), s. 334(3)(a), **Sch. 5 para. 3**

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

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

#### Commencement Information

- I1** S. 5 wholly in force at 1.10.2000; s. 5 not in force at Royal Assent see s. 110(2); s. 5(1)-(9) in force at 20.12.2000 by S.I. 2000/3376, **art. 2, Sch.**; s. 5(10) in force at 20.12.2000 save in respect of Sch. 7 para. 29 by S.I. 2000/3376, **art. 2, Sch.** (subject to **arts. 3-15**); s. 5(10) in force for all remaining purposes at 1.10.2001 by S.I. 2001/3266, **art. 2, Sch.** (subject to transitional provisions in **arts. 3-20**)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(3A) inserted by [2023 c. 52 s. 197\(2\)](#)
- s. 33(1)(f) word omitted by [2018 c. 14 s. 6\(10\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). The word "or" is already omitted present (19.7.2018) by virtue of [2018 c. 21, ss. 11\(2\), 13\(2\)](#))