



Sustainable Energy Act 2003

2003 CHAPTER 30

6 Duty of Gas and Electricity Markets Authority to carry out impact assessments

After section 5 of the Utilities Act 2000 (c. 27) insert—

“5A Duty of Authority to carry out impact assessment

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

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

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anything for the purposes of, or in connection with, the carrying out of any function of the Authority under Part 1 of the 1989 Act.”

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