
STATUTORY INSTRUMENTS

2000 No. 3343

**The Utilities Act 2000 (Commencement No. 4
and Transitional Provisions) Order 2000**

Citation and interpretation

1.—(1) This Order may be cited as the Utilities Act 2000 (Commencement No. 4 and Transitional Provisions) Order 2000.

(2) In this Order—

“the Act” means the Utilities Act 2000;

“the Electricity Act” means the Electricity Act 1989(1); and

“the Gas Act” means the Gas Act 1986(2).

(3) In this Order (save where the context otherwise requires) references to sections and Schedules are references to sections of and Schedules to the Act.

Provisions of the Act commenced by this Order

2. Subject to articles 3 to 15, 20th December 2000 is the appointed day for the coming into force of the provisions of the Act listed in the first column of the Schedule to this Order for the purposes set out in the second column.

Transitional provisions

3. In section 5(2)(a) the requirement that the Authority’s annual report for each year include a general survey of developments in competition between persons engaged in, or in commercial activities connected with, the generation, transmission, distribution or supply of electricity shall be modified by the omission of “, distribution” in the case of any annual report relating to a financial year during which section 28(2) is not at any time in force.

4.—(1) Until the appointed day for the coming into force of section 28(2) the following provisions shall apply.

(2) In section 3A of the Electricity Act (which section 13 substitutes for section 3(3) of that Act) there is omitted—

(a) in subsections (1) and (5) “, distribution” in all places where this occurs; and

(b) in subsection (5) “, distribute”.

(3) In section 3C of the Electricity Act (which section 15 inserts into that Act) “, distribution” is omitted in subsection (5).

(1) 1989 c. 29.

(2) 1986 c. 44.

(3) Section 3 of the Electricity Act was amended by the Environment Act 1995 (c. 25), section 120, Schedule 22, paragraph 38 and by the Competition Act 1998 (c. 41), section 54(2) and Schedule 10, paragraph 4(3).

5. Until the appointed day for the coming into force of section 81(2), in section 4AA of the Gas Act (which section 9 substitutes for section 4(4) of that Act) there is omitted in subsection (2)(b) “or the Utilities Act 2000”.

6. Until the appointed day for the coming into force of section 33(1), in section 3A of the Electricity Act (which section 13 substitutes for section 3 of that Act) there is omitted in subsection (2)(b) “or the Utilities Act 2000”.

7. Until the appointed day for the coming into force for all remaining purposes of section 51(2) and Schedule 4, Schedule 6 to the Electricity Act (as that Schedule had effect on the passing of the Act) shall continue to have effect as if section 51(2) had not come into force.

8.—(1) Until the appointed day for the coming into force for all remaining purposes of section 51(2) and Schedule 4 the following provisions shall apply.

(2) Paragraph 3(1) and (6) to (10) of the Schedule to be substituted for Schedule 6 of the Electricity Act by Schedule 4 shall have effect as follows—

- (a) as if they were inserted into the Electricity Act as a new Schedule 6A and not in substitution of Schedule 6 of the Electricity Act (as that Schedule had effect on the passing of the Act);
- (b) for “electricity supplier” in each place where it appears there is substituted “public electricity supplier”;
- (c) in sub-paragraph (1) after “any premises” there is inserted “which were, immediately before he began to supply, supplied by a public electricity supplier or the holder of a licence under section 6(2) of this Act whose licence has been revoked in accordance with its conditions”;
- (d) in sub-paragraph (1) after “otherwise than” there is inserted “to a person as a tariff customer (within the meaning of section 22(4) of this Act) or”;
- (e) in sub-paragraphs (6) and (7) “or (2)” shall be deleted;
- (f) in sub-paragraph (9) “(subject to 7B)” shall be deleted.

9.—(1) Until the appointed day for the coming into force of section 54(2) (which inserts section 39A of the Electricity Act into that Act) there is omitted from section 27A(1)(b) of the Electricity Act (which section 59(1) inserts into that Act) “or 39A”.

(2) Until the appointed day for the coming into force of section 90(2) (which inserts section 33AA of the Gas Act into that Act) there is omitted from section 30A(1)(b) of the Gas Act (which section 95(1) inserts into that Act) “or 33AA”.

10.—(1) In the case of any continuing exercise by the Authority of either the functions assigned to it by section 36A(5) of the Gas Act or functions which it exercises concurrently with the Director General of Fair Trading by virtue of section 43(3)(6) of the Electricity Act—

- (a) the Authority shall exercise its functions as if, notwithstanding any provisions of the Act, sections 4 and 4A(7) in the case of the Gas Act and section 3 in the case of the Electricity Act had not been replaced; and
- (b) section 4B(3) of the Gas Act (which section 12 inserts into that Act) and section 3D(4) of the Electricity Act (which section 16 inserts into that Act) shall have no effect.

(4) Section 4 of the Gas Act was substituted for section 4 as originally enacted by the Gas Act 1995 (c. 45), section 1 and was amended by the Competition Act 1998, section 54(2) and Schedule 10, paragraph 3(3).

(5) Section 36A of the Gas Act was inserted by the Gas Act 1995, Schedule 3, paragraph 43 and amended by the Competition Act 1998, section 54(2), Schedule 10, paragraph 3, Schedule 14, Part I and by S.I.1999/506, article 20(b).

(6) Section 43(3) of the Electricity Act was substituted for subsection (3) as originally enacted by the Competition Act 1998, section 54(2) and Schedule 10, paragraph 4(5).

(7) Section 4A of the Gas Act was inserted by the Gas Act 1995, section 2.

(2) For the purposes of this article “continuing exercise” means any exercise of the functions described in paragraph (1) which has been commenced but not determined before 20th December 2000.

11.—(1) In the case of any continuing modification reference made to the Competition Commission under section 24(8) of the Gas Act or section 12(9) of the Electricity Act the Competition Commission shall exercise its functions under sections 24 and 25(10) of the Gas Act or sections 12 and 13(11) of the Electricity Act in respect of the investigation of and report on that reference and the Authority shall exercise its functions in respect of the receipt of any report on that reference (under section 25 of the Gas Act or section 13 of the Electricity Act) and any modification of the conditions of any licence following such a report (where such modification is made pursuant to section 26(12) of the Gas Act or section 14(13) of the Electricity Act) as if, notwithstanding any provisions of the Act, sections 4 and 4A of the Gas Act and section 3 of the Electricity Act had not been replaced.

(2) For the purposes of this article a “continuing modification reference” means one which has been made to the Competition Commission before 20th December 2000 but on which either the Commission has not reported before 20th December 2000 or, the Commission having reported, the Director General of Gas Supply or Director General of Electricity Supply has not before 20th December 2000 concluded the exercise of his functions under section 26 of the Gas Act (in the case of the Director General of Gas Supply) or section 14 of the Electricity Act (in the case of the Director General of Electricity Supply).

12.—(1) In the case of any continuing application which is either a request for the revocation of a licence or has been made under sections 7B(1)(14) or 8AA(15) of the Gas Act or section 6(3) of the Electricity Act, the Secretary of State and the Authority shall exercise their functions in respect of such an application as if, notwithstanding any provisions of the Act, sections 4 and 4A in the case of the Gas Act and section 3 in the case of the Electricity Act had not been replaced.

(2) For the purposes of this article, a “continuing application” means one which has been made but not determined before 20th December 2000.

13.—(1) In the case of any continuing proposal which has been made under either sections 23(16) or 29(1)(a) of the Gas Act or sections 11 or 26(1)(a) of the Electricity Act, the Authority shall exercise its functions in respect of such a proposal as if, notwithstanding any provisions of the Act, sections 4 and 4A in the case of the Gas Act and section 3 in the case of the Electricity Act had not been replaced.

(2) For the purposes of this article a “continuing proposal” means one which has been made but not determined before 20th December 2000.

14.—(1) In the case of any continuing dispute which has been referred under section 27A(17) of the Gas Act to the Director General of Gas Supply, the Authority (which for the purposes of this

(8) Section 24 of the Gas Act was amended by the Gas Act 1995, Schedule 3, paragraph 22, by the Competition Act 1998, Schedule 10, paragraph 10 and by S.I. 1999/506, article 20.

(9) Section 12 of the Electricity Act was amended by the Competition Act 1998, Schedule 10, paragraph 12 and by S.I. 1999/506, article 24.

(10) Section 25 of the Gas Act was amended by the Gas Act 1995, Schedule 3, paragraph 23, by the Competition Act 1998, Schedule 10, paragraph 10, Schedule 14, Part I and by S.I. 1999/506, article 20.

(11) Section 13 of the Electricity Act was amended by the Competition Act 1998, Schedule 10, paragraph 12, Schedule 14, Part I and by S.I. 1999/506, article 24.

(12) Section 26 of the Gas Act was amended by the Gas Act 1995, Schedule 3, paragraph 24 and by S.I. 1999/506, article 20.

(13) Section 14 of the Electricity Act was amended by S.I. 1999/506, article 24.

(14) Section 7B of the Gas Act was inserted by the Gas Act 1995, section 7.

(15) Section 8AA of the Gas Act was inserted by the Gas Act 1995, Schedule 3, paragraph 1.

(16) Section 23 of the Gas Act was substituted for section 23 as originally enacted by the Gas Act 1995, Schedule 3, paragraph 21.

(17) Section 27A of the Gas Act was inserted by the Gas Act 1995, Schedule 3, paragraph 26.

article includes any arbitrator or arbiter appointed pursuant to section 27A(1)(b) of the Gas Act shall exercise its functions in respect of such a dispute as if, notwithstanding any provisions of the Act, sections 4 and 4A of the Gas Act had not been replaced.

(2) For the purposes of this article “continuing dispute” means one which has been referred to the Director General of Gas Supply but not determined before 20th December 2000.

15.—(1) In the case of any outstanding request which has been made (in the case of the Gas Act) in accordance with a licence condition imposed under section 7B of that Act either to the Director General of Gas Supply or the Secretary of State for a determination of such questions arising under the licence, or under any document specified or described in the licence, as are specified in the licence or are of a description so specified or for designation, acceptance or approval by the said Director General or Secretary of State or (in the case of the Electricity Act) in accordance with a licence condition imposed under section 7 of that Act to the Director General of Electricity Supply for a determination of such questions arising under the licence as are specified in the licence or are of a description so specified or for approval by the said Director General of such things falling to be done under the licence, and such contracts or agreements made before the grant of the licence as are specified in the licence or are of a description so specified, the Authority or, as the case may be, the Secretary of State shall exercise its functions in the case of such a request as if, notwithstanding any provisions of the Act, sections 4 and 4A in the case of the Gas Act and section 3 in the case of the Electricity Act had not been replaced.

(2) For the purposes of this article “outstanding request” means one which has been made to the Secretary of State, the Director General of Gas Supply, or the Director General of Electricity Supply but not determined before 20th December 2000.

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19th December 2000