
STATUTORY INSTRUMENTS

2011 No. 2704

The Electricity and Gas (Internal Markets) Regulations 2011

PART 9

Licence modification procedure

Transitional and savings provision for the Electricity Act 1989 in relation to modification of licence conditions, references to the Competition Commission and Competition Commission membership

44.—(1) The following provisions apply notwithstanding any amendment or repeal of any enactment made by this Part of these Regulations.

(2) Paragraphs (3) to (5) apply where—

- (a) the Authority has made a reference under section 12 of the 1989 Act before the operative date, but
- (b) the Commission has not made a report on that reference before that date.

(3) Sections 12 to 13 of the 1989 Act are to continue in force on and after the operative date in relation to the reference until—

- (a) the Commission has made a report on that reference; and
- (b) any actions required or permitted under those sections in connection with the reference have been taken.

(4) Any persons who are, immediately before the operative date, members of the Commission by virtue of section 104(1)(b) of the 2000 Act^{M1} are to continue as members of the Commission on and after the operative date for the purpose of performing functions of the Commission—

- (a) in relation to that section as amended by this Part of these Regulations; and
- (b) in relation to the reference mentioned in paragraph (2).

(5) Any persons who are, immediately before the operative date, members of a group selected under section 104(2) of the 2000 Act are to continue as members of the group on and after the operative date for the purpose of performing functions of the Commission in relation to the reference mentioned in paragraph (2).

(6) Paragraphs (7) and (8) apply where—

- (a) the Authority has given notice under section 11(2) or 11A(3) of the 1989 Act^{M2} before the operative date; and
- (b) the period specified in the notice by virtue of section 11(2)(c) or 11A(3)(c) of that Act has not ended before that date.

(7) On and after the operative date the notice is to be treated for the purposes of sections 11A to 11H of, and Schedule 5A to, the 1989 Act^{M3} as if it were a notice given under section 11A(2) of that Act.

(8) Any representations or objections made in accordance with section 11(2)(c) or 11A(3)(c) of the 1989 Act in connection with the notice before the operative date are to be treated on and after the operative date as if they were representations made in accordance with section 11A(2)(d) of that Act.

(9) The following references to provisions of the 1989 Act are to those provisions as amended or inserted by this Part of these Regulations—

- (a) the references in paragraph (7);
- (b) the reference to section 11A(2)(d) in paragraph (8).

(10) In this regulation—

- (a) “the Authority” means the Gas and Electricity Markets Authority;
- (b) “the Commission” means the Competition Commission;
- (c) “the operative date” means the date on which these Regulations come into force;
- (d) “the 1989 Act” means the Electricity Act 1989;
- (e) “the 2000 Act” means the Utilities Act 2000.

Marginal Citations

- M1** [2000 c. 27](#). Section 104 was amended by section 53(1)(a) and (b) and 101(2) of, and Part 2 of Schedule 9 to, the [Water Act 2003 \(c. 37\)](#) and by article 11 of, and paragraph 4(a) and (b) of Part 1 of the Schedule to, [S.I. 2005/3172](#).
- M2** [Section 11](#) was amended by sections 3(2) and 34(1) and (2) of the [Utilities Act 2000 \(c. 27\)](#). Section 11A was inserted by section 35 of the Utilities Act 2000 and subsequently amended by section 197(8) and (9) and Part 1 of Schedule 23 to, the [Energy Act 2004 \(c. 20\)](#).
- M3** By virtue of regulation 44(9) of these Regulations references to sections 11A to 11H and Schedule 5A are references to those sections and Schedule as amended or inserted by these Regulations. Section 11A is amended by regulation 44(4) to (6) of these Regulations. Section 11B is inserted by regulation 43(7) of these Regulations. Sections 11C to 11H are inserted by regulation 43(8) of these Regulations. Schedule 5A is inserted by regulation 43(9) of these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Electricity and Gas (Internal Markets) Regulations 2011, Section 44.