

SCHEDULE 1

Transfer of certain functions of the National Consumer Council,
transfer of certain consumer advice scheme functions of the OFT and
consequential, supplementary, incidental and transitional provision

PART 1

Amendments to Acts

Electricity Act 1989

5.—(1) The Electricity Act 1989(1) is amended as follows.

(2) In section 3B (guidance on social and environmental matters)(2), in subsection (3) for paragraph (b) substitute—

- “(b) Citizens Advice;
- (ba) Citizens Advice Scotland;”.

(3) In section 5 (exemptions from prohibition), in subsection (3)(a) for “and the Council” substitute “, Citizens Advice and Citizens Advice Scotland”.

(4) In section 8A (standard conditions of licences)(3), in subsection (4)(b) for “and the Council” substitute “, Citizens Advice and Citizens Advice Scotland”.

(5) In section 11A (modification of conditions of licences)(4), in subsection (4)(b)—

- (a) omit the “and” after sub-paragraph (ii);
- (b) for sub-paragraph (iii) substitute—
 - “(iii) Citizens Advice, and
 - (iv) Citizens Advice Scotland.”

(6) In section 11C (appeal to the Competition Commission)(5)—

- (a) in subsection (2)(d), for “the Council” substitute “Citizens Advice or Citizens Advice Scotland or those bodies acting jointly”;
- (b) in subsection (4)(c) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland or those bodies acting jointly”.

(7) In section 23 (determination of disputes)(6), in subsection (1A)(a) for the words from “Authority by” to “the Council;” substitute—

(1) 1989 c. 29.

(2) Section 3B was inserted by section 14 of the Utilities Act 2000; section 3B(3)(b) was substituted by the 2007 Act. Sections 184(12) and 185(13) of the Energy Act 2004 made provision for the effect of this Part of the Electricity Act 1989 (c. 29). Section 190(2) of the Energy Act 2004 also made provision that section 3B shall apply to the carrying out of certain functions conferred on the Secretary of State and the Gas and Electricity Markets Authority (“the Authority”) under the Energy Act 2004. The section shall also apply to the Climate Change Act 2008 (c. 27). Section 30(2) of the Energy Act 2010 (c. 27) also provides that the section shall apply to the carrying out of certain functions by the Secretary of State or the Authority by or under the Energy Act 2010. Sections 76, 77 and 98 of the Energy Act 2011 also provide that they apply to functions of the Secretary of State and with respect to holders of electricity licences.

(3) Section 8A was inserted by section 33 of the Utilities Act 2000; section 8A(1) was amended by, and section (1A) inserted by section 137 of the Energy Act 2004; section (1B) was inserted by section 146(1) to (7) of that Act.

(4) Section 11A was inserted by section 35 of the Utilities Act 2000; section 11A(1) to (4A) was substituted for section 11A(1) to (4), section 11A(5) was amended and section 11A(6) to (10) was substituted for section 11A(6) to (11) by regulation 43 of S.I. 2011/2704.

(5) Section 11C was inserted by regulations 43(1) and (8) of S.I. 2011/2704.

(6) Section 23 was amended by sections 3(2) and 108 of and paragraphs 24 and 26(1) to (4) of Part 2 of Schedule 6 to the Utilities Act 2000.

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“Authority—

- (i) by either party, or
- (ii) with the consent of either party, by Citizens Advice or Citizens Advice Scotland or Citizens Advice and Citizens Advice Scotland acting jointly;”.
- (8) In section 27A (penalties)(7), in subsection (7)—
 - (a) omit the “and” following paragraph (b);
 - (b) for paragraph (c) substitute—
 - “(c) by serving a copy of the notice on Citizens Advice; and
 - (d) by serving a copy of the notice on Citizens Advice Scotland.”
- (9) In section 32L (renewables obligation orders: procedure)(8), in subsection (1), for paragraph (b) substitute—
 - “(b) Citizens Advice,
 - (ba) Citizens Advice Scotland,”.
- (10) In section 39B (standards of performance in individual cases: disputes)(9), in subsection (1) —
 - (a) in paragraph (a) for the words from “the Authority” to “the Council,” substitute—
 - “Authority—
 - (i) by either party, or
 - (ii) with the consent of either party, by Citizens Advice or Citizens Advice Scotland or Citizens Advice and Citizens Advice Scotland acting jointly;”.
 - (b) in paragraph (b) for “the Council” substitute “Citizens Advice or Citizens Advice Scotland”.
- (11) In section 40B (procedures for prescribing or determining standards of performance)(10), in subsection (1)(c) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.
- (12) In section 41A(11) (promotion of reductions in carbon emissions: electricity distributors and electricity suppliers), in subsection (11) for “the Council” substitute “Citizens Advice, Citizens Advice Scotland”.
- (13) In section 42AA (publication of statistical information about standards of performance)(12)—
 - (a) in subsection (1) for the words from the beginning to “considers appropriate” substitute “It shall be the duty of both Citizens Advice and Citizens Advice Scotland to secure the publication, in such form and manner and with such frequency as the particular body thinks appropriate, of such statistical information as the particular body considers appropriate”;
 - (b) after subsection (1) insert—

(7) Section 27A was inserted by section 59(1) of the Utilities Act 2000; section 27A(2) and (2A) was substituted for section 27A(2) by the Enterprise and Regulatory Reform Act 2013 (c. 24); section 27A was further amended by regulation 39(1) and (3) (d) of S.I. 2011/2704.

(8) Section 32L was substituted by section 37 of the Energy Act 2008 (c. 32).

(9) Section 39B was inserted by section 54(2) of the Utilities Act 2000.

(10) Section 40B was inserted by section 56 of the Utilities Act 2000.

(11) Section 41A was substituted by section 70 of the Utilities Act 2000; the heading to section 41A was amended by paragraph 5(2) of Schedule 1 to the Climate Change and Sustainable Energy Act 2006 and section 41A(11) was amended by paragraphs 2, 4(1) and (10) of Schedule 1 to the Energy Act 2011. There are other amendments which are not relevant to this Order.

(12) Section 42AA was inserted by section 20(6) of the Utilities Act 2000; sections 42AA(1)(a) and (b) and (2) were amended by section 100(5) of and paragraph 4 of Schedule 8 to the Climate Change Act 2008; section 42AA(1)(a)(ii) was also amended by section 17 of and paragraphs 4 and 6 of the Schedule to the Climate Change and Sustainable Energy Act 2006; section 42AA(2) was further amended by article 5(b) of S.I. 2000/2947.

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- “(1A) Citizens Advice and Citizens Advice Scotland may comply with the duty in subsection (1) by publishing information jointly or by securing that information is published on behalf of both of them.”;
- (c) in subsection (2) for “or the Council” substitute “, Citizens Advice or Citizens Advice Scotland”.
- (14) In section 56B (application by Authority for order including new activities)(**13**), in subsection (2) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.
- (15) In section 56C (references to Competition Commission)(**14**), in subsection (4) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.
- (16) In section 56D (reports on references)(**15**)—
- (a) in subsection (7)—
- (i) for “send another copy to the Council” substitute “send a copy of the report to Citizens Advice and Citizens Advice Scotland”;
- (ii) for “that other copy” substitute “the copy sent to Citizens Advice and Citizens Advice Scotland”;
- (b) in subsection (8) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.
- (17) In section 56E (application by Authority for order excluding activities)(**16**), in subsection (2) (a) for “the Council” substitute “, Citizens Advice and Citizens Advice Scotland”.
- (18) In section 56F (consultation by Secretary of State about order excluding activities)(**17**), in subsection (2)(a) for “and the Council” substitute “, Citizens Advice and Citizens Advice Scotland”.
- (19) In section 56G (service by Authority of certain notices on Council)(**18**)—
- (a) in the heading for “Council” substitute “Citizens Advice and Citizens Advice Scotland”;
- (b) for “the Council” substitute “Citizens Advice and Citizens Advice Scotland”.
- (20) In section 111 (general interpretation)(**19**), in subsection (1)—
- (a) at the appropriate place insert—
- ““Citizens Advice” means the National Association of Citizens Advice Bureaux;”;
- ““Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux;”;
- (b) omit the definition of “the Council”.
- (21) In Schedule 6 (the electricity code) in paragraph 3(10)(b)(**20**) for “and to the Council” substitute “, to Citizens Advice and to Citizens Advice Scotland”.
- (22) In Schedule 7 (use etc. of electricity meters), in paragraph 12(5), for paragraph (a) substitute—
- “(a) Citizens Advice;

(13) Section 56B was inserted by section 43 of the Utilities Act 2000 (c. 27).

(14) Section 56C was inserted by section 43 of the Utilities Act 2000 and further amended, but those amendments are not relevant to this Order.

(15) Section 56D was inserted by section 43 of the Utilities Act 2000; section 56D(3A) and (3B) were inserted, and section 56D(4) to 4(D) substituted for section 56D(4) by section 278(1) of and paragraph 20(1) and (13) of Schedule 25 to the 2002 Act.

(16) Section 56E was inserted by section 43 of the Utilities Act 2000.

(17) Section 56F was inserted by section 43 of the Utilities Act 2000.

(18) Section 56G was inserted by section 18 of the Utilities Act 2000.

(19) Section 111 was amended by section 30(4)(b) of the 2007 Act and paragraph 40(a) of Schedule 6 to the Utilities Act 2000. There are other amendments to this section which are not relevant to this Order.

(20) Schedule 6 was substituted by section 51(2) of and Schedule 4 to the Utilities Act 2000. Other amendments are not relevant to this Order.

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(aa) Citizens Advice Scotland;”.