

SCHEDULES

SCHEDULE 6

Section 108.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

GAS ACT 1986

- 1 The Gas Act 1986 is amended as follows.
- 2 (1) In the following provisions, for “public gas transporter”, in each place where it appears, there is substituted “gas transporter” and for “public gas transporters” in each place where it appears, there is substituted “gas transporters”—
 - section 7A
 - section 7B
 - section 8
 - section 9
 - section 10
 - section 11
 - section 12
 - section 13
 - section 18
 - section 18A
 - section 19
 - section 21
 - section 27A
 - section 43
 - section 46
 - section 48
 - section 62
 - Schedule 2B
 - Part I of Schedule 3
 - Schedule 4.
- (2) In section 19(6)(a), paragraph 5(2) of Schedule 2B and Part II of Schedule 3, in each place where it appears, for “public gas transporter's” there is substituted “gas transporter's”.
- 3 In section 5 (prohibition on unlicensed activities), in subsection (1)(a) and (c) for “public gas transporter” there is substituted “gas transporter”.
- 4 In section 7 (licensing of public gas transporters), in subsections (2)(b), (6)(b) and (9) for “public gas transporter” there is substituted “gas transporter”.

Status: This is the original version (as it was originally enacted).

- 5 In section 7B (general provisions about licences), subsection (4)(d) (which provides for conditions in licences requiring the furnishing of information and is superseded by other provisions of this Act about information) shall cease to have effect.
The repeal of subsection (4)(d) of section 7B is without prejudice to the generality of the power conferred by subsection (4)(a) of that section.
- 6 In section 7B(9)—
(a) in paragraph (b)—
(i) for “or extension” in both places where it appears, there is substituted “, extension or restriction”;
(ii) for “previously included” there is substituted “includes”; and
(b) at the end of paragraph (b) there is inserted “; and
(c) to any other person who holds a licence and whose interests may, in the opinion of the Authority, be affected by the grant.”.
- 7 In section 15A (billing disputes)—
(a) for “domestic customer” (in each place) there is substituted “customer”;
(b) subsection (10) shall cease to have effect.
- 8 (1) Section 24 (modification references to Competition Commission) is amended as follows.
(2) In subsection (1)(a)(i) and subsection (1A)(a), for “required” there is substituted “regulated”.
(3) In subsection (6) for “4 and 4A(1) and (2) above” there is substituted “4AA, 4AB and 4A”.
(4) In subsection (8) for “and 26 below” there is substituted “, 26 and 26A”.
- 9 In section 27(3) and (4) (modification by order under other enactments) for “required” there is substituted “regulated”.
- 10 In section 27A(1) (determination of certain disputes) for “domestic customer” there is substituted “customer of a person authorised by a licence or exemption to supply gas”.
- 11 In section 28(5)(a) (circumstances in which the Authority may not make or confirm an order under the section) for “4 or 4A above” there is substituted “4AA, 4AB or 4A”.
- 12 In section 28 (orders for securing compliance with certain provisions), in the definition of “relevant requirement” in subsection (8)—
(a) after “9(1)” there is inserted “, (1A)”;
(b) after “12(1) or (6)” there is inserted “, 16(10),”
(c) after “33B,” there is inserted “33BA, 33C,”;
(d) “33BB” is omitted;
(e) for “or 33E” there is substituted “, 33F, 41A or 41B”; and
(f) after “Act” there is inserted “or section 27(4)(b) of the Utilities Act 2000 (order to comply with a direction under section 24 of that Act)”.
- 13 In section 33A (standards of performance in individual cases)—
(a) for subsections (1) and (2) there is substituted—

Status: This is the original version (as it was originally enacted).

- “(1) The Authority may make regulations prescribing such standards of performance in connection with the activities of gas suppliers, so far as affecting customers or potential customers of theirs, as in the Authority’s opinion ought to be achieved in individual cases.
- (2) Regulations under this section may only be made with the consent of the Secretary of State.”;
- (b) in subsection (3)(a), for “domestic customers” there is substituted “customers or potential customers”; and
- (c) in subsection (4), for “domestic customer” there is substituted “customer or potential customer” and after “failure” there is inserted “and is of a prescribed description”.
- 14 In section 33C (information with respect to levels of performance), in subsection (2) (b), for “may be so specified” there is substituted “the Authority may direct”.
- 15 Section 33E (procedures for dealing with complaints) shall cease to have effect.
- 16 In section 36(2) (keeping of register), in paragraph (c)—
- (a) the words “made otherwise than by order” shall be omitted; and
- (b) for “subsection (5)” there is substituted “subsection (7)”.
- 17 In section 38 (power to require information etc.)—
- (a) in subsection (1A) for “4 or 4A above” there is substituted “4AA, 4AB or 4A”; and
- (b) in subsection (3) after “document” there is inserted “or record”.
- 18 In section 46(3), for “his authorised area” there is substituted “any authorised area of his”.
- 19 In section 48(1) (interpretation of Part I)—
- (a) after the definition of “authorised area” there is inserted—
- ““authorised supplier” means a person authorised by a licence or exemption to supply to any premises gas which has been conveyed to those premises through pipes;
- “authorised transporter” means a person authorised by a licence or exemption to convey gas through pipes to any premises or to a pipe-line system operated by a gas transporter;”;
- (b) before the definition of “gas” there is inserted—
- ““exemption” means an exemption under section 6A;”;
- (c) the definition of “domestic customer” shall be omitted; and
- (d) for the definition of “licence” there is substituted—
- ““licence” means a licence under section 7 or 7A and “licence holder” shall be construed accordingly;”.
- 20 In section 62, after subsection (2A) there is inserted—
- “(2AB) If immediately before the commencement of paragraph 2 of Schedule 6 to the Utilities Act 2000 (substitution of “gas transporter” for “public gas transporter”) subsection (2A) applies to an agreement, that subsection continues to apply to that agreement notwithstanding the substitution.”.

Status: This is the original version (as it was originally enacted).

- 21 In section 64(2) (orders) after “section” there is inserted “23, 30A, 33BC, 41A, 41C”.
- 22 In section 66 (interpretation)—
- (a) after the definition of “the appointed day” there is inserted—
- ““the Authority” means the Gas and Electricity Markets Authority;” and
- (b) after the definition of “the Corporation” there is inserted—
- ““the Council” means the Gas and Electricity Consumer Council;”.
- 23 In Schedule 2B (the gas code), in paragraph 8—
- (a) sub-paragraphs (4), (5) and (6) shall be omitted;
- (b) in sub-paragraph (8) the words from “but this” to the end shall cease to have effect;
- (c) in sub-paragraph (11)—
- (i) for the words from “a revision” to “such an election” there is substituted “or a revision of such a scheme”; and
- (ii) in paragraphs (a) and (b), for “, revision, election or withdrawal” there is substituted “or revision”.

PART II

ELECTRICITY ACT 1989

- 24 The Electricity Act 1989 is amended as follows.
- 25 In section 12(7) (matters to which the Competition Commission is to have regard in making determinations) for “3 above” there is substituted “3A to 3C”.
- 26 (1) Section 23 (determination of disputes) is amended as follows.
- (2) For subsections (1) and (2) there is substituted—
- “(1) This section applies (in addition to any disputes to which it applies by virtue of any other provision of this Act) to any dispute arising under sections 16 to 21 between an electricity distributor and a person requiring a connection.
- (1A) A dispute to which this section applies—
- (a) may be referred to the Authority by either party, or with the agreement of either party, by the Council; and
- (b) on such a reference, shall be determined by order made either by the Authority or, if the Authority thinks fit, by an arbitrator (or in Scotland an arbiter) appointed by the Authority.
- (1B) The practice and procedure to be followed in connection with any such determination shall be such as the Authority may consider appropriate.
- (1C) No dispute arising under sections 16 to 21 which relates to the making of a connection between any premises and a distribution system may be referred to the Authority after the end of the period of 12 months beginning with the time when the connection is made.

- (2) Where a dispute arising under sections 16 to 21 between an electricity distributor and a person requiring a connection falls to be determined under this section, the Authority may give directions as to the circumstances in which, and the terms on which, the distributor is to make or (as the case may be) to maintain a connection pending the determination of the dispute.”
- (3) After subsection (4) there is inserted—
- “(4A) A person making an order under this section shall include in the order his reasons for reaching his decision with respect to the dispute.”
- (4) After subsection (6) there is inserted—
- “(7) Section 16(4)(a) does not apply to the references in this section to making a connection.”
- 27 In section 25(5)(a) (circumstances in which the Authority may not make or confirm an order under the section) for “3 above” there is substituted “3A to 3C”.
- 28 In section 25 (orders for securing compliance with certain provisions), in the definition of “relevant requirement” in subsection (8), for the words “or section 40(3), 41(3), 42A or 42B below” there is substituted “, or sections 32 to 32C, section 40, 40A, 42, 42A, 42C, 43A or 43B below or section 27(4)(b) of the Utilities Act 2000 (order to comply with a direction under section 24 of that Act).”
- 29 (1) Section 28 (power to require information etc.) is amended as follows.
- (2) After subsection (2) there is inserted—
- “(2A) Where a licence has been or is to be revoked or suspended, or has expired or is about to expire by effluxion of time, and it appears to the Authority, having regard to the duties imposed by section 3A, 3B or 3C, to be requisite or expedient to do so for any purpose connected with the revocation, suspension or expiry, the Authority may, with the consent of the Secretary of State, by notice in writing—
- (a) require the licence holder to produce, at a time and place specified in the notice, to the Authority, or to any person so specified, any records which are specified or described in the notice and are in the licence holder’s custody or under his control; or
- (b) require the licence holder to furnish to the Authority, or to any person specified in the notice, such information as may be specified or described in the notice, and specify the time, the manner and the form in which any such information is to be furnished.”.
- (3) In subsection (3), after “documents” there is inserted “or records”.
- (4) In subsection (4), after “subsection (2)” there is inserted “or (2A)”.
- (5) In subsection (5)—
- (a) after “document” there is inserted “or record”;
- (b) after “subsection (2)” there is inserted “or (2A)”.
- (6) In subsection (6), after “subsection (2)” there is inserted “or (2A)”.
- 30 (1) Section 29 (regulations relating to supply and safety of electricity) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (1)(b), after “transmission” there is inserted “, distribution”.
- (3) In subsection (2)—
- (a) in paragraph (a) for “supply” there is substituted “distribution”;
 - (b) in paragraph (b) for “of supplies or transmissions” there is substituted “in the distribution or transmission”;
 - (c) in paragraph (c) for “supply” there is substituted “distribute”; and
 - (d) in paragraph (d) for the words from “persons” to “supply” (in the second place it appears) there is substituted “electricity distributors from any duty under section 16 or authorising them to disconnect any premises or distribution system”.
- 31 (1) Section 30 (electrical inspectors) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) for “supply” there is substituted “distribute”;
 - (b) in paragraph (b) after “transmission” there is inserted “, distribution”;
 - (c) in paragraph (c) for “supply of electricity through or by” there is substituted “conveyance of electricity through”.
- (3) In subsection (3)—
- (a) in paragraph (b) for “generate, transmit or supply electricity” there is substituted “carry on licensable activities”;
 - (b) in paragraph (c) for the words from “persons” to “supply” (in the second place it appears) there is substituted “electricity distributors from any duty under section 16 or authorising them to disconnect any premises or distribution system”.
- 32 In section 39 (standards of performance in individual cases)—
- (a) for subsection (1) there is substituted—
 - “(1) The Authority may, with the consent of the Secretary of State, make regulations prescribing such standards of performance in connection with the activities of electricity suppliers, so far as affecting customers or potential customers of theirs, as in the Authority’s opinion ought to be achieved in individual cases.”;
 - (b) in subsection (2), for the words from “and may” to the end there is substituted “ and, if the Authority is of the opinion that the differences are such that no electricity supplier would be unduly disadvantaged in competing with other electricity suppliers, may make different provision for different electricity suppliers.”;
 - (c) in subsection (2)(a) and (c) for “public electricity suppliers” there is substituted “electricity suppliers”;
 - (d) in subsections (3) and (4) for “a public electricity supplier” there is substituted “an electricity supplier”.
- 33 In section 40 (overall standards of performance)—
- (a) in subsection (1)(a) for “such” (in the second place it appears) there is substituted “electricity”;
 - (b) in subsection (2) at the end there is inserted “if the Authority is of the opinion that the differences are such that no electricity supplier would be unduly disadvantaged in competing with other electricity suppliers”;

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- (c) in subsection (2) for “public electricity suppliers” there is substituted “electricity suppliers”;
 - (d) in subsection (3) for “public electricity supplier” there is substituted “electricity supplier”.
- 34 In section 42 (information with respect to levels of performance)—
- (a) in subsection (1) for “public electricity suppliers” there is substituted “electricity suppliers”;
 - (b) in subsection (2) for “public electricity supplier” there is substituted “electricity supplier”;
 - (c) in subsection (3) for “a public electricity supplier” there is substituted “an electricity supplier”.
- 35 Section 42B (procedures for dealing with complaints) shall cease to have effect.
- 36 (1) Section 44A (billing disputes) is amended as follows.
- (2) In subsection (2)—
- (a) for “a public electricity supplier” there is substituted “an electricity supplier”;
 - (b) for “tariff customer” there is substituted “customer”.
- (3) In subsection (8)—
- (a) for “public electricity supplier” there is substituted “electricity supplier”;
 - (b) for “tariff customer” there is substituted “customer”.
- 37 In section 59 (making of false statements etc.) in subsection (2)(a), for “a public electricity supplier” there is substituted “, or other person acting on behalf of, an electricity distributor or electricity supplier”.
- 38 (1) Section 64(1) (interpretation of Part I) is amended as follows.
- (2) After the definition of “authorised area” there is inserted—
- ““authorised distributor” means a person who is authorised by a licence or exemption to distribute electricity;
 - “authorised supplier” means a person who is authorised by a licence or exemption to supply electricity;
 - “distribute”, in relation to electricity, has the meaning given by section 4(4), and cognate expressions shall be construed accordingly;”.
- (3) In the definition of “electrical plant” after “transmission” there is inserted “, distribution”.
- (4) After the definition of “electric line” there is inserted—
- ““electricity distributor” and “electricity supplier” have the meanings given by section 6(9).”
- (5) After the definition of “licence” there is inserted—
- ““licensable activity” means an activity which, if carried on without the authority of a licence or exemption, constitutes an offence under section 4(1);.”

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- (6) In the definition of “prescribed”, for the words from “except” to “made” there is substituted “means prescribed by regulations made, unless the context otherwise requires,”.
- (7) After the definition of “relevant condition” there is inserted—
- ““special connection agreement” means a special agreement under section 22;”
- (8) The definition of “private electricity supplier”, the definition of “public electricity supplier” and the definition of “tariff customer” shall be omitted.
- 39 In section 106(2) (regulations and orders), in paragraph (b), after “company” there is inserted “, an order under section 11A, 27A, 32, 41A, 43A or 56A,”.
- 40 In section 111(1) (interpretation)—
- (a) after the definition of “Area Board” there is inserted—
- ““the Authority” means the Gas and Electricity Markets Authority;” and
- (b) after the definition of “contravention” there is inserted—
- ““the Council” means the Gas and Electricity Consumer Council;”.

PART III

OTHER ACTS

Rights of Entry (Gas and Electricity Boards) Act 1954 (c. 21)

- 41 (1) The Rights of Entry (Gas and Electricity Boards) Act 1954 is amended as follows.
- (2) In section 1(2) (restriction on exercise of rights), for “a public electricity supplier” there is substituted “an electricity operator”.
- (3) In section 2(1) (warrants)—
- (a) for paragraph (a) there is substituted—
- “(a) that admission to premises specified in the information is reasonably required by a gas operator or an electricity operator or by an employee of a gas operator or an electricity operator;” and
- (b) for the words “supplier or any employee of the operator or supplier” (in paragraph (b) and the words following paragraph (c)) there is substituted “any employee of the operator”.
- (4) In section 2(3) for “a public electricity supplier” there is substituted “an electricity operator”.
- (5) In section 3 (interpretation)—
- (a) in the definition of “employee”, for paragraph (b) there is substituted—
- “(b) in relation to an electricity operator, an officer, servant or agent of the operator and any person authorised by such an agent;”
- (b) for the definition of “public electricity supplier” there is substituted—

Status: This is the original version (as it was originally enacted).

““electricity operator” means an electricity distributor or an electricity supplier (within the meaning of Part I of the Electricity Act 1989);”.

Public Records Act 1958 (c. 51)

- 42 In Schedule 1 to the Public Records Act 1958 (definition of public records) in Part II of the Table at the end of paragraph 3, there is inserted at the appropriate place—
“Gas and Electricity Consumer Council.”.

Parliamentary Commissioner Act 1967 (c. 13)

- 43 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation), the following entries are inserted at the appropriate places—
“Gas and Electricity Markets Authority.”;
“Gas and Electricity Consumer Council.”

Superannuation Act 1972 (c. 11)

- 44 (1) In Schedule 1 to the Superannuation Act 1972, in the list of “Other Bodies” the following entry is inserted at the appropriate place—
“The Gas and Electricity Consumer Council.”.
- (2) Section 1 of that Act (persons to or in respect of whom benefits may be provided by schemes under that section) shall apply to persons who at any time before the abolition of the Gas Consumers' Council have ceased to serve in employment with that Council.

House of Commons Disqualification Act 1975 (c. 24)

- 45 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), the following entries are inserted at the appropriate places—
“The Gas and Electricity Markets Authority.”;
“The Gas and Electricity Consumer Council.”;
“A regional committee of the Gas and Electricity Consumer Council established under section 18(2) of the Utilities Act 2000.”

Bankruptcy (Scotland) Act 1985 (c. 66)

- 46 In section 70 of the Bankruptcy (Scotland) Act 1985 (supplies by utilities), in subsection (4)(b), for “public electricity supplier” there is substituted “electricity supplier”.

Insolvency Act 1986 (c. 45)

- 47 (1) The Insolvency Act 1986 is amended as follows.
- (2) In section 233 (supplies of gas, water, electricity etc)—
(a) in subsection (3), for paragraph (b) there is substituted—

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- “(b) a supply of electricity by an electricity supplier within the meaning of Part I of the Electricity Act 1989;”;
 - and
 - (b) subsection (5)(b) shall be omitted.
- (3) In section 372 (supplies of gas, water, electricity etc in cases of individual insolvency)
 -
 - (a) in subsection (4), for paragraph (b) there is substituted—
 - “(b) a supply of electricity by an electricity supplier within the meaning of Part I of the Electricity Act 1989;”;
 - and
 - (b) subsection (5)(b) shall be omitted.