

2000 No. 2974 (C. 90)

**ELECTRICITY
GAS**

**The Utilities Act 2000 (Commencement No. 3 and
Transitional Provisions) Order 2000**

Made - - - - - 4th November 2000

The Secretary of State, in exercise of the powers conferred on him by section 110(2) and (3) of the Utilities Act 2000(a), hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Utilities Act 2000 (Commencement No. 3 and Transitional Provisions) Order 2000.

(2) In this Order—

“the Act” means the Utilities Act 2000;

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

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

(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 12, 7th November 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.—(1) Where at any time before the appointed day any individual or body consulted by the Council pursuant to section 19(4)(a) objects to the disclosure of any information relating to it the Council shall until the appointed day refrain from disclosing that information.

(2) On and after the appointed day the entirety of section 19(4) shall apply to any information which, pursuant to paragraph (1), the Council has refrained from disclosing.

(3) For the purposes of paragraphs (1) and (2), the “appointed day” means the day appointed for the coming into force of section 19(4)(b).

(4) Until the appointed day for the coming into force of section 3(1), in section 19(5) for “Authority” there is substituted “Director General of Gas Supply, the Director General of Electrical Supply”.

(a) 2000 c. 27.
(b) 1989 c. 29.
(c) 1986 c. 44.

4. In section 33DA of the Gas Act (which section 20(5) inserts into that Act)—
 - (a) until the appointed day for the coming into force of paragraph 2(1) of Schedule 6 for “gas transporters” or “transporters” in all places where the words occur there is substituted “public gas transporters”; and
 - (b) until the appointed day for the coming into force of section 3(1) for “Authority” there is substituted “Director”.
5. In section 42AA of the Electricity Act (which section 20(6) inserts into that Act)—
 - (a) until the appointed day for the coming into force of paragraph 38(4) of Schedule 6, the duty of the Council to publish information relating to complaints shall relate to complaints made by consumers about any matter relating to the activities of public electricity suppliers (as defined in section 6(9) of the Electricity Act) and the holders of a licence granted under section 6(2)(a) of the Electricity Act and “complaints” in section 42AA(2) of the Electricity Act shall be construed accordingly; and
 - (b) until the appointed day for the coming into force of section 3(1) for “Authority” there is substituted “Director”.
- 6.—(1) Where at any time before the appointed day any individual or body consulted by the Council pursuant to section 21(4)(a) objects to the publication of any information relating to it the Council shall until the appointed day refrain from publishing that information.
 - (2) On and after the appointed day the entirety of section 21(4) shall apply to any information which, pursuant to paragraph (1), the Council has refrained from publishing.
 - (3) For the purposes of paragraphs (1) and (2), the “appointed day” means the day appointed for the coming into force of section 21(4)(b).
7. In section 32 of the Gas Act (which section 22(1) substitutes for the original section 32 of that Act)—
 - (a) until the appointed day for the coming into force of section 95 for any purpose which includes the exercise by the Authority of its powers under section 30A(1) of the Gas Act (which section 95 inserts into that Act), there is omitted from the definition of “enforcement function” in subsection (10) “or 30A”; and
 - (b) until the appointed day for the coming into force of section 3(1) for “Authority” in each place where it appears there is substituted “Director”.
8. In section 46 of the Electricity Act (which section 22(2) substitutes for the original section 46 of that Act)—
 - (a) until the appointed day for the coming into force of section 59 for any purpose which includes the exercise by the Authority of its powers under section 27A(1) of the Electricity Act (which section 59 inserts into that Act), there is omitted from the definition of “enforcement function” in subsection (10) “or 27A”; and
 - (b) until the appointed day for the coming into force of section 3(1) for “Authority” in each place where it appears there is substituted “Director”.
9. Until the appointed day for the coming into force of section 3(1), in section 33 of the Gas Act (which section 23(1) substitutes for the original section 33 of that Act) and in section 46A of the Electricity Act (which section 23(2) inserts into that Act) for “Authority” in all places where it occurs there is substituted “Director”.
- 10.—(1) Until the appointed day for the coming into force of section 3(1), in sections 105(3)(a) and 105(8)(c) for “Authority” there is substituted “Director General of Gas Supply, the Director General of Electricity Supply” and in section 105(11) for “Authority” there is substituted “Director General of Gas Supply or the Director General of Electricity Supply”.
 - (2) Until the appointed day for the coming into force of paragraph 29(2) of Schedule 6, in section 105(3)(b) there is omitted “or section 28(2A) of the 1989 Act”.
 - (3) Until the appointed day for the coming into force of paragraph 2(1) of Schedule 6, in relation to section 48 of the Gas Act, in section 105(10) in the definition of “relevant activities” for “gas transporter” there is substituted “public gas transporter”.
11. Until the appointed day for the coming into force of section 3(1), in paragraph 31 of Schedule 7—
 - (a) in sub-paragraphs (3) and (4) for “Authority” there is substituted “Director General of Gas Supply”; and

(b) in sub-paragraph (5) there is omitted “the Authority and”, for “them” there is substituted “it” and for “their” there is substituted “its”.

12. Until the appointed day for the coming into force of section 3(1), in paragraph 32 of Schedule 7—

(a) in sub-paragraphs (3) and (4) for “Authority” there is substituted “Director General of Electricity Supply”; and

(b) in sub-paragraph (5) there is omitted “the Authority and”, for “them” there is substituted “it” and for “their” there is substituted “its”.

4th November 2000

Helen Liddell,
Minister for Energy and Competitiveness in Europe,
Department of Trade and Industry

SCHEDULE

Article 2

PROVISIONS OF THE UTILITIES ACT 2000 COMING INTO FORCE ON 7TH NOVEMBER 2000

<i>Provisions of the Act</i>	<i>Purpose</i>
Section 2(3) (abolition of Gas Consumers' Council and consumers' committees)	For all purposes
Section 3(6) and (7) (transfer of the property, rights and liabilities of the Gas Consumers' Council)	For all purposes
Section 4 (forward work programmes)	For the purpose of requiring the Council to prepare and publish its forward work programme
Section 17 (preliminary matters in relation to functions of the Council)	For all purposes
Section 18(1) to (4) and (7) (acquisition and review of information by the Council)	For all purposes
Section 19(1) to (3), (4)(a), (5) and (6) (provision of advice and information by the Council to public authorities and other persons)	For all purposes
Section 20(1) to (4) (provision of information by the Council to consumers)	For all purposes
Section 20(5) and (6) (provision of information by the Council to consumers in relation to consumer complaints)	For the purpose of requiring the Council to publish statistical information in relation to complaints made by consumers
Section 21(1) to (3), (4)(a), and (5) (power for the Council to publish advice and information about consumer matters)	For all purposes
Section 22 (complaints)	For all purposes
Section 23 (investigations)	For all purposes
Section 24(1) to (3) (provision of information to the Council)	For the purpose of enabling the Council to direct the holder of a gas or electricity licence to supply information to it
Section 27(1) and (3) to (7) (regulations relating to provision of information under sections 24 to 26)	For all remaining purposes
Section 28(3)(a) (the definition of "distribute")	For the purpose of defining a "distribution system" where that term is used in Part III of the Act
Section 105 (general restrictions on the disclosure of information) with the exception of section 105(8)(b)	For all purposes
Schedule 2, paragraphs 10 to 14 (the Gas and Electricity Consumer Council)	For all purposes
In schedule 6 (minor and consequential amendments)—	
paragraph 1	For the purpose of the entries in Part I of Schedule 6 referred to in this Order
paragraph 5	For all purposes
paragraph 12(f)	For all purposes
paragraph 15	For all purposes
in paragraph 19(a), the definition of "authorised supplier"	For the purposes of Part III of the Act
paragraph 22(b)	For all purposes
paragraph 24	For the purpose of the entries in Part II of Schedule 6 referred to in this Order
paragraph 28	For the purpose of including in section 25(8) of the Electricity Act "or section 27(4)(b) of the Utilities Act 2000 (order to comply with a direction under section 24 of that Act)"

paragraph 35 in paragraph 38(2), the definition of “authorised supplier”	For all purposes For the purposes of Part III of the Act
paragraph 40(b) paragraph 45	For all purposes For all remaining purposes
In Schedule 7, paragraphs 24, 25, 28 and 30 to 32 (transitional provisions and savings)	For all purposes
In Schedule 8 (repeals) the entries relating to the— Parliamentary Commissioner Act 1967(a) Chronically Sick and Disabled Persons Act 1970(b) House of Commons Disqualification Act 1975(c)	For all purposes For all purposes For the purposes of references to the Gas Consumers’ Council and the Chairman of a consumers’ committee appointed under section 2 of the Electricity Act
Northern Ireland Assembly Disqualification Act 1975(d)	For the purposes of references to the Gas Consumers’ Council and the Chairman of a consumers’ committee appointed under section 2 of the Electricity Act
Gas Act 1986— sections 2 and 3, in section 7B subsection (4)(d) and the word “and” preceding it, 31, 32A, in section 33A(6)(a) the words “or, with the agreement of either party, by the Council”, 33E(2)(a), 40 and 42 and Schedule 2 in section 48(1) the definition of “the Council”	For all purposes For all purposes save for its use in section 41 of the Gas Act for so long as that provision remains in force
Electricity Act 1989, sections 2, in section 39(5)(b) the word “either” and the words “or, if he thinks fit, by the consumers’ committee to which the supplier is allocated or any sub-committee of that committee”, 42B(2)(a), 45, 47(4), 51 to 55 and 57 and Schedule 2	For all purposes

(a) 1967 c. 13.
(b) 1970 c. 44.
(c) 1975 c. 24.
(d) 1975 c. 25.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the third Commencement Order made under the Utilities Act 2000 (“the Act”).

Article 2 brings into force on 7th November 2000 those provisions of the Act listed in the Schedule to the Order for the purposes specified therein. These provisions relate principally to the functions of the Gas and Electricity Consumer Council (“the Council”) which came into being on 1st November 2000.

Article 2 commences section 4 of the Act for the purpose of requiring the Council to produce a forward work programme. The majority of the provisions in Part III of the Act are commenced. The principal exceptions are sections 24(4), 25 and 26. There are also transitional arrangements relating to the commencement of certain provisions; in particular articles 4 and 5 address section 20, articles 7 and 8 section 22 and article 9 section 23.

Article 2 also commences, with transitional arrangements provided in article 10, section 105 of the Act dealing with restrictions on the disclosure of information.

Further, certain minor, consequential and transitional provisions and repeals are commenced by article 2.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Utilities Act 2000 have been brought into force by commencement orders made before the date of this Order—

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 1(1), (2) and (4)	1.11.2000	2000/2917
Section 2(1), (2) and (4)	1.11.2000	2000/2917
Section 3(3) to (5) and (8)	1.11.2000	2000/2917
Section 27 (partially)	29.9.2000	2000/2412
Section 66	21.11.2000	2000/2412
Section 67	29.9.2000	2000/2412
Section 106	29.9.2000	2000/2412
Section 107	29.9.2000	2000/2412
Section 109	29.9.2000	2000/2412
Schedule 1	1/11/2000	2000/2917
Schedule 2, paragraphs 1 to 9 and 15 to 17	1.11.2000	2000/2917
Schedule 3	1.11.2000	2000/2917
Schedule 6—		
paragraphs 42 to 44	1.11.2000	2000/2917
paragraph 45 (partially)	1.11.2000	2000/2917
Schedule 7 paragraph 26	1.11.2000	2000/2917

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