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STATUTORY INSTRUMENTS

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**2001 No. 3264**

**ELECTRICITY**

**The Utilities Act 2000 (Transitional Provisions) (No. 2) Regulations 2001**

*Made - - - - 28th September 2001*  
*Laid before Parliament 28th September 2001*  
*Coming into force - - 1st October 2001*

The Secretary of State, in exercise of the powers conferred on her by section 109 of the Utilities Act 2000<sup>(1)</sup>, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Utilities Act 2000 (Transitional Provisions) (No. 2) Regulations 2001 and shall come into force on 1st October 2001.

**Definitions**

2. In these Regulations—
- “the Act” means the Utilities Act 2000;
  - “the appointed day” means 1st October 2001; and
  - “the Electricity Act” means the Electricity Act 1989<sup>(2)</sup>.

**Transitional provisions**

3. Any order which—
- (a) is made under section 5(1)<sup>(3)</sup> of the Electricity Act before the appointed day; and
  - (b) has not been revoked before the appointed day

shall have effect as if made under section 5(1) of the Electricity Act as substituted by section 29 of the Act.

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<sup>(1)</sup> 2000 c. 27.

<sup>(2)</sup> 1989 c. 29.

<sup>(3)</sup> With effect from the appointed day section 5 of the Electricity Act is substituted by section 29 of the Act.

4.—(1) This regulation applies where immediately before the appointed day a public electricity supplier, in response to a request made pursuant to section 16(2)(4) of the Electricity Act, provides, and is required to continue to provide, electric lines, electrical plant or both in respect of any premises.

(2) On and after the appointed day the continuing provision of such electric lines or electrical plant shall be regarded as a connection made pursuant to section 16 of the Electricity Act as substituted by section 44 of the Act and the provisions of section 16 and Part I of the Electricity Act as amended by the Act shall apply accordingly.

5.—(1) This regulation applies where immediately before the appointed day a public electricity supplier, in pursuance of a special agreement made under section 22(5) of the Electricity Act, provides, and is required to continue to provide, electric lines, electrical plant or both in respect of any premises.

(2) On and after the appointed day the continuing provision of such electric lines or electrical plant shall be regarded as a connection made pursuant to a special agreement under section 22 of the Electricity Act as substituted by section 49 of the Act and the provisions of section 22 and Part I of the Electricity Act as amended by the Act shall apply accordingly.

6. On and after the appointed day in paragraphs 1(1) and 3(1) of Schedule 9 to the Electricity Act for “generate or supply electricity” there shall be substituted “generate, transmit, distribute or supply electricity”.

28th September 2001

*Brian Wilson*  
Minister of State for Industry and Energy,  
Department of Trade and Industry

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(4) With effect from the appointed day section 16 of the Electricity Act is substituted by section 44 of the Act.  
(5) With effect from the appointed day section 22 of the Electricity Act is substituted by section 49 of the Act.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

With effect from 1st October 2001 (“the appointed day”) section 29 of the Utilities Act 2000 (“the Utilities Act”) substitutes a new section 5 of the Electricity Act 1989 (“the Electricity Act”) replacing the existing order-making powers which relate to the granting of exemptions from the prohibitions in section 4 of the Electricity Act. The Secretary of State intends to use her order-making powers under the new section 5(1) of the Electricity Act to grant exemptions. It is, however, necessary to provide that any exemption order made under the old section 5 of the Electricity Act is, with effect from the appointed day, treated as being one made under the new section 5. This will ensure that the Secretary of State can deal with any such orders in accordance with her powers under the new section 5.

Regulations 4 and 5 ensure continuity in relation to the provision of electric lines and electrical plant. Where such lines and plant are being provided, either pursuant to section 16 of the Electricity Act (prior to its amendment by section 44 of the Utilities Act) or section 22 of the Electricity Act (prior to its substitution by section 49 of the Utilities Act) they are, with effect from the appointed day, to be regarded as connections either made pursuant to section 16 of the Electricity Act (as amended by section 44 of the Utilities Act) or pursuant to a special agreement under section 22 of the Electricity Act (as substituted by section 49), as appropriate.

Regulation 6 provides that the obligations in paragraphs 1(1) and 3(1) of Schedule 9 to the Electricity Act will, after the appointed day, apply to all those who may, by virtue of the substitution from the appointed day, of section 5 of the Electricity Act, be authorised by an exemption to generate, transmit, distribute or supply electricity without holding a licence.