
STATUTORY INSTRUMENTS

2015 No. 862

The Electricity and Gas (Market Integrity and Transparency)
(Enforcement etc.) (Amendment) Regulations 2015

PART 3

Amendments to the Electricity and Gas (Market Integrity
and Transparency) (Enforcement etc.) Regulations 2013

6. The REMIT Regulations are amended as follows.

Interpretation

7. In regulation 2, after the definition of “regulated person” insert the following definition—
““regulation 39 requirement” means a prohibition against publication imposed by regulation 39 on any person to whom the Authority has given or copied a warning or decision notice;”.

REMIT requirement

8. After regulation 4(c) insert the following sub-paragraphs—
“(ca) Article 8(1) and (5) (data collection);
(cb) Article 9(1), (4) and (5) (registration of market participants);”.

Authority’s general functions

9. Before regulation 7 (but after the heading “Authority’s general functions”) insert the following regulation—

“6A. The Authority must, so far as it appears to the Authority to be appropriate, monitor the integrity and transparency of the wholesale energy market.”.

Power of Authority to investigate

10. In regulation 10(1), for sub-paragraph (b) substitute—
“(b) may have failed to comply with—
(i) a requirement imposed by or under regulation 8; or
(ii) a regulation 39 requirement;”.

General restrictions on disclosure of information

11. After regulation 20 insert the following regulations—

“General restrictions on disclosure of information

General restrictions on disclosure of information

20A.—(1) Section 105 of the Utilities Act 2000 (general restrictions on disclosure of information), apart from subsections (7) and (12), applies in relation to information obtained under or by virtue of the provisions of REMIT or these Regulations as it applies in relation to information obtained under or by virtue of the provisions of the Utilities Act 2000.

(2) Paragraph (1) does not apply to information to which Article 17 of REMIT applies.

20B.—(1) A person who fails to comply with Article 17 of REMIT is guilty of an offence.

(2) A person guilty of an offence under paragraph (1) is liable—

(a) on summary conviction—

(i) in England and Wales, to a fine; and

(ii) in Scotland, to a fine not exceeding £5,000; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.”.

Injunctions

12.—(1) After regulation 21(2) insert the following paragraph—

“(2A) Paragraph (3) also applies if, on the application of the Authority, the court is satisfied—

(a) that there is a reasonable likelihood that any person will fail to comply with a regulation 39 requirement; or

(b) that any person is failing or has failed to comply with a regulation 39 requirement.”.

(2) In regulation 21(5)(a)—

(a) at the end of paragraph (i) omit “or”;

(b) at the end of paragraph (ii), for “, and” substitute “; or”;

(c) after paragraph (ii) insert the following paragraph—

“(iii) a regulation 39 requirement, and”.

Power of Authority to impose penalty

13.—(1) In regulation 26(1)—

(a) at the end of sub-paragraph (a) omit “or”;

(b) at the end of sub-paragraph (b), for “,” substitute “; or”;

(c) after sub-paragraph (b) insert the following sub-paragraph—

“(c) has failed to comply with a regulation 39 requirement,”.

(2) In regulation 26(2), for “or a requirement imposed by or under regulation 8” substitute “, a requirement imposed by or under regulation 8 or a regulation 39 requirement”.

Statement of policy

14.—(1) In paragraphs (ii) and (iii) of regulation 27(2)(b), for “regulation 26(1)(a) or (b)” substitute “regulation 26(1)(a), (b) or (c)”.

(2) In sub-paragraphs (a) and (b) of regulation 27(3), for “or a requirement imposed by or under regulation 8” substitute “, a requirement imposed by or under regulation 8 or a regulation 39 requirement”.