
STATUTORY INSTRUMENTS

2019 No. 530

The Electricity and Gas etc. (Amendment
etc.) (EU Exit) Regulations 2019

PART 2

Amendment of primary legislation

Electricity Act 1989

52.—(1) Section 10L (continuation or withdrawal of certification) is amended as set out in paragraphs (2) to (9).

(2) In subsection (1)—

- (a) for “10I(3) or (5)” substitute “10I(5)”;
- (b) for “10I(4) or (6)” substitute “10I(6)”;
- (c) in paragraph (a)—
 - (i) omit “preliminary”;
 - (ii) for “that the certification should be continued” substitute “to continue the certification”;
- (d) in paragraph (b)—
 - (i) omit “preliminary”;
 - (ii) for “that the certification should be withdrawn” substitute “to withdraw the certification”.

(3) In subsection (2)—

- (a) omit “preliminary”;
- (b) for “that the certification should be continued” substitute “to continue the certification”.

(4) In subsection (3)—

- (a) in paragraph (a)—
 - (i) omit “preliminary”;
 - (ii) for “that the certification should be continued” substitute “to continue the certification”;
- (b) in paragraph (b)—
 - (i) omit “preliminary”;
 - (ii) for “that the certification should be withdrawn” substitute “to withdraw the certification”.

(5) In subsection (4)—

- (a) omit “preliminary”;
- (b) for “that the certification should be continued” substitute “to continue the certification”.

(6) In subsection (5)—

(a) omit “preliminary”;

(b) omit paragraph (b) and the “and” before it.

(7) Omit subsections (6) to (9).

(8) After subsection (9) insert—

“(9A) The Authority must publish its decision to continue a certification, or to withdraw a certification, together with the reasons for it, in such manner as it considers appropriate.”.

(9) In subsection (10)—

(a) in the words before paragraph (a), for “10E(8)(a) and (b)” substitute “10E(8)(b)”;

(b) in paragraph (a), for “10E(8)(a) and (b)” substitute “10E(8)(b)”.

(10) Where, immediately before exit day, the Gas and Electricity Markets Authority has made a preliminary decision under section 10L of the Electricity Act 1989 on a review under section 10I(5) or (8), but not a final decision under Article 3 of Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network of cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003, the Authority’s preliminary decision is to be treated on and after exit day as if it were a final decision under Article 3 made immediately before exit day.

(11) If a preliminary decision of the Gas and Electricity Markets Authority is treated as a final decision to continue a certification, or to withdraw a certification, because of paragraph (10), the Authority must publish, in such manner as it considers appropriate, a document setting out that decision and the reasons for it.