2001 No. 1782

ELECTRICITY
GAS

The Utilities Act 2000 (Transitional Provisions) Regulations 2001

Made - - - - -	*8th May 2001*
Laid before Parliament	*9th May 2001*
Coming into force - -	*16th May 2001*

The Secretary of State, in exercise of the powers conferred on him by section 109 of the Utilities Act 2000(**a**), hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Utilities Act 2000 (Transitional Provisions) Regulations 2001 and shall come into force on 16th May 2001.

Definitions

2. In these Regulations—

"the Act" means the Utilities Act 2000;

"the appointed time"—

in the case of articles 3 and 4 means the time at which new section 6(9) is inserted into the Electricity Act 1989(**b**) by section 30 of the Act; and

in the case of article 5 means the time at which section 7 of the Gas Act 1986(**c**) is amended by section 76(1) and (2) of the Act.

Transitional provisions

3. In the case of any consultation required to be carried out by the Secretary of State under new section 32(7) of the Electricity Act 1989 (as inserted into that Act by section 62 of the Act) where that consultation is commenced prior to the appointed time, consultation with those persons authorised to supply electricity under section 6(1)(c) or section 6(2) of the Electricity Act 1989(**d**) shall be regarded as contributing to the satisfaction of the consultation requirement imposed by paragraph (c) of the new section 32(7).

(**a**) 2000 c. 27.
(**b**) 1989 c. 29.
(**c**) 1986 c. 44.
(**d**) Section 6 of the Electricity Act 1989 is to be substituted by section 30 of the Act. However, at the time of the making of these Regulations section 30 of the Act has not been brought into force and, therefore, the references to section 6(1)(c) and 6(2) of the Electricity Act 1989 are to the provisions in section 6 as originally enacted.

4. In the case of any consultation required to be carried out by the Authority under section 40B of the Electricity Act 1989 (as inserted into that Act by section 56 of the Act) where that consultation is commenced prior to the appointed time, consultation with those persons authorised to supply electricity under section 6(1)(c) or section 6(2) of the Electricity Act 1989 shall be regarded as the consultation required by paragraph (a) of section 40B(4).

5. In the case of any consultation required to be carried out by the Authority under section 33BAA of the Gas Act 1986 (as inserted into that Act by section 92 of the Act) where that consultation is commenced prior to the appointed time, consultation with those persons identified by section 7(1) of the Gas Act 1986(**a**) as "public gas transporters" shall be regarded as the consultation required by paragraph (a) of section 33BAA(4) in so far as that provision requires consultation with "gas transporters".

Peter Hain,
Minister for Energy and Competitiveness in Europe
Department of Trade and Industry

8th May 2001

(**a**) Section 7 of the Gas Act 1986 is to be amended by section 76(1) and (2) of the Act. However, at the time of the making of these Regulations section 76(1) and (2) of the Act has not been brought into force and, therefore, the reference to section 7(1) of the Gas Act 1986 is to the provisions in section 7(1) as originally enacted and subsequently amended by section 5 of the Gas Act 1995 (c. 45).

EXPLANATORY NOTE

(This note is not part of the Regulations)

The new section 32 which is to be inserted into the Electricity Act 1989 ("the Electricity Act") by section 62 of the Utilities Act 2000 ("the Utilities Act") gives the Secretary of State power to make orders requiring electricity suppliers to produce to the Gas and Electricity Markets Authority ("the Authority") evidence showing that they have supplied to customers in Great Britain a specified amount of electricity generated by using renewable sources. New section 32(7) of the Electricity Act requires the Secretary of State to consult certain specified persons before making such an order, including the electricity suppliers to whom the proposed order would apply. In relation to section 32(7) the Regulations enable the Secretary of State to begin the statutory consultation on an order made under new section 32 of the Electricity Act before section 30 of the Utilities Act has been commenced. The Regulations provide that consultation of those persons who hold electricity supply licences granted under the Electricity Act as it currently stands will be regarded as consultation falling within new section 32(7) of the Electricity Act.

Section 40B which is to be inserted into the Electricity Act by section 56 of the Utilities Act lays down procedures to be followed by the Authority when prescribing or determining standards of performance including an obligation to consult electricity suppliers and in certain cases electricity distributors. The Regulations enable the Authority to undertake the required statutory consultation on regulations to be made under section 39 or 39A of the Electricity Act or standards of performance to be determined under section 40 or 40A of that Act (all of which provisions will be amended or inserted into the Electricity Act by the Utilities Act) before section 30 of the Utilities Act has been commenced. Under these Regulations consultation with persons who hold electricity supply licences under the Electricity Act as it currently stands will be regarded as consultation under section 40B(4) of the Electricity Act.

Section 33BAA which is to be inserted into the Gas Act 1986 ("the Gas Act") by section 92 of the Utilities Act lays down procedures which are to be followed by the Authority when prescribing or determining standards of performance including an obligation to consult gas suppliers and in certain cases gas transporters. The Regulations enable the Authority to undertake the required statutory consultation on regulations to be made under section 33A or 33AA of the Gas Act or standards of performance to be determined under section 33B or 33BA before section 76(1) and (2) of the Utilities Act have been commenced. Under these Regulations consultation with persons who are presently defined as "public gas transporters" will be regarded as consultation required under section 33BAA with "gas transporters".

STATUTORY INSTRUMENTS

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