



Gas Act 1986

1986 CHAPTER 44

PART I

GAS SUPPLY

[^{F1} Alteration of activities requiring licence]

[^{F1}41F Reports on references.

- (1) In making a report on a reference under section 41E, the [^{F2}CMA] shall include in the report definite conclusions on whether the fact that the activities specified in the reference (or the reference as varied) are not licensable activities operates, or may be expected to operate, against the public interest.
 - (2) The [^{F3}CMA] shall also include in the report such an account of its reasons for those conclusions as in its opinion is expedient for facilitating proper understanding of the questions raised by the reference and of its conclusions.
 - (3) Where the [^{F3}CMA] concludes that the fact that particular activities are not licensable activities operates, or may be expected to operate, against the public interest, it shall specify in the report—
 - (a) the effects adverse to the public interest which that fact has or may be expected to have; and
 - (b) any modifications to the conditions specified in the reference in accordance with section 41E(3)(a) which they consider appropriate.
- [For the purposes of section 41D(5), a conclusion contained in a report of the [^{F5}CMA] ^{F4}(3A) is to be disregarded if the conclusion is not that of at least two-thirds of the members of the group constituted [^{F6}by the chair of the CMA for the purpose of carrying out the functions of the CMA with respect to the reference] .
- (3B) If a member of a group so constituted disagrees with any conclusions contained in a report made on a reference under section 41E as the conclusions of the [^{F7}CMA], the report shall, if the member so wishes, include a statement of his disagreement and of his reasons for disagreeing.]

Changes to legislation: Gas Act 1986, Section 41F is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- [^{F8}(4) For the purposes of the law relating to defamation, absolute privilege attaches to any report made by the [^{F7}CMA] on a reference under section 41E.
- (4A) In making any report on a reference under section 41E the [^{F7}CMA] must have regard to the following considerations before disclosing any information.
- (4B) The first consideration is the need to exclude from disclosure (so far as practicable) any information whose disclosure the [^{F7}CMA] thinks is contrary to the public interest.
- (4C) The second consideration is the need to exclude from disclosure (so far as practicable)
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- (a) commercial information whose disclosure the [^{F7}CMA] thinks might significantly harm the legitimate business interests of the undertaking to which it relates, or
- (b) information relating to the private affairs of an individual whose disclosure the [^{F7}CMA] thinks might significantly harm the individual's interests.
- (4D) The third consideration is the extent to which the disclosure of the information mentioned in subsection (4C)(a) or (b) is necessary for the purposes of the report.]
- (5) A report of the [^{F9}CMA] on a reference under section 41E shall be made to the Authority.
- (6) On receiving the report, the Authority shall send a copy of it to the Secretary of State.
- (7) Subject to subsection (8), the Authority shall, not less than 14 days after the copy is received by the Secretary of State, [^{F10}send a copy of the report to Citizens Advice and [^{F11}Consumer Scotland]] and publish [^{F12}the copy sent to Citizens Advice and [^{F11}Consumer Scotland]] in such manner as the Authority considers appropriate for bringing the report to the attention of persons likely to be affected by it.
- (8) If it appears to the Secretary of State that the publication of any matter in the report would be against the public interest or the commercial interests of any person, he may, before the end of the period of 14 days mentioned in subsection (7), direct the Authority to exclude that matter from the copy of the report to be sent to [^{F13}Citizens Advice and [^{F14}Consumer Scotland]] and published under that subsection.]

Textual Amendments

- F1** Ss. 41C-41H and cross-heading inserted (1.10.2001) by 2000 c. 27, s. 88 (with s. 104(1)(2)(6)); S.I. 2001/3266, arts. 1(2), 2, Sch. (subject to transitional provisions in arts. 3-20)
- F2** Word in s. 41F(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 27(2); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in s. 41F(2)(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 27(3); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** S. 41F(3A)(3B) inserted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 25 para. 15(13)(a); S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
- F5** Word in s. 41F(3A) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 27(4)(a); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in s. 41F(3A) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 27(4)(b); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Words in ss. 41F(3B)-(4C) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 27(5); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- F8** Ss. 41F(4)-(4D) substituted for s. 41F(4) (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 15(13)(b)**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
- F9** Word in s. 41F(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 27(6)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F10** Words in s. 41F(7) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 4(15)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F11** Words in s. 41F(7) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 2(14)(a)** (with art. 5)
- F12** Words in s. 41F(7) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 4(15)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F13** Words in s. 41F(8) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 4(15)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F14** Words in s. 41F(8) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 2(14)(b)** (with art. 5)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(e) and word inserted by [2023 c. 52 s. 185\(3\)](#)
- s. 5(1)(ca) inserted by [2023 c. 52 s. 168\(2\)\(b\)](#)
- s. 5(10A) inserted by [2023 c. 52 s. 168\(2\)\(c\)](#)
- s. 5(11A)(11B) inserted by [2023 c. 52 s. 185\(4\)](#)
- s. 7B(5FA) inserted by [2023 c. 52 s. 185\(13\)](#)
- s. 7AC inserted by [2023 c. 52 s. 185\(6\)](#)
- s. 8AA(11B) inserted by [2023 c. 52 s. 185\(14\)](#)
- s. 15A inserted by [1992 c. 43 s. 17](#)
- s. 23D(2)(d) and word inserted by [2013 c. 32 s. 138\(4\)\(c\)\(iii\)](#)
- s. 27(1ZA)(aa) inserted by S.I. 2019/93, Sch. 1 para. 2(2)(b) (as substituted) by [S.I. 2019/1245 reg. 17](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 28(8A) inserted by [2023 c. 52 Sch. 14 para. 3\(3\)](#)
- s. 41E(6)(d) and word inserted by [2013 c. 32 s. 138\(4\)\(f\)\(ii\)](#)
- Sch. 4B para. 9B and cross-heading inserted by [2023 c. 52 Sch. 14 para. 4](#)