



# Utilities Act 2000

## 2000 CHAPTER 27

### PART I

#### NEW REGULATORY ARRANGEMENTS

#### **1 Gas and Electricity Markets Authority.**

- (1) There shall be a body corporate to be known as the Gas and Electricity Markets Authority (in this Act referred to as “the Authority”) for the purpose of carrying out—
  - (a) functions transferred to the Authority from the Director General of Gas Supply and the Director General of Electricity Supply; and
  - (b) the other functions of the Authority under this Act.
- (2) The functions of the Authority are performed on behalf of the Crown.
- (3) The offices of Director General of Gas Supply and Director General of Electricity Supply are abolished.
- (4) Schedule 1 has effect with respect to the Authority.

#### **Commencement Information**

- II** S. 1 wholly in force at 1.10.2001; s. 1 not in force at Royal Assent see s. 110(2); s. 1(1)(2)(4) in force at 1.11.2000 by [S.I. 2000/2917](#), [art. 2](#); s. 1(3) in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

#### **2 Gas and Electricity Consumer Council.**

- (1) There shall be a body corporate to be known as the Gas and Electricity Consumer Council (in this Act referred to as “the Council”) for the purpose of carrying out the functions of the Council under this Act.
- (2) The Council shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

*Status: Point in time view as at 01/04/2008.*

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- (3) The Gas Consumers' Council established under section 2 of the <sup>M1</sup>Gas Act 1986 (in this Act referred to as "the 1986 Act") and the consumers' committees established under section 2 of the <sup>M2</sup>Electricity Act 1989 (in this Act referred to as "the 1989 Act") are abolished.
- (4) Schedule 2 has effect with respect to the Council.

#### Commencement Information

**I2** S. 2 wholly in force at 7.11.2000; s. 2 not in force at Royal Assent see s. 110(2); s. 2(1)(2)(4) in force at 1.11.2000 by [S.I. 2000/2917](#), [art. 2](#); s. 2(3) in force at 7.11.2000 by [S.I. 2000/2974](#), [art. 2](#), [Sch.](#)(subject to transitional provisions in arts. 3-12)

#### Marginal Citations

**M1** 1986 c. 44.

**M2** 1989 c. 29.

### 3 Transfer to Authority and Council of functions, property etc.

- (1) The functions of the Director General of Gas Supply and the Director General of Electricity Supply ("the Directors") are transferred to the Authority.
- (2) Any enactment which—
- relates to a function of either of the Directors; and
  - is in force immediately before the transfer by subsection (1) of that function, shall have effect after the transfer, so far as necessary for the purposes of or in consequence of the transfer, as if references to the Director were references to the Authority.
- (3) The Secretary of State may make one or more schemes ("transfer schemes") for the transfer of the property, rights and liabilities of the Directors to the Authority or to the Council.
- (4) A transfer scheme may provide for the transfer to the Council of rights and liabilities relating to persons employed in the civil service of the state.
- (5) On the day appointed by a transfer scheme, the property, rights and liabilities which are the subject of the scheme shall, by virtue of this subsection, be transferred in accordance with the provisions of the scheme.
- (6) The property, rights and liabilities of the Gas Consumers' Council (including rights and obligations in relation to contracts of employment) are, by virtue of this subsection, transferred to the Council.
- (7) Subsection (6) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (8) Schedule 3 has effect in relation to transfer schemes and transfers by any provision of this Act of functions, property, rights and liabilities to the Authority or Council.

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#### Commencement Information

- I3** S. 3 wholly in force at 20.12.2000; s. 3 not in force at Royal Assent see s. 110(2); s. 3(3)(4)(5)(8) in force at 1.11.2000 by [S.I. 2000/2917](#), [art. 2](#); s. 3(6)(7) in force at 7.11.2000 by [S.I. 2000/2974](#), [art. 2](#), [Sch.](#)(subject to transitional provisions in arts. 3-12); s. 3(1)(2) in force at 20.12.2000 by [S.I. 2000/3343](#), [art. 2](#), [Sch.](#)(subject to transitional provisions in arts. 3-15)

#### 4 Forward work programmes.

- (1) The Authority and the Council shall, before each financial year, each publish a document (the “forward work programme”) containing a general description of the projects, other than those comprising routine activities in the exercise of its functions, which it plans to undertake during the year.
- (2) That description must include the objectives of each project.
- (3) The forward work programme for any year shall also include an estimate of the overall expenditure which the Authority or the Council expects to incur during the year in the exercise of its functions.
- (4) Before publishing the forward work programme for any year, the Authority or the Council shall give notice—
  - (a) containing a draft of the forward work programme, and
  - (b) specifying the time within which representations or objections to the proposals contained in it may be made,and shall consider any representations or objections which are duly made and not withdrawn.
- (5) The notice under subsection (4) must be published by the Authority or the Council in such manner as it considers appropriate for the purpose of bringing the matters contained in it to the attention of persons likely to be affected by them.
- (6) The Authority must send a copy of any notice given by it under subsection (4) to the Council.
- (7) The Council must send a copy of any notice given by it under subsection (4) to the Authority and the Secretary of State.

#### Commencement Information

- I4** S. 4 wholly in force at 20.12.2000; s. 4 not in force at Royal Assent see s. 110(2); s. 4 in force at 7.11.2000 for certain purposes by [S.I. 2000/2974](#), [art. 2](#), [Sch.](#)(subject to transitional provisions in arts. 3-12); s. 4 in force at 20.12.2000 for all remaining purposes by [S.I. 2000/3343](#), [art. 2](#), [Sch.](#)(subject to transitional provisions in arts. 3-15)

#### 5 Annual and other reports of Authority.

- (1) The Authority shall, as soon as practicable after the end of each financial year, make to the Secretary of State a report (the “annual report” for that year) on—
  - (a) its activities during that year, and
  - (b) the activities of the Competition Commission during that year in respect of any references made by the Authority.

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- (2) The annual report for each year shall include—
- (a) a general survey of developments in respect of matters falling within the scope of the Authority’s functions, including in particular developments in competition between persons engaged in, or in commercial activities connected with—
    - (i) the shipping, transportation or supply of gas conveyed through pipes; or
    - (ii) the generation, transmission, distribution or supply of electricity;
  - (b) a report on the progress of the projects described in the forward work programme for that year;
  - (c) a summary of final and provisional orders made and penalties imposed by the Authority during the year; and
  - (d) a report on such other matters as the Secretary of State may from time to time require.
- (3) The annual report for each year shall set out any general directions given by the Secretary of State under section 34(3) of the 1986 Act or section 47(2) of the 1989 Act.
- (4) The Secretary of State shall consult the Authority before exercising the power under subsection (2)(d) in relation to any matter.
- (5) The Secretary of State shall—
- (a) lay a copy of each annual report before each House of Parliament; and
  - (b) arrange for the report to be published in such manner as he considers appropriate.
- (6) The Authority may also prepare other reports with respect to any matter falling within the scope of its functions and may arrange for any such report to be published in such manner as it considers appropriate.
- (7) The Authority shall send a copy of each annual or other report published under this section to the Council.
- (8) In making or preparing any report under this section the Authority shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where publication of that matter would or might, in the opinion of the Authority, seriously and prejudicially affect the interests of that individual or body.
- (9) [<sup>F1</sup>Paragraph 12A(1) of Schedule 7 to the Competition Act 1998 (annual reports of the Competition Commission)] does not apply to activities of the Competition Commission on which the Authority is required to report under this section.
- (10) Section 39 of the 1986 Act (annual and other reports of the Director General of Gas Supply) and section 50 of the 1989 Act (annual and other reports of the Director General of Electricity Supply) shall cease to have effect.

#### Textual Amendments

- F1** Words in s. 5(9) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 43\(2\)](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))

*Status: Point in time view as at 01/04/2008.*

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**Modifications etc. (not altering text)**

**C1** S. 5(2)(a) modified (19.12.2000) by [S.I. 2000/3343](#), [art. 3](#)

**Commencement Information**

**I5** S. 5 wholly in force at 1.10.2000; s. 5 not in force at Royal Assent see s. 110(2); s. 5(1)-(9) in force at 20.12.2000 by [S.I. 2000/3376](#), [art. 2](#), [Sch.](#); s. 5(10) in force at 20.12.2000 save in respect of Sch. 7 para. 29 by [S.I. 2000/3376](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-15](#)); s. 5(10) in force for all remaining purposes at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

**[F2]5A Duty of Authority to carry out impact assessment**

- (1) This section applies where—
  - (a) the Authority is proposing to do anything for the purposes of, or in connection with, the carrying out of any function exercisable by it under or by virtue of Part 1 of the 1986 Act or Part 1 of the 1989 Act; and
  - (b) it appears to it that the proposal is important;but this section does not apply if it appears to the Authority that the urgency of the matter makes it impracticable or inappropriate for the Authority to comply with the requirements of this section.
- (2) A proposal is important for the purposes of this section only if its implementation would be likely to do one or more of the following—
  - (a) involve a major change in the activities carried on by the Authority;
  - (b) have a significant impact on persons engaged in the shipping, transportation or supply of gas conveyed through pipes or in the generation, transmission, distribution or supply of electricity;
  - (c) have a significant impact on persons engaged in commercial activities connected with the shipping, transportation or supply of gas conveyed through pipes or with the generation, transmission, distribution or supply of electricity;
  - (d) have a significant impact on the general public in Great Britain or in a part of Great Britain; or
  - (e) have significant effects on the environment.
- (3) Before implementing its proposal, the Authority must either—
  - (a) carry out and publish an assessment of the likely impact of implementing the proposal; or
  - (b) publish a statement setting out its reasons for thinking that it is unnecessary for it to carry out an assessment.
- (4) An assessment carried out under this section must—
  - (a) include an assessment of the likely effects on the environment of implementing the proposal; and
  - (b) relate to such other matters as the Authority considers appropriate.
- (5) In determining the matters to which an assessment under this section should relate, the Authority must have regard to such general guidance relating to the carrying out of impact assessments as it considers appropriate.
- (6) An assessment carried out under this section may take such form as the Authority considers appropriate.

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- (7) Where the Authority publishes an assessment under this section—
- (a) it must provide an opportunity of making representations to the Authority about its proposal to members of the public and other persons who, in the Authority's opinion, are likely to be affected to a significant extent by the proposal's implementation;
  - (b) the published assessment must be accompanied by a statement setting out how representations may be made; and
  - (c) the Authority must not implement its proposal unless the period for making representations about the proposal has expired and it has considered all the representations that were made in that period.
- (8) Where the Authority is required (apart from this section)—
- (a) to consult about a proposal to which this section applies, or
  - (b) to give a person an opportunity of making representations about it,
- the requirements of this section are in addition to, but may be performed contemporaneously with, the other requirements.
- (9) Every report under section 5(1) must set out—
- (a) a list of the assessments under this section carried out during the financial year to which the report relates; and
  - (b) a summary of the decisions taken during that year in relation to proposals to which assessments carried out in that year or previous financial years relate.
- (10) The publication of anything under this section must be in such manner as the Authority considers appropriate for bringing it to the attention of the persons who, in the Authority's opinion, are likely to be affected if its proposal is implemented.
- (11) References in sections 4AA, 4AB and 4A of the 1986 Act to functions of the Authority under Part 1 of that Act include references to any functions of the Authority under this section that are exercisable in relation to a proposal to do anything for the purposes of, or in connection with, the carrying out of any function of the Authority under Part 1 of the 1986 Act.
- (12) References in sections 3A, 3B and 3C of the 1989 Act to functions of the Authority under Part 1 of that Act include references to any functions of the Authority under this section that are exercisable in relation to a proposal to do anything for the purposes of, or in connection with, the carrying out of any function of the Authority under Part 1 of the 1989 Act.]

#### Textual Amendments

**F2** S. 5A inserted (30.12.2003) by Sustainable Energy Act 2003 (c. 30), ss. 6, 9(8)

## 6 Publication of advice and information about consumer matters.

- (1) For section 35 of the 1986 Act (publication by Director of information and advice) there is substituted—

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**“35 Publication of advice and information about consumer matters.**

- (1) If it appears to the Authority that the publication of any advice and information would promote the interests of consumers in relation to gas conveyed through pipes, the Authority may publish that advice or information in such manner as it thinks fit.
  - (2) In publishing advice or information under this section the Authority shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where publication of that matter would or might, in the opinion of the Authority, seriously and prejudicially affect the interests of that individual or body.
  - (3) Before deciding to publish under this section any advice or information relating to a particular individual or body of persons the Authority shall consult that individual or body.
  - (4) In this section “consumers” includes both existing and future consumers.”
- (2) For subsections (1) and (2) of section 48 of the 1989 Act (publication by Director of information and advice) there is substituted—
- “(1) If it appears to the Authority that the publication of any advice and information would promote the interests of consumers in relation to electricity conveyed by distribution systems, the Authority may publish that advice or information in such manner as it thinks fit.
  - (2) In publishing advice or information under this section the Authority shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where publication of that matter would or might, in the opinion of the Authority, seriously and prejudicially affect the interests of that individual or body.
  - (2A) Before deciding to publish under this section any advice or information relating to a particular individual or body of persons the Authority shall consult that individual or body.”
- (3) After subsection (3) of that section there is inserted—
- “(4) In this section “consumers” includes both existing and future consumers.”

**Commencement Information**

**I6** S. 6 wholly in force at 20.12.2000, see s. 102(2)(3) and S.I. 2000/3343, art. 2, Sch. (subject to arts. 3-15)

**7 Co-operation between Authority and Council.**

- (1) The Authority and the Council shall make arrangements with a view to securing—
  - (a) co-operation and the exchange of information between them; and
  - (b) consistent treatment of matters which affect both of them.

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- (2) As soon as practicable after agreement is reached on those arrangements, the Authority and the Council shall prepare a memorandum setting them out and send a copy of it to the Secretary of State.
- (3) Arrangements under this section shall be kept under review by the Authority and the Council.
- (4) As soon as practicable after agreement is reached on any changes to those arrangements, the Authority and the Council shall revise their memorandum and send a copy of the revised memorandum to the Secretary of State.
- (5) The Secretary of State shall lay a copy of any document received by him under this section before each House of Parliament.

#### Commencement Information

- I7** S. 7 wholly in force at 20.12.2000, see s. 102(2)(3) and [S.I. 2000/3343, art. 2, Sch.](#) (subject to [arts. 3-15](#))

## 8 Payments by licence holders relating to new arrangements.

- (1) In this section “payment conditions” means—
  - (a) in relation to a gas licence, conditions included in the licence by virtue of section 7B(4)(c) of the 1986 Act; or
  - (b) in relation to an electricity licence, conditions included in the licence by virtue of section 7(1)(b) of the 1989 Act.
- (2) The payment conditions of a gas licence or an electricity licence may (without prejudice to the generality of the provisions mentioned in subsection (1)) require the payment by the licence holder of sums relating to any of the expenses mentioned in subsection (3) [<sup>F3</sup> or (3A) ].
- (3) [<sup>F4</sup> The expenses within this subsection ] are—
  - (a) the expenses of the [<sup>F5</sup>Gas and Electricity Consumer Council];
  - <sup>F6</sup>(b) .....

[<sup>F7</sup>(3A) The expenses within this subsection are—

- (a) the appropriate proportion of the expenses of the Council (including expenses which relate to its establishment but not expenses within paragraph (c));
- (b) the appropriate proportion of the expenses of the Secretary of State which relate to the establishment of the Council;
- (c) any expenses of the Council, the Secretary of State or the Gas and Electricity Consumer Council which relate to a transfer scheme made in respect of the Gas and Electricity Consumer Council under section 35(2)(a) or (7) of the Consumers, Estate Agents and Redress Act 2007;
- (d) the expenses of the Secretary of State which relate to the abolition of the Gas and Electricity Consumer Council;
- (e) the expenses of the Office of Fair Trading which relate to the expansion of an OFT scheme to enable it to cater for gas and electricity consumers;
- (f) the appropriate proportion of the expenses of the Office of Fair Trading on, or in connection with, the support of any OFT scheme.



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- (3B) The “appropriate proportion” of any expenses means such proportion of the expenses as the Secretary of State considers is reasonable having regard to—
- (a) in the case of expenses within subsection (3A)(a) or (b), the functions exercisable by the Council in relation to gas and electricity consumers, and
  - (b) in the case of expenses within subsection (3A)(f), the functions under the OFT scheme which are exercisable in relation to gas and electricity consumers. ]
- (4) The Authority may, in accordance with this section, modify any payment conditions of a gas licence or an electricity licence where the Authority considers it necessary or expedient to do so in consequence of, or of preparations for—
- [<sup>F8</sup>(a) the establishment of the Council, or ]
  - [<sup>F8</sup>(b) the abolition of the Gas and Electricity Consumer Council.]
- [<sup>F9</sup>(5) The Authority may, in accordance with this section, make such incidental or consequential modifications of—
- (a) the other conditions of a gas licence or an electricity licence, or
  - (b) any code or agreement relevant to the conditions of such a licence,
- as it considers necessary or expedient in consequence of, or of preparations for, an event mentioned in subsection (4)(a) or (b).]
- (6) Before modifying the conditions of a licence [<sup>F10</sup> or any code or agreement ] under subsection (4) or (5) the Authority shall consult the licence holder.
- [<sup>F11</sup>(7) . . . . .]
- [<sup>F12</sup>(8) The powers of the Authority under subsection (4) (as amended by paragraph 29 of Schedule 1 to the Consumers, Estate Agents and Redress Act 2007), and subsection (5) as it applies in relation to that subsection, may not be exercised after the end of the period of 2 years beginning with the commencement of that paragraph.]
- (9) The Secretary of State may give directions to the Authority for the purpose of securing that sums relating to any of the expenses mentioned in subsection (3) [<sup>F13</sup> or (3A) ] are included in the sums payable by virtue of payment conditions in gas licences and electricity licences; and the Authority shall comply with any such direction.
- [<sup>F14</sup>(10) For the purposes of this section—
- “ consumer ” has the same meaning as in Part 1 of the Consumers, Estate Agents and Redress Act 2007 (see section 3 of that Act);
  - “ gas and electricity consumers ” means consumers in relation to gas conveyed through pipes or electricity conveyed by distribution systems or transmission systems;
  - “ OFT scheme ” means any public consumer advice scheme supported by the Office of Fair Trading. ]

**Textual Amendments**

- F3** Words in s. 8(2) inserted (21.12.2007) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 1 para. 29\(2\)](#) (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F4** Words in s. 8(3) substituted (21.12.2007) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 1 para. 29\(3\)\(a\)](#) (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F5** Words in s. 8(3)(a) substituted (21.12.2007) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 1 para. 29\(3\)\(b\)](#) (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.

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- F6** S. 8(3)(b) repealed (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), Sch. 1 para. 29(3)(c), **Sch. 8** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F7** S. 8(3A) - (3B) inserted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(4)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F8** S. 8(4)(a)(b) substituted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(5)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F9** S. 8(5) substituted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(6)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F10** Words in s. 8(6) inserted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(7)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F11** S. 8(7) repealed (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), Sch. 1 para. 29(8), **Sch. 8** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F12** S. 8(8) substituted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(9)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F13** Words in s. 8(9) inserted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(10)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.
- F14** S. 8(10) inserted (21.12.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 1 para. 29(11)** (with s. 6(9)); S.I. 2007/3546, art. 3, Sch.

#### **Commencement Information**

- I8** S. 8 wholly in force at 20.12.2000, see s. 102(2)(3) and S.I. 2000/3343, art. 2, **Sch.** (subject to arts. 3-15)

**Status:**

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