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## STATUTORY INSTRUMENTS

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# 2018 No. 1286

## The Electricity and Gas (Powers to Make Subordinate Legislation) (Amendment) (EU Exit) Regulations 2018

### PART 2

#### Amendments to retained direct EU legislation

#### CHAPTER 3

#### Amendment of REMIT

#### Amendment of REMIT

15. REMIT is amended as follows.

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#### Commencement Information

**I1** [Reg. 15](#) in force at 4.12.2018 for specified purposes and in force on IP completion day otherwise (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Amendment of Article 2

16. In Article 2 (definitions), after paragraph (8) insert—

“(8A) ‘national authority’ means—

- (a) the Secretary of State, in relation to Great Britain;
- (b) the Secretary of State or the Northern Ireland department, in relation to Northern Ireland;

(8B) ‘the Northern Ireland department’ means the Department for the Economy;”.

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#### Commencement Information

**I2** [Reg. 16](#) in force at 4.12.2018 for specified purposes and in force on IP completion day otherwise (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Amendment of Article 6

17.—(1) Article 6 (technical updating of definitions of inside information and market manipulation) is amended as follows.

(2) In paragraph 1—

- (a) for the words from the beginning to “Article 20” substitute “ A national authority may, by regulations, amend this Regulation ”; and

- (b) in subparagraph (a), omit “Union”.
- (3) In paragraph 2—
  - (a) in the words before subparagraph (a), for “delegated acts” substitute “ regulations ”;
  - [<sup>F1</sup>(b) for sub-paragraph (d) substitute—
    - “(d) network codes and framework guidelines adopted in accordance with Regulation (EC) No 714/2009 before 1 January 2020 and network codes and framework guidelines adopted, or regulations made, under the Gas Regulation and Electricity Regulation.”]

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#### Textual Amendments

- F1** Reg. 17(3)(b) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **2(6)**
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#### Commencement Information

- I3** Reg. 17 in force at 4.12.2018 for specified purposes and in force on IP completion day otherwise (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Amendment of Article 8

- 18.**—(1) Article 8 (data collection) is amended as follows.
- (2) In paragraph 1, for “the Agency” substitute “ the national regulatory authority ”.
  - (3) In paragraph 2—
    - (a) in the first subparagraph, for “The Commission shall, by means of implementing acts”, substitute “ A national authority may, by regulations ”;
    - (b) in the second subparagraph—
      - (i) omit the first sentence; and
      - (ii) in the second sentence, for “They” substitute “ Regulations under this paragraph ”.
  - (4) In paragraph 3, in the second subparagraph—
    - (a) for “the implementing acts referred to in”, substitute “ regulations under ”; and
    - (b) for “the Agency” substitute “ the national regulatory authority ”.
  - (5) In paragraph 5, for “the Agency and national regulatory authorities”, substitute “ the national regulatory authority ”.
  - (6) In paragraph 6—
    - (a) in the first subparagraph, for “The Commission shall, by means of implementing acts”, substitute “ A national authority may, by regulations ”;
    - (b) in the second subparagraph—
      - (i) omit the first sentence; and
      - [<sup>F2</sup>(ii) for the second sentence substitute “Regulations under this paragraph shall take account of existing reporting obligations under the Gas Regulation and Electricity Regulation.”]
  - (7) After paragraph 6 insert—

“7. The powers to make regulations under paragraphs 2 and 6 include power to amend or replace any provision of an implementing act which—

- (a) was made by the Commission under those paragraphs as they applied before [F3IP completion day]; and
- (b) is retained direct EU legislation.”.

**Textual Amendments**

- F2** Reg. 18(6)(b)(ii) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **2(7)(a)**
- F3** Words in reg. 18(7) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **2(7)(b)**

**Commencement Information**

- I4** Reg. 18 in force at 4.12.2018 for specified purposes and in force on IP completion day otherwise (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**Omission of Articles 20 and 21**

- 19.** Omit Article 20 (exercise of the delegation) and Article 21 (committee procedure).

**Commencement Information**

- I5** [Reg. 19](#) in force at 4.12.2018 for specified purposes and in force on IP completion day otherwise (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**Insertion of new Article 21A: regulations**

- 20.** Before Article 22 insert—

*“Article 21A*

*Regulations made by the Secretary of State*

- 1.** Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
- 2.** Such regulations may—
  - (a) include supplementary, incidental, consequential, transitional, transitory or saving provision; and
  - (b) make different provision for different cases.
- 3.** Before the Secretary of State makes regulations which apply to Northern Ireland, the Secretary of State must consult the Northern Ireland department.
- 4.** A statutory instrument containing regulations made under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

*Article 21B*

*Regulations made by the Northern Ireland department*

1. Any power to make regulations conferred on the Northern Ireland department by this Regulation is exercisable by statutory rule for the purpose of the Statutory Rules (Northern Ireland) Order 1979.

2. Such regulations may—

- (a) include incidental, supplemental, consequential and transitional provision; and
- (b) make different provision for different cases.

3. Statutory rules containing regulations made under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) Act 1954 <sup>M1</sup> as if they were a statutory instrument within the meaning of that Act.”.

**Commencement Information**

**I6** [Reg. 20](#) in force at 4.12.2018 for specified purposes and in force on IP completion day otherwise (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M1** [1954 c. 33](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Electricity and Gas (Powers to Make Subordinate Legislation) (Amendment) (EU Exit) Regulations 2018, CHAPTER 3.