

SCHEDULE 4

Regulation 39(5)

Obligations enforceable as relevant requirements under the Electricity Act 1989

“SCHEDULE 6A

Section 25(8)

Provisions imposing obligations enforceable as relevant requirements

All licence holders

1. The following are relevant provisions in relation to all licence holders—
 - (a) sections 32 to 32M(1);
 - (b) section 42C(2);
 - (c) section 25(5) of the Consumers, Estate Agents and Redress Act 2007 (directions to comply with requirements under section 24 of that Act)(3);
 - (d) in the Electricity Regulation(4)—
 - (i) Article 15(5) (provision of information relating to the transmission system etc),
 - (ii) Article 16(4) (duties relating to intended use of capacity);
 - (e) in Annex 1 to the Electricity Regulation (guidelines concerning capacity of interconnections between national systems)—
 - (i) points 2.11 and 2.13 (duties relating to nomination of, and compensation regarding, capacity),
 - (ii) point 5.5 (duties in respect of publication of data concerning cross-border trade).

Generation licence holders

2. Article 15(6) of the Electricity Regulation (duty to keep specified information at the disposal of the Authority) is a relevant provision in relation to the holder of a generation licence.

Transmission licence holders

3. The following are relevant provisions in relation to all holders of a transmission licence—
 - (a) section 9(5);
 - (b) sections 26 to 29 of the Energy Act 2010 (adjustment of charges to help disadvantaged groups of customers)(6).

Persons required to be certified as to independence

4. The following are relevant provisions in relation to a person who holds a transmission licence or an interconnector licence and is required to be certified under section 10D(7)—

(1) Sections 32 to 32M were substituted by section 37 of the Energy Act 2008 (c. 32). Sections 32F, 32I and 32K were subsequently amended by article 2 of S.I. 2009/556.

(2) Section 42C was inserted by section 61 of the Utilities Act 2000 (c. 27) and subsequently amended by article 2(1) of, and paragraph 102(1) and (2) of Schedule 1 to, S.I. 2009/1941.

(3) 2007 c. 17.

(4) OJ No L 211, 14.08.2009, p. 15.

(5) Section 9 was amended by sections 50, 71 and 108 of, and Schedule 8 to, the Utilities Act 2000 (c. 27) and by section 143(1) of, and paragraphs 3 and 8 of Schedule 19 to, the Energy Act 2004 (c. 20).

(6) 2010 c. 27.

(7) Section 10D is inserted by regulation 5 of these Regulations.

- (a) section 10A**(8)**;
- (b) section 10B(4) and (6)**(9)**;
- (c) section 10J(2) and (4)**(10)**;
- (d) in the Electricity Regulation—
 - (i) Article 3(3) (duty to supply information relating to certification of transmission system operators),
 - (ii) Article 4 (duty to cooperate through the ENTSO for Electricity),
 - (iii) Article 11 (duty to pay costs of the ENTSO for Electricity),
 - (iv) Article 12(1) and (2) (duties relating to regional cooperation),
 - (v) Article 13(2) and (3) (duties relating to the inter-transmission system operator compensation mechanism),
 - (vi) Article 14(1) to (3) and (5) (duties relating to charges for access to networks),
 - (vii) Article 15(1) to (4) (duties relating to publication of specified information),
 - (viii) Article 16(1), (2), (3), (5) and (6) (duties concerning congestion management);
- (e) in Annex 1 to the Electricity Regulation (guidelines concerning capacity of interconnections between national systems)—
 - (i) points 1.1 to 1.9 (general provisions),
 - (ii) points 2.1 to 2.7, 2.9, 2.10 and 2.12 (congestion management methods),
 - (iii) points 3.1, 3.2 and 3.4 to 3.6 (coordination of allocation and congestion-management procedures),
 - (iv) points 4.1 to 4.4 (timetable for market operations),
 - (v) points 5.1 to 5.10 (duties relating to transparency),
 - (vi) points 6.1, 6.3, 6.4 and 6.6 (duties relating to the use of congestion income);
- (f) Article 2 of the ITC Regulation (duty to apply access charges in accordance with guidelines)**(11)**;
- (g) in Part A of the Annex to the ITC Regulation—
 - (i) point 1.3 (duties concerning the ITC fund),
 - (ii) point 1.4 (duty to supply information regarding implementation of ITC mechanism),
 - (iii) point 6.1 (duty to make contributions to the ITC fund),
 - (iv) point 7.2 (duty to impose use fee on third country electricity imports and exports).

Distribution licence holders

5. The following are relevant provisions in relation to the holder of a distribution licence—
- (a) section 9;
 - (b) sections 16 to 23**(12)**;

(8) Section 10A is inserted by regulation 5 of these Regulations.

(9) Section 10B is inserted by regulation 5 of these Regulations.

(10) Section 10J is inserted by regulation 5 of these Regulations.

(11) OJ No L 250, 24.09.2010, p. 5.

(12) Sections 16, 16A and 17 were substituted by section 44 of the Utilities Act 2000 (c. 27). Section 16A was subsequently amended by section 98 of the Energy Act 2008 (c. 32). Section 19 was amended by section 46 of the Utilities Act 2000. Section 20 was amended by sections 3(2), 47 and 108 of, and Schedule 8 to, the Utilities Act 2000. Section 21 was substituted by section 48 of the Utilities Act 2000. Section 22 was substituted by section 49 of the Utilities Act 2000. Section 23 was amended by sections 3(2) and 108 of, and paragraphs 24 and 26 of Part 2 of Schedule 6 to, the Utilities Act 2000.

- (c) section 40A(13);
- (d) sections 42 and 42A(14);
- (e) section 42AB(15);
- (f) sections 43, 46 and 47 of the Consumers, Estate Agents and Redress Act 2007 (complaints);
- (g) sections 26 to 29 of the Energy Act 2010 (adjustment of charges to help disadvantaged groups of consumers).

Supply licence holders

6. The following are relevant provisions in relation to the holder of a supply licence—
- (a) section 40(16);
 - (b) sections 42 and 42A;
 - (c) section 42AB;
 - (d) sections 43, 46 and 47 of the Consumers, Estate Agents and Redress Act 2007 (complaints);
 - (e) paragraph 3(4) of Schedule 2ZA(17);
 - (f) in the Energy Act 2010—
 - (i) section 9 (schemes for reducing fuel poverty),
 - (ii) section 11 (reconciliation mechanism),
 - (iii) sections 26 to 29 (adjustment of charges to help disadvantaged groups of consumers).

Distribution exemption holders

7. The following paragraphs of Schedule 2ZA are relevant provisions in relation to a distribution exemption holder—
- (a) paragraph 1(3), (4) and (6) to (8);
 - (b) paragraph 2(2) to (4), (6) and (9);
 - (c) paragraph 3(6), (12)(a) and (13);
 - (d) paragraph 5(1) to (4), (6), (8) and (9);
 - (e) paragraph 6(2);
 - (f) paragraph 7(2) and (4);
 - (g) paragraph 8(4) and (9);
 - (h) paragraph 9;
 - (i) paragraph 13(2);
 - (j) paragraph 14(5), (6), (9) and (12);
 - (h) paragraph 15(1).

(13) Section 40A was inserted by section 55 of the Utilities Act 2000 (c. 27).

(14) Section 42 was amended by sections 3(2), 20(7), 57 and 108 of, and paragraphs 24 and 34 of Part 2 of Schedule 6 to, and Schedule 8 to, the Utilities Act 2000 (c. 27). Section 42A was substituted by section 58 of the Utilities Act 2000 (c. 27).

(15) Section 42AB was inserted by section 45(4) of, and paragraph 2(1) and (3) of Schedule 5 to, the Consumers, Estate Agents and Redress Act 2007 (c. 17).

(16) Section 40 was amended by sections 20(2), 24 and 56(7) of, and Schedule 2 to, the Competition and Service (Utilities) Act 1992 (c. 43) and sections 3(2) and 108 of, and paragraphs 24 and 33 of Part 2 of Schedule 6 to, and Schedule 8 to, the Utilities Act 2000 (c. 27).

(17) Schedule 2ZA is inserted by regulation 21(3) of, and Schedule 2 to, these Regulations.

Supply exemption holders

8. The following are relevant provisions in relation to a supply exemption holder—
- (a) paragraph 3(4) of Schedule 2ZA;
 - (b) the following paragraphs of Schedule 2ZB⁽¹⁸⁾—
 - (i) paragraph 1(2), (3), (6) and (7),
 - (ii) paragraph 2(6),
 - (iii) paragraph 3(1) and (3),
 - (iv) paragraph 4,
 - (v) paragraph 5(1), (6) and (8),
 - (vi) paragraph 6,
 - (vii) paragraph 7.

Electricity undertakings which are relevant producers or suppliers

9. The following are relevant provisions in relation to an electricity undertaking which is a relevant producer or supplier—
- (a) section 10B(5) and (6);
 - (b) section 10J(3) and (4);
 - (c) section 8D(5) and (6) of the Gas Act 1986 (duties concerning supply of information for application for certification as to independence)⁽¹⁹⁾;
 - (d) section 8L(3) and (4) of that Act (duties concerning supply of information for review of certification as to independence)⁽²⁰⁾;
 - (e) Article 3(3) of the Electricity Regulation (duty to supply information relating to certification of electricity transmission system operators);
 - (f) Article 3(3) of the Gas Regulation (duty to supply information relating to certification of gas transmission system operators).

Interpretation

10. In this Schedule “ITC Regulation” means Commission Regulation 2010/838/EU of 23 September 2010 on laying down guidelines relating to the inter-transmission system operator compensation mechanism and a common regulatory approach to transmission charging.

11. References in this Schedule to provisions of—

- (a) Annex 1 to the Electricity Regulation; or
- (b) the Annex to the ITC Regulation,

are references to those provisions as amended from time to time.”

⁽¹⁸⁾ Schedule 2ZB is inserted by regulation 21(3) of, and Schedule 2 to, these Regulations.

⁽¹⁹⁾ 1986 c. 44. Section 8D is inserted by regulation 4 of these Regulations.

⁽²⁰⁾ Section is inserted by regulation 4 of these Regulations.