
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Electricity and Gas etc. (Amendment
etc.) (EU Exit) Regulations 2019

PART 2

Amendment of primary legislation

Gas Act 1986

16.—(1) Section 8G (grounds for certification) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a)—

(i) omit “preliminary”;

(ii) for “an applicant should be certified” substitute “to certify an applicant”;

(b) omit paragraph (b).

(3) In subsection (2)—

(a) omit “decide that the applicant should be certified, or”;

(b) omit “six”.

(4) Omit subsection (6).

(5) In subsection (7)(b), for the words from “requirement” to the end substitute—

“requirement—

(i) in accordance with Article 36 of the Gas Directive (new infrastructure) before exit day and remains entitled to the benefit of it, or

(ii) on the basis set out in Article 36(1) to (3) and (6) of the Gas Directive and remains entitled to the benefit of it.”.

(6) In subsection (9)—

(a) omit paragraph (a);

(b) in paragraph (b)—

(i) omit “must not decide that the applicant should be certified, and”;

(ii) omit “or any other EEA state”;

(c) omit paragraph (c).

(7) After subsection (9) insert—

“(10) For the purposes of subsection (4), Article 9(9) of the Gas Directive is to be treated as if the comparison with the provisions of Chapter 4 of the Gas Directive were a comparison with the provisions of Chapter 4 as they applied in relation to a member State immediately before exit day.

- (11) The references in subsection (5) to Article 14(1) and (2) of the Gas Directive are to be treated as references to those provisions with the following modifications—
- (a) Article 14(1) is to be read as if “Such designation shall be subject to approval by the Commission” were omitted;
 - (b) Article 14(2)(b) is to be read as if after “Article 13” there were inserted—
 - “as implemented in relation to Great Britain immediately before exit day, disregarding for this purpose—
 - (i) paragraph 2,
 - (ii) paragraph 3 so far as relating to Article 41(6)(c), and
 - (iii) paragraph 4 except as it relates to such minimum standards, if any, as apply in Great Britain”;
 - (c) Article 14(2)(e) is to be read as if—
 - (i) for “Regulation (EC) No 715/2009” there were substituted “the Gas Regulation”, and
 - (ii) the words from “including” to the end were omitted.”.