
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

21.—(1) Section 8N (continuation or withdrawal of certification) is amended as set out in paragraphs (2) to (9).

(2) In subsection (1)—

- (a) for “8K(3) or (5)” substitute “8K(5)”;
- (b) for “8K(4) or (6)” substitute “8K(6)”;
- (c) in paragraph (a)—
 - (i) omit “preliminary”;
 - (ii) for “that the certification should be continued” substitute “to continue the certification”;
- (d) in paragraph (b)—
 - (i) omit “preliminary”;
 - (ii) for “that the certification should be withdrawn” substitute “to withdraw the certification”.

(3) In subsection (2)—

- (a) omit “preliminary”;
- (b) for “that the certification should be continued” substitute “to continue the certification”.

(4) In subsection (3)—

- (a) in paragraph (a)—
 - (i) omit “preliminary”;
 - (ii) for “that the certification should be continued” substitute “to continue the certification”;
- (b) in paragraph (b)—
 - (i) omit “preliminary”;
 - (ii) for “that the certification should be withdrawn” substitute “to withdraw the certification”.

(5) In subsection (4)—

- (a) omit “preliminary”;
- (b) for “that the certification should be continued” substitute “to continue the certification”.

(6) In subsection (5)—

- (a) omit “preliminary”;
- (b) omit paragraph (b) and the “and” before it.

(7) Omit subsections (6) to (9).

(8) After subsection (9) insert—

“(9A) The Authority must publish its decision to continue a certification, or to withdraw a certification, together with the reasons for it, in such manner as it considers appropriate.”.

(9) In subsection (10)—

- (a) in the words before paragraph (a), for “8G(9)(a) and (b)” substitute “8G(9)(b)”;
- (b) in paragraph (a), for “8G(9)(a) and (b)” substitute “8G(9)(b)”.

(10) Where, immediately before exit day, the Gas and Electricity Markets Authority has made a preliminary decision under section 8N of the Gas Act 1986 on a review under section 8K(5) or (8), but not a final decision under Article 3 of Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005, the Authority’s preliminary decision is to be treated on and after exit day as if it were a final decision under Article 3 made immediately before exit day.

(11) If a preliminary decision of the Gas and Electricity Markets Authority is treated as a final decision to continue a certification, or to withdraw a certification, because of paragraph (10), the Authority must publish, in such manner as it considers appropriate, a document setting out that decision and the reasons for it.