
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 2

Amendment of primary legislation

Utilities Act 2000

69.—(1) Section 105A (restrictions on disclosure in respect of cross-border exchanges of information) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), for “functions as designated regulatory authority for Great Britain” substitute “designated regulatory functions”;
- (b) in paragraph (b), for the words from “the designated” to “Gas Directive” substitute “the Northern Ireland Authority for Utility Regulation in the exercise of its designated regulatory functions”.

(3) After subsection (1) insert—

“(1A) This section also applies to any information provided to the Authority on or after exit day—

- (a) for the purpose of enabling it to carry out its designated regulatory functions; and
- (b) by an authority designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive.

(1B) This section also applies to any information provided to the Authority before exit day—

- (a) for the purpose of enabling it to carry out its functions as an authority designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive; and
- (b) by—
 - (i) the Northern Ireland Authority for Utility Regulation, or
 - (ii) an authority in another member State which is designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive, in accordance with Article 38(1) of the Electricity Directive or Article 42(1) of the Gas Directive.”.

(4) In subsection (2)(a), for “the originating authority”, in the first place it occurs, substitute “the authority that provided the information to the Authority (“the originating authority”)”.

(5) In subsection (3), for “Subsection (1)” substitute “Subsection (1), (1A) or (1B)”.