



# Electricity Act 1989

## 1989 CHAPTER 29

### PART I

#### ELECTRICITY SUPPLY

##### *Other functions of Director*

#### 47 General functions.

(1) It shall be the duty of the Director, so far as it appears to him practicable from time to time to do so—

- (a) to keep under review the carrying on both in Great Britain and elsewhere of activities to which this subsection applies; and
- (b) to collect information with respect to those activities, and the persons by whom they are carried on, with a view to facilitating the exercise of his functions under this Part;

and this subsection applies to any activities connected with the generation, transmission and supply of electricity, including in particular activities connected with the supply to any premises of heat produced in association with electricity and steam produced from and air and water heated by such heat.

[<sup>F1</sup>(1A) The activities to which subsection (1) applies also include, in particular, activities connected with the generation of electricity by microgeneration [<sup>F2</sup>or small-scale low-carbon generation] or with the transmission and supply of electricity so generated.

[<sup>F3</sup>(1B) In subsection (1A)—

“microgeneration” has the same meaning as in the Climate Change and Sustainable Energy Act 2006;

“small-scale low-carbon generation” has the same meaning as in section 41 of the Energy Act 2008.]

[ The activities to which subsection (1) applies also include, in particular, the matters <sup>F4</sup>(1C) specified in the following provisions of the Electricity Directive as matters to be monitored—

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- (a) Article 26(3);
  - (b) Article 37(1)(g) to (k), (m) and (q) to (t); and
  - (c) where a person is certified on the ground mentioned in subsection (5) of section 10E, Article 37(3)(a), (b) and (f).]
- (2) The Secretary of State may give general directions indicating—
- (a) considerations to which the Director should have particular regard in determining the order of priority in which matters are to be brought under review in performing his duty under subsection (1)(a) or (b) above; and
  - (b) considerations to which, in cases where it appears to the Director that any of his functions under this Part are exercisable, he should have particular regard in determining whether to exercise those functions.
- (3) It shall be the duty of the Director, where either he considers it expedient or he is requested by the Secretary of State or [<sup>F5</sup>the Office of Fair Trading] to do so, to give information, advice and assistance to the Secretary of State or [<sup>F6</sup>the Office of Fair Trading] with respect to any matter in respect of which any function of the Director under this Part is exercisable.
- <sup>F7</sup>(4) . . . . . ]

#### Textual Amendments

- F1** S. 47(1A)(1B) inserted (21.8.2006) by [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#), **ss. 9, 28(1)**
- F2** Words in s. 47(1A) inserted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), **Sch. 5 para. 4(a)**; S.I. 2009/45, art. 2(e)(iv)
- F3** S. 47(1B) substituted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), **Sch. 5 para. 4(b)**; S.I. 2009/45, art. 2(e)(iv)
- F4** S. 47(1C) inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **31(2)**
- F5** Words in s. 47(3) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 20(9)(a)**; S.I. 2003/766, art. 2, **Sch.** (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F6** Words in s. 47(3) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 20(9)(b)**; S.I. 2003/766, art. 2, **Sch.** (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F7** S. 47(4) repealed (7.11.2000) by [2000 c. 27](#), s. 108, **Sch. 8**; S.I. 2000/2974, art. 2, **Sch.** (subject to transitional provisions in arts. 3-12)

#### [<sup>F8</sup>47A Power to require information etc for the purpose of monitoring

- (1) The Authority may, for the purpose of performing its duty under subsection (1)(a) or (b) of section 47 in relation to activities falling within subsection (1C) of that section, serve a notice under subsection (2) on any regulated person.
- (2) A notice under this subsection is a notice signed by the Authority which—
  - (a) requires the person on whom it is served to produce, at a time and place specified in the notice, to the Authority any documents which are specified or described in the notice and are in that person's custody or under that person's control; or
  - (b) requires that person, if that person is carrying on a business, to furnish, at a time and place and in the form and manner specified in the notice, to the Authority such information as may be specified or described in the notice.

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- (3) In paragraphs (a) and (b) of subsection (2) the reference to the Authority includes a reference to a person appointed by the Authority for the purpose of exercising the power in question.
- (4) Sections 25 to 27 have effect in relation to a person on whom a notice is served under subsection (2) as if references in those sections to a relevant requirement (other than the reference in section 25(8)) included references to a requirement of that notice.
- (5) A person who intentionally alters, suppresses or destroys any document or record of information which that person has been required to produce by a notice under subsection (2) is liable—
  - (a) on summary conviction—
    - (i) in England and Wales, to a fine not exceeding the statutory maximum, and
    - (ii) in Scotland, to a fine not exceeding £5,000; or
  - (b) on conviction on indictment, to a fine.]

#### Textual Amendments

- F8** S. 47A inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **31(3)**

## 48 Publication of information and advice.

- [<sup>F9</sup>(1) If it appears to the Authority that the publication of any advice and information would promote the interests of consumers in relation to electricity conveyed by distribution systems [<sup>F10</sup>or transmission systems], the Authority may publish that advice or information in such manner as it thinks fit.
- (2) In publishing advice or information under this section the Authority shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where publication of that matter would or might, in the opinion of the Authority, seriously and prejudicially affect the interests of that individual or body.
- (2A) Before deciding to publish under this section any advice or information relating to a particular individual or body of persons the Authority shall consult that individual or body.]
- (3) [<sup>F11</sup>The Office of Fair Trading] shall consult the Director before publishing under [<sup>F12</sup>section 6 of the Enterprise Act 2002] any information or advice which may be published by the Director under this section.
- [<sup>F13</sup>(4) In this section “consumers” includes both existing and future consumers.]

#### Textual Amendments

- F9** S. 48(1)(2)(2A) substituted for s. 48(1)(2) (20.12.2000) by [2000 c. 27, s. 6\(2\)](#); [S.I. 2000/3343, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-15](#)) (as amended by [S.I. 2001/1780, art. 2](#))
- F10** Words in s. 48(1) inserted (1.4.2006 for specified purposes, 1.4.2010 in so far as not already in force) by [Energy Act 2004 \(c. 20\), s. 179\(2\)\(3\)\(c\), 198\(2\)](#); [S.I. 2005/2965, art. 3](#)

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- F11** Words in s. 48(3) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 25 para. 20(10) (a); S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F12** Words in s. 48(3) substituted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 25 para. 20(10) (b); S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
- F13** S. 48(4) inserted (20.12.2000) by 2000 c. 27, s. 6(2); S.I. 2000/3343, art. 2, Sch. (subject to transitional provisions in arts. 3-15) (as amended by S.I. 2001/1780, art. 2)

#### 49 Keeping of register.

- (1) The Director shall, at such premises and in such form as he may determine, maintain a register for the purposes of this Part.
- (2) Subject to subsection (3) and to any direction given under subsection (4) below, the Director shall cause to be entered in the register the provisions of—
  - (a) every licence and every exemption granted to a particular person;
  - (b) every modification or revocation of a licence;
  - (c) every direction or consent given or determination made under a licence; <sup>F14</sup> . . .
  - (d) every final or provisional order, every revocation of such an order and every notice under section 25(6) above <sup>F15</sup>; and
  - (e) every penalty imposed under section 27A(1) and every notice under section 27A(5)].
- <sup>F16</sup>(3) The Authority may enter the provisions of anything in the register in a manner that excludes, so far as practicable, so much of the details of those provisions as it considers it appropriate to exclude for the purpose of maintaining the confidentiality of—
  - (a) matters relating to the affairs of an individual the publication of which would or might, in its opinion, seriously and prejudicially affect the interests of that individual; and
  - (b) matters relating specifically to the affairs of a particular body of persons the publication of which would or might, in the Authority's opinion, seriously and prejudicially affect the interests of that body.]
- (4) If it appears to the Secretary of State that the entry of any provision in the register would be against the public interest or the commercial interests of any person, he may direct the Director not to enter that provision in the register.
- (5) The contents of the register shall be available for inspection by the public during such hours and subject to the payment of such fee as may be specified in an order made by the Secretary of State.
- (6) Any person may, on the payment of such fee as may be specified in an order so made, require the Director to supply him with a copy of, or extract from, any part of the register, being a copy or extract which is certified by the Director to be a true copy or extract.
- (7) Any sums received by the Director under this section shall be paid into the Consolidated Fund.

#### Textual Amendments

- F14** Word in s. 49(2)(c) repealed (1.10.2001) by 2000 c. 27, s. 108, Sch. 8; S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

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- F15** S. 49(2)(e) and the word “; and” immediately preceding it inserted (1.10.2001) by [2000 c. 27, s. 59\(3\)](#); [S.I. 2001/3266, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-20](#))
- F16** S. 49(3) substituted (5.10.2004) by [Energy Act 2004 \(c. 20\), ss. 183\(3\), 198\(2\)](#); [S.I. 2004/2575, art. 2\(1\), Sch. 1](#)

**[<sup>F17</sup>49A Reasons for decisions.**

- (1) This section applies to the following decisions of the Authority or the Secretary of State, namely—
  - (a) the revocation of a licence;
  - (b) the modification of the conditions of a licence;
  - (c) the giving of any directions or consent in pursuance of a condition included in a licence by virtue of section 7(3)(a) or (b);
  - (d) the determination of a question referred in pursuance of a condition included in a licence by virtue of section 7(3)(c);
  - (e) the determination of a dispute referred under section 23(1);
  - (f) the making of a final order, the making or confirmation of a provisional order or the revocation of a final order or of a provisional order which has been confirmed.
- (2) As soon as reasonably practicable after making such a decision the Authority or the Secretary of State shall publish a notice stating the reasons for the decision in such manner as it or he considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be interested.
- (3) The Authority shall send a copy of a notice published in respect of a decision mentioned in paragraph (a), (b), (c), (d) or (f) of subsection (1) to the licence holder to whose licence, or to whom, the decision relates.
- (4) In preparing a notice under subsection (2) the Authority or the Secretary of State shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where it or he considers that publication of that matter would or might seriously and prejudicially affect the interests of that individual or body.
- (5) This section does not apply to a decision resulting in any provision which the Secretary of State has under section 49(4) directed the Authority not to enter in the register required to be kept under that section.]

**Textual Amendments**

- F17** S. 49A inserted (1.10.2001) by [2000 c. 27, s. 42](#); [S.I. 2001/3266, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

**<sup>F18</sup>50** .....

**Textual Amendments**

- F18** S. 50 repealed (20.12.2000 subject to saving in Sch. of commencing S.I.) by [2000 c. 27, s. 108, Sch. 8](#); [S.I. 2000/3343, art. 2](#) (subject to transitional provisions in [arts. 3-15](#)) (as amended by [S.I. 2001/1780](#),

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**art. 2**) and subject to an amendment (1.10.2001) by 2000 c. 27, s. 108, **Sch. 7 Pt. IV para. 29(5)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

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