



Electricity Act 1989

1989 CHAPTER 29

PART I

ELECTRICITY SUPPLY

Modification of licences

13 Reports on modification references.

- (1) In making a report on a reference under section 12 above, the [^{F1}Competition Commission]—
- (a) shall include in the report definite conclusions on the questions comprised in the reference together with such an account of their reasons for those conclusions as in their opinion is expedient for facilitating a proper understanding of those questions and of their conclusions;
 - (b) where they conclude that any of the matters specified in the reference operate, or may be expected to operate, against the public interest, shall specify in the report the effects adverse to the public interest which those matters have or may be expected to have; and
 - (c) where they conclude that any adverse effects so specified could be remedied or prevented by modifications of the [^{F2}relevant conditions], shall specify in the report modifications by which those effects could be remedied or prevented.

[^{F3}(1A) For the purposes of sections 14 and 14A below, a conclusion contained in a report of the Competition Commission is to be disregarded if the conclusion is not that of at least two-thirds of the members of the group constituted in connection with the reference concerned in pursuance of paragraph 15 of Schedule 7 to the Competition Act 1998.

(1B) If a member of a group so constituted disagrees with any conclusions contained in a report made on a reference under section 12 above as the conclusions of the Competition Commission, the report shall, if the member so wishes, include a statement of his disagreement and of his reasons for disagreeing.]

^{F4}(2)

Status: Point in time view as at 29/07/2010. This version of this provision has been superseded.

Changes to legislation: Electricity Act 1989, Section 13 is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F5}(3) For the purposes of the law relating to defamation, absolute privilege attaches to any report made by the Competition Commission on a reference under section 12 above.
- (3A) In making any report on a reference under section 12 above the Competition Commission must have regard to the following considerations before disclosing any information.
- (3B) The first consideration is the need to exclude from disclosure (so far as practicable) any information whose disclosure the Competition Commission thinks is contrary to the public interest.
- (3C) The second consideration is the need to exclude from disclosure (so far as practicable)
-
- (a) commercial information whose disclosure the Competition Commission thinks might significantly harm the legitimate business interests of the undertaking to which it relates, or
- (b) information relating to the private affairs of an individual whose disclosure the Competition Commission thinks might significantly harm the individual's interests.
- (3D) The third consideration is the extent to which the disclosure of the information mentioned in subsection (3C)(a) or (b) above is necessary for the purposes of the report.]
- (4) A report of the [^{F1}Competition Commission] on a reference under section 12 above shall be made to the Director.
- (5) Subject to subsection (6) below, the Director—
- (a) shall, on receiving [^{F6}a report on a reference under section 12(1), send a copy of it to the licence holder] and to the Secretary of State; and
- (b) shall, not less than 14 days after that copy is received by the Secretary of State, [^{F7}send another copy to the Council and publish that other copy] in such manner as he considers appropriate for bringing the report to the attention of persons likely to be affected by it.
- [^{F8}(5A) Subject to subsection (6), the Authority shall—
- (a) on receiving a report on a reference under section 12(1A), send a copy of it to the Secretary of State; and
- (b) not less than 14 days after that copy is received by the Secretary of State—
- (i) send another copy to the Council and to each relevant licence holder; and
- (ii) not less than 24 hours after complying with sub-paragraph (i) above, publish the copy sent to the Council in such manner as it considers appropriate for bringing the report to the attention of persons likely to be affected by it.]
- (6) If it appears to the Secretary of State that the publication of any matter in such a report would be against the public interest or the commercial interests of any person, he may, before the end of the period of 14 days mentioned in [^{F9}subsection (5) or (5A), direct the Authority to exclude that matter from the copy of the report, or (as the case may be) each copy of the report, to be sent and published as mentioned in paragraph (b) of that subsection]

Status: Point in time view as at 29/07/2010. This version of this provision has been superseded.

Changes to legislation: Electricity Act 1989, Section 13 is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words in S. 13(1)(2)(3)(4) substituted (1.4.1999) by S.I. 1999/506, **art. 24(b)**
- F2** Words in s. 13(1)(c) substituted (1.10.2001) by 2000 c. 27, **s. 37(2)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in **arts. 3-20**)
- F3** S. 13(1A)(1B) inserted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 20(5)(a)**; S.I. 2003/1397, **art. 2(1)**, **Sch.** (with art. 8)
- F4** S. 13(2) repealed (1.3.2000) by 1998 c. 41, ss. 54(3), 66(5), 74(3), Sch. 10 Pt. IV para. 12(3), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, **art. 2**, **Sch.**
- F5** S. 13(3)-(3D) substituted for s. 13(3) (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 20(5)(b)**; S.I. 2003/1397, **art. 2(1)**, **Sch.** (with art. 8)
- F6** Words in s. 13(5)(a) substituted (1.10.2001) by 2000 c. 27, **s. 37(3)(a)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in **arts. 3-20**)
- F7** Words in s. 13(5)(b) substituted (1.10.2001) by 2000 c. 27, **s. 37(3)(b)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in **arts. 3-20**)
- F8** S. 13(5A) inserted (1.10.2001) by 2000 c. 27, **s. 37(4)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in **arts. 3-20**)
- F9** Words in s. 13(6) substituted (1.10.2001) by 2000 c. 27, **s. 37(5)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in **arts. 3-20**)

Status:

Point in time view as at 29/07/2010. This version of this provision has been superseded.

Changes to legislation:

Electricity Act 1989, Section 13 is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.