



# Electricity Act 1989

## 1989 CHAPTER 29

### PART I

#### ELECTRICITY SUPPLY

##### *[<sup>F1</sup> Alteration of activities requiring licence*

##### **[<sup>F1</sup>56C References to [<sup>F2</sup>CMA] .**

- (1) A reference to the [<sup>F3</sup>CMA] under this section shall require [<sup>F4</sup>the CMA] to investigate and report on whether the fact that the activities specified in the reference are not licensable activities operates, or may be expected to operate, against the public interest.
- (2) The Authority may, at any time, by notice given to the [<sup>F5</sup>CMA] vary the reference by adding to the activities specified in the reference or by excluding from the reference some of the activities so specified; and on receipt of such notice the [<sup>F5</sup>CMA] shall give effect to the variation.
- (3) The Authority shall specify in the reference, or a variation of the reference, for the purpose of assisting the [<sup>F5</sup>CMA] in carrying out the investigation on the reference—
  - (a) the conditions which the Authority would expect to be determined to be standard conditions for the purposes of licences authorising the undertaking of the activities specified in the reference and any other conditions which it would expect to be included in such licences; and
  - (b) any effects adverse to the public interest which, in its opinion, the fact that the activities so specified are not licensable activities has or may be expected to have.
- (4) As soon as practicable after making the reference, or a variation of the reference, the Authority shall serve a copy of it on [<sup>F6</sup>Citizens Advice and Citizens Advice Scotland] and publish particulars of it in such manner as the Authority considers appropriate for bringing it to the attention of—
  - (a) persons appearing to the Authority to be carrying on, or be intending to carry on, the activities specified in it; and

*Status: Point in time view as at 01/04/2014. This version of this provision has been superseded.*

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- (b) any other persons appearing to the Authority to be likely to be affected by it.
- (5) The Authority shall, for the purpose of assisting the [F7CMA] in carrying out the investigation on the reference, give to the [F7CMA]—
- (a) any information which is in its possession and which relates to matters falling within the scope of the investigation, and which is either requested by the [F7CMA] for that purpose or is information which in its opinion it would be appropriate for that purpose to give to the [F7CMA] without any such request; and
- (b) any other assistance which the [F7CMA] may require, and which it is within its power to give, in relation to any such matters,
- and the [F7CMA] shall take account of the information for the purpose of carrying out the investigation.
- (6) In determining for the purposes of this section whether the fact that particular activities are not licensable activities operates, or may be expected to operate, against the public interest, the [F7CMA] shall have regard to—
- (a) the matters referred to in section 3A;
- (b) any social or environmental policies set out or referred to in guidance issued under section 3B; and
- (c) any advice given by [F8the Health and Safety Executive [F9, the Office for Nuclear Regulation]] or the Secretary of State under section 3C (advice about health and safety in relation to electricity).

F10(7) .....

F10(8) ..... ]

#### Textual Amendments

- F1** Ss. 56A-56F and cross-heading inserted (1.10.2001) by 2000 c. 27, s. 43; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F2** Word in s. 56C heading substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 39(4)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in s. 56C(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 39(2)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in s. 56C(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 39(2)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Word in s. 56C(2)(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 39(3)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in s. 56C(4) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 5(15)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F7** Word in s. 56C(5)(6) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 39(3)**; S.I. 2014/416, art. 2(1)(d) (with Sch.); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Words in s. 56C(6)(c) substituted (1.4.2008) by The Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21, Sch. 2)
- F9** Words in s. 56C(6)(c) inserted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 62**; S.I. 2014/251, art. 4
- F10** S. 56C(7)(8) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 25 para. 20(11), **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

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**Modifications etc. (not altering text)**

- C1** S. 56C amended (16.5.2001) by 2000 c. 27, s. 104(1)(b)(2) (with s. 104(6)); S.I. 2001/1781, art. 2, Sch. (subject to transitional provisions in arts. 3-10)

**Status:**

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