

SCHEDULES

SCHEDULE 1

Section 56(6).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Telecommunications Act 1984 (c. 12)

- 1 In section 3 of the Telecommunications Act 1984 (general duties of Secretary of State and Director), the following subsection shall be inserted after subsection (3)—
- “(3A) Subsections (1) and (2) above do not apply in relation to the determination of disputes by the Director under or by virtue of section 27A, 27F, 27G or 27I below.”
- 2 In section 53(6) of the Act of 1984 (power to require information), in paragraph (b) of the definition of “relevant purpose”, after “16” there shall be inserted “27E, 27H, 27I”.
- 3 In section 101 of the Act of 1984 (general restrictions on disclosure of information)
-
- (a) the following paragraph shall be inserted in subsection (2), after paragraph (b)—
- “(bb) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;” and
- (b) in subsection (4)(a), after “section” there shall be inserted “27C or”.
- 4 In section 104(1) of the Act of 1984 (orders under the Act to be made by statutory instrument and, except in the case of orders made under specified sections, to be subject to negative resolution control), after “2” there shall be inserted “27L”.

The Gas Act 1986 (c. 44)

- 5 In section 4 of the Gas Act 1986 (general duties of Secretary of State and Director), the following subsection shall be inserted after subsection (3)—
- “(4) Subsections (1) and (2) above do not apply in relation to the determination of disputes by the Director under or by virtue of section 14A, 15A or 33A below.”
- 6 In section 28 of the Act of 1986 (orders for securing compliance), in the definition of “relevant requirement” in subsection (8)—
- (a) for “or 14(1) or (3)” there shall be substituted “14(1) or (3), 14A(4) or 15B”; and
- (b) after “above” there shall be inserted “or section 33B, 33D or 33E below”.
- 7 In section 38(1) of the Act of 1986 (power to require information etc.), for “or 31” there shall be substituted “31 or 33E”.
- 8 In section 42 of the Act of 1986 (general restrictions on disclosure of information)—

Status: This is the original version (as it was originally enacted).

- (a) the following paragraph shall be inserted in subsection (2), after paragraph (c)—
 - “(cc) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;” and
 - (b) in subsection (4)(a), after “section”, in the first place where it occurs, there shall be inserted “33C or”.
- 9 (1) The amendments set out in sub-paragraphs (2) and (3) shall be made in section 47 of the Act of 1986 (general provisions as to regulations under Part I).
- (2) In subsection (1)—
- (a) in paragraph (c), for “and be heard of” there shall be substituted “before and be heard by”; and
 - (b) in paragraph (d), after “costs” there shall be inserted “or expenses”.
- (3) In subsection (3), the following paragraph shall be inserted before paragraph (a)—
- “(aa) provide for anything falling to be determined under the regulations to be determined by such persons, in accordance with such procedure and by reference to such matters and to the opinion of such persons as may be prescribed by the regulations;”.
- 10 In section 48(1) of the Act of 1986 (interpretation of Part I and savings), in the definition of “prescribed”, after “regulations”, there shall be inserted “(except in section 33A above)”.
- The Electricity Act 1989 (c. 29)*
- 11 In section 23 of the Electricity Act 1989 (determination of disputes), the following subsection shall be inserted after subsection (1)—
- “(1A) Any person making an order under subsection (1) above shall include in the order his reasons for reaching his decision with respect to the dispute.”
- 12 In section 25 of the Act of 1989 (orders for securing compliance), in the definition of “relevant requirement” in subsection (8), after “above” there shall be inserted “or section 40(3), 41(3), 42A or 42B below”.
- 13 In section 28(1) of the Act of 1989 (power to require information) after “above”, insert “or 42B below”.
- 14 In section 39 of the Act of 1989 (electricity supply: performance in individual cases), the following subsection shall be inserted after subsection (5)—
- “(5A) Any person making an order under subsection (5) above shall include in the order his reasons for reaching his decision with respect to the dispute.”
- 15 In section 41 of the Act of 1989 (promotion of efficient use of electricity), the following subsections shall be added at the end—
- “(3) Each public electricity supplier shall, in such form and manner and with such frequency as the Director may direct, take steps to inform his customers of—
 - (a) the standards determined under this section which are applicable to that supplier; and
 - (b) that supplier’s level of performance as respects those standards.”

Status: This is the original version (as it was originally enacted).

- 16 In Schedule 7 to the Act of 1989 (use of electricity meters), the following shall be substituted for paragraph 1(2)—
- “(2) If the electricity supplier agrees, the meter may be provided by the customer; but otherwise it shall be provided by the electricity supplier (whether by way of sale, hire or loan).
 - (2A) A public electricity supplier may refuse to allow one of his customers to provide a meter only if there are reasonable grounds for his refusal.”

The Water Industry Act 1991 (c. 56)

- 17 In section 8 of the Water Industry Act 1991 (procedure with respect to appointments and variations)—
- (a) in subsections (2)(a) and (4)(b) “the NRA” shall be inserted after “appointee”; and
 - (b) in subsection (5)(b) “the NRA and on” shall be inserted after “on”.
- 18 In section 38 of the Act of 1991 (standards of performance in connection with water supply) the following subsection shall be added at the end—
- “(5) Where the Director determines any dispute in accordance with regulations under this section he shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.”
- 19 (1) The amendments set out in sub-paragraphs (2) and (3) shall be made in section 39(1) of the Act of 1991 (procedure for regulations about standards of performance in connection with water supply).
- (2) For paragraph (b) there shall be substituted—
- “(b) the Secretary of State is satisfied that a copy of the application has been served by the Director—
 - (i) on every water undertaker specified in the application; and
 - (ii) on persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations;”.
- (3) In paragraph (c)(ii), after “undertaker” there shall be inserted “or person or body on whom a copy of the application has been served under paragraph (b)(ii) above”.
- 20 In section 52 of the Act of 1991 (the domestic supply duty), in subsection (3)(a) for “a water main” there shall be substituted “one of the water undertaker’s water mains”.
- 21 In section 64 of the Act of 1991 (supply of water by means of separate service pipes)—
- (a) the words “within its area” shall be omitted from subsection (1); and
 - (b) in subsection (2), for the words “was provided to those houses before 15th April 1981 wholly or partly by the same service pipe and continues to be so provided” there shall be substituted “is provided wholly or partly by the same service pipe”.
- 22 In section 65(9) of the Act of 1991 (duties of undertakers as respects constancy and pressure), for “Secretary of State” there shall be substituted “Director”.

Status: This is the original version (as it was originally enacted).

- 23 In section 79(6) of the Act of 1991 (local authority functions where piped supplies are insufficient or unwholesome), for “Secretary of State” there shall be substituted “Director”.
- 24 In section 95 of the Act of 1991 (standards of performance in connection with provision of sewerage services) the following subsection shall be added at the end—
- “(5) Where the Director determines any dispute in accordance with regulations under this section he shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.”
- 25 (1) The amendments set out in sub-paragraphs (2) and (3) shall be made in section 96(1) of the Act of 1991 (procedure for regulations about standards of performance in connection with provision of sewerage services).
- (2) For paragraph (b) there shall be substituted—
- “(b) the Secretary of State is satisfied that a copy of the application has been served by the Director—
- (i) on every sewerage undertaker specified in the application; and
- (ii) on persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations;”.
- (3) In paragraph (c)(ii), after “undertaker” there shall be inserted “or person or body on whom a copy of the application has been served under paragraph (b)(ii) above”.
- 26 In section 98(4) of the Act of 1991 (breach of duty of sewerage undertaker to provide public sewer) for “water” there shall be substituted “sewerage”.
- 27 In section 206(4)(a) of the Act of 1991 (restriction on disclosure of information), after “section” there shall be inserted “38A, 95A or”.
- 28 In section 213(2) of the Act of 1991 (powers to make regulations), the following paragraph shall be inserted after paragraph (d)—
- “(dd) as to awarding costs or expenses of proceedings in any determination under the regulations, including the amount of the costs or expenses and the enforcement of the awards;”.
- 29 In paragraph 1(3) of Schedule 12 to the Act of 1991 (disputes about compensation for street works etc. to go to arbitration) for “Secretary of State” there shall be substituted “Director”.
- 30 In paragraph 4(2) of that Schedule (disputes about compensation for sewerage works etc. to go to arbitration) for “Secretary of State” there shall be substituted “Director”.
- 31 In paragraph 4(3) of that Schedule (compensation claims)—
- (a) for “£50” there shall be substituted “£5,000”; and
- (b) for the words from “on the application of” to the end there shall be substituted “be referred to the Director for determination under section 30A of this Act by either party.”

SCHEDULE 2

Section 56(7).

REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1986 c. 44.	The Gas Act 1986.	In section 7(7)(a), the words “relating to the supply of gas, or requiring information to be furnished to the Director or published”.Section 19(8).
1989 c. 29.	The Electricity Act 1989. In section 39(1), the word “and” immediately before paragraph (b).In section 40(1), the words from “after” to “affected”.	In section 23(2), the words “to continue”, in both places.
1991 c. 56.	The Water Industry Act 1991.	Section 35(3).In section 36(3), paragraphs (a)(ii) and (b)(ii).In section 45(1), the words “in the undertaker’s area”.In section 52(2), the words “and which are situated in the area of the undertaker”.In section 64(1), the words “within its area”.Section 106(7).Section 113(5).In Schedule 12, paragraph 4(4).