

*Status: Point in time view as at 10/11/2011.*

*Changes to legislation: Utilities Act 2000, SCHEDULE 1 is up to date with all changes known to be in force on or before 22 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)*

## SCHEDULES

### SCHEDULE 1

Section 1(4).

#### THE GAS AND ELECTRICITY MARKETS AUTHORITY

##### *Membership*

- 1 (1) The Authority shall consist of a chairman, and no fewer than two other members, appointed by the Secretary of State.
- (2) The Secretary of State shall consult the chairman before appointing any other member.

##### *Terms of appointment, remuneration, pensions etc.*

- 2 (1) Subject to this Schedule, the chairman and other members shall hold and vacate office as such in accordance with the terms of their respective appointments.
- (2) The terms of appointment of the chairman and other members shall be determined by the Secretary of State.

- [<sup>F1</sup>2A. A person holding office as chairman or other member must not—
- (a) seek or take any instructions that might compromise, or might reasonably be seen to compromise, the independence of the Authority in relation to its functions as designated regulatory authority for Great Britain; or
  - (b) carry out any other activity, or have any financial or other interest, that might compromise, or might reasonably be seen to compromise, that person's impartiality.]

#### **Textual Amendments**

- F1** Sch. 1 para. 2A inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **24(2)**

- [<sup>F2</sup>3 (1) An appointment of a person to hold office as chairman or other member must be for a term of not less than 5 years and not more than 7 years.
- (2) But in appointing as chairman or other member a person who is on the Authority's staff, the Secretary of State may make the appointment subject to a condition that the appointment will end if that person ceases to be on the Authority's staff.
  - (3) The appointment of a person as chairman or other member may be renewed only once.
  - (4) The Secretary of State must ensure that there is sufficient continuity in the persons holding office as chairman or other member in determining—
    - (a) the term of a person's appointment in accordance with sub-paragraph (1) (whether initially or on renewal); and

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- (b) whether or not to renew an appointment in accordance with sub-paragraph (3).
- (5) A person holding office as chairman or other member may resign that office by giving notice in writing to the Secretary of State.
- (6) A person holding office as chairman or other member may be removed from office by the Secretary of State on one of the following grounds only—
  - (a) a breach of paragraph 2A;
  - (b) incapacity; or
  - (c) misbehaviour.]

#### Textual Amendments

**F2** Sch. 1 para. 3 substituted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **24(3)**

- 4 (1) The Authority shall pay to the chairman and other members such remuneration, and such travelling and other allowances, as may be determined by the Secretary of State.
- (2) The Authority shall, if required to do so by the Secretary of State—
  - (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who is or has been the chairman or a member of the Authority; or
  - (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) If, where any person ceases to hold office as chairman or other member, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, the Authority shall pay to him a sum by way of compensation of such amount as may be determined by the Secretary of State.

#### *Staff*

- 5 The Authority may, with the approval of the Minister for the Civil Service as to numbers and terms and conditions of service, appoint such staff as it may determine.

#### *Committees*

- 6 (1) The Authority may establish committees and any committee of the Authority may establish sub-committees.
- (2) The members of a committee of the Authority may include persons who are not members of the Authority (and the members of a sub-committee may include persons who are not members of the committee).

#### *Proceedings etc.*

- 7 (1) The Authority may regulate its own procedure (including quorum).
- (2) The validity of anything done by the Authority is not affected by a vacancy among its members or by a defect in the appointment of a member.

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- 8 (1) The application of the seal of the Authority to a statutory instrument shall be authenticated by the signature of the chairman or by some other person who has been authorised by the Authority to act for that purpose.
- (2) A document purporting to be duly executed under the seal of the Authority, or signed on its behalf, shall be received in evidence and, unless the contrary is proved, be taken to be so executed or signed.

*Performance of functions*

- 9 (1) Anything authorised or required to be done by the Authority may be done by—
- (a) any member or employee of the Authority who is authorised for that purpose by the Authority, whether generally or specially;
  - (b) any committee of the Authority which has been so authorised.
- (2) Sub-paragraph (1) does not apply to any power to make statutory instruments.
- (3) In sub-paragraph (1)(b) “committee of the Authority” does not include a committee whose members include any person who is not a member or employee of the Authority.
- 10 The <sup>M1</sup>Statutory Instruments Act 1946 shall apply to any power to make statutory instruments conferred on the Authority by or under any Act as if the Authority were a Minister of the Crown.

**Marginal Citations**

M1 1946 c. 36.

*Supplementary powers*

- 11 (1) The Authority has power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of its functions.
- (2) That power includes the formation of advisory bodies.

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