
STATUTORY INSTRUMENTS

1996 No. 1327

The Electricity (Restrictive Trade Practices Act 1976) (Exemptions) Order 1996

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Electricity (Restrictive Trade Practices Act 1976) (Exemptions) Order 1996 and shall come into force on 10th June 1996.

(2) In this Order—

“the 1976 Act” means the Restrictive Trade Practices Act 1976⁽¹⁾ and “agreement”, “information provision” and “restriction” have the same meaning as in that Act;

“the 1989 Act” means the Electricity Act 1989; and

“the Department” means the Department of Trade and Industry.

Exemptions from the 1976 Act

2.—(1) The agreement specified in paragraph (2) below is specified as an agreement to which, by virtue of section 100(2) of the 1989 Act, the 1976 Act does not apply and is deemed never to have applied.

(2) The specified agreement is the agreement effective from 1st April 1996, relating to the generation and supply of nuclear generated electricity by AGR & PWR Co. Limited (now named Nuclear Electric Limited) and Scottish Nuclear Limited, as subsidiaries of British Energy plc, independently from Nuclear Electric plc (now named Magnox Electric plc) and comprising the agreements specified in Schedule 1 to this Order.

(3) Any agreement which is of the description specified in paragraph (4) below and which satisfies the condition specified in paragraph (5) below is an agreement to which, by virtue of section 100(2) of the 1989 Act, the 1976 Act does not apply and is deemed never to have applied.

(4) The specified description is any agreement which constitutes a variation of or an amendment to the agreement specified in paragraph (2) above or which constitutes a variation of or an amendment to any agreement to which this paragraph applies.

(5) The condition referred to in sub-paragraph (3) above is that —

(a) it does not add to or extend any restrictions or information provisions contained in the agreement which it varies or amends; or

(b) it is a variation of or an amendment to an agreement specified in paragraphs 5 to 132 and 282 to 287 of Schedule 1; or

(c) it is in the terms of a draft of which a copy is provided to the Department before the date on which the agreement is made; or

(d) it contains a provision that any restrictions or information provisions which it contains or any provision adding to or extending any restrictions or information provisions contained

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in the agreement which it varies or amends shall not take effect or shall cease to have effect—

- (i) if a copy of the agreement is not provided to the Department within 28 days of the date on which the agreement is made, or
- (ii) if, within 28 days of the provision of the copy, the Department gives notice of objection to the party providing it.

16th May 1996

John M. Taylor,
Minister for Competition and Consumer Affairs,
Department of Trade and Industry