

2001 No. 1781 (C. 61)

ELECTRICITY

GAS

**The Utilities Act 2000 (Commencement No. 5 and
Transitional Provisions) Order 2001**

Made - - - - -

8th May 2001

The Secretary of State, in exercise of the powers conferred on him by section 110(2) and (3) of the Utilities Act 2000(a), hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Utilities Act 2000 (Commencement No. 5 and Transitional Provisions) Order 2001.

(2) In this Order—

“the Act” means the Utilities Act 2000;

“the Electricity Act” means the Electricity Act 1989(b); and

“the Gas Act” means the Gas Act 1986(c).

(3) In this Order (save where the context otherwise requires) references to sections and Schedules are references to sections of and Schedules to the Act.

Provisions of the Act commenced by this Order

2. Subject to articles 3 to 10, 16th May 2001 is the appointed day for the coming into force of the provisions of the Act listed in the first column of the Schedule to this Order for the purposes set out in the second column.

Transitional provisions

3. The commencement of section 30 for the purpose set out in the second column of the Schedule to this Order does not have the effect of substituting section 6 of the Electricity Act.

(a) 2000 c. 27.
(b) 1989 c. 29.
(c) 1986 c. 44.

4. The commencement of section 46(3) for the purpose set out in the second column of the Schedule to this Order does not have the effect of substituting section 19(2) of the Electricity Act.
5. The commencement of section 58 for the purpose set out in the second column of the Schedule to this Order does not have the effect of substituting section 42A of the Electricity Act.
6. The commencement of section 62 for the purpose set out in the second column of the Schedule to this Order does not have the effect of substituting section 32 of the Electricity Act.
7. The commencement of section 82(4) for the purpose set out in the second column of the Schedule to this Order does not have the effect of substituting section 23(12) of the Gas Act.
8. The commencement of section 94 for the purpose set out in the second column of the Schedule to this Order does not have the effect of substituting section 33D of the Gas Act.
9. The commencement of paragraph 13(a) of Schedule 6 for the purpose set out in the second column of the Schedule to this Order, does not have the effect of substituting section 33A(1) and (2) of the Gas Act.
10. The commencement of paragraph 32(a) of Schedule 6 for the purpose set out in the second column of the Schedule to this Order does not have the effect of substituting section 39(1) of the Electricity Act.

8th May 2001

Peter Hain,
Minister for Energy and Competitiveness in Europe,
Department of Trade and Industry

SCHEDULE

Article 2

PROVISIONS OF THE UTILITIES ACT 2000 COMING INTO FORCE ON 16TH MAY 2001

<i>Provisions of the Act</i>	<i>Purpose</i>
Section 30 (licences authorising supply etc. of electricity and procedures for licence applications)	For the purpose of enabling the Authority to make regulations prescribing— (i) the form and manner in which an application for a generation licence, transmission licence, distribution licence or supply licence, as defined in paragraph (a), (b), (c) or (d) of section 6(1)(a) of the Electricity Act or an application for the extension or restriction of a distribution or supply licence is to be made; (ii) the information, documents and any fee which should accompany any application; and (iii) the period within which, after the making of the application, the applicant shall publish a notice of the application and the manner of that publication
Section 32 (electricity licence conditions)	For the purpose of the determination by the Secretary of State of standard licence conditions pursuant to section 33(1)
Section 33(1) and (2) (standard conditions of electricity licences)	For all purposes
Section 35 (modification of standard conditions of licences)	For the purpose of enabling the Secretary of State to make an order prescribing the percentages referred to in paragraph (b) of section 11A(6)(b) of the Electricity Act and the weighting referred to in section 11A(7) of that Act
Section 46(1) and (3) to (5) (power to recover expenditure)	For the purpose of enabling the Secretary of State to consult with the Authority and to make regulations relating to the recovery and application of reasonably incurred expenditure by an electricity distributor as provided for in section 19(2) and (3)(c) of the Electricity Act
Section 52 (amendment to Schedule 7 to the Electricity Act)	For the purpose of giving effect to paragraphs 1, 3(1) and (2) and 4 of Schedule 5 to enable the Authority to make and the Secretary of State to consent to the making of regulations under paragraph 1(1A) of Schedule 7(d) to the Electricity Act
Section 54(2) (standards of performance in individual cases: electricity distributors)	For the purpose of enabling the Authority to make and the

(a) Section 6 of the Electricity Act is to be substituted by section 30 of the Act.

(b) Section 11A of the Electricity Act is to be inserted by section 35 of the Act.

(c) Section 19 of the Electricity Act is to be amended by section 46 of the Act.

(d) Schedule 7 to the Electricity Act is to be amended by section 52 and Schedule 5 to the Act.

<i>Provisions of the Act</i>	<i>Purpose</i>
	Secretary of State to consent to the making of regulations prescribing standards of performance in connection with the activities of electricity distributors as provided for in section 39A(a) of the Electricity Act and the person (where this is not the Authority) by whom a reference shall be determined and the practice and procedure to be followed in connection with any determination of any dispute arising under section 39(b) or 39A of the Electricity Act or regulations made under either of those sections, as provided for in section 39B(c) of the Electricity Act
Section 55 (overall standards of performance: electricity distributors)	For the purpose of enabling the Authority to determine and arrange for the publication of overall standards of performance in connection with the activities of electricity distributors as provided for in section 40A(1) and (2)(d) of the Electricity Act
Section 56 (procedures for prescribing or determining standards of performance)	For the purpose of enabling the Authority to comply with the procedures for prescribing or determining standards of performance required by section 40B(e) of the Electricity Act
Section 58 (information to be given to customers about overall performance)	For the purpose of enabling the Authority to make regulations as provided for in section 42A(f) of the Electricity Act
Section 62 (obligation in connection with electricity from renewable sources)	For the purpose of enabling the Secretary of State to undertake the consultation required by section 32(7)(g) of the Electricity Act before an order may be made by him under section 32(1) of that Act
Section 74(1) and (7) (gas licence conditions and procedures for licence applications)	For the purpose of enabling the Authority to make regulations prescribing— (i) the form and manner in which an application for the grant, extension or restriction of a licence under section 7(h) or 7A(i) of the Gas Act is to be made; (ii) the information, documents and fee which accompany any application; and

- (a) Section 39A of the Electricity Act is to be inserted by section 54(2) of the Act.
(b) Section 39 of the Electricity Act is to be amended by section 54(1), section 108, Schedule 6, paragraphs 24 and 32 and Schedule 8 to the Act.
(c) Section 39B of the Electricity Act is to be inserted by section 54(2) of the Act.
(d) Section 40A of the Electricity Act is to be inserted by section 55 of the Act.
(e) Section 40B of the Electricity Act is to be inserted by section 56 of the Act.
(f) Section 42A of the Electricity Act is to be substituted by section 58 of the Act.
(g) Section 32 of the Electricity Act is to be substituted by section 62 of the Act.
(h) Section 7 of the Gas Act is to be amended by section 108, Schedule 6, paragraphs 1 and 4 and Schedule 8 to the Act.
(i) Section 7A of the Gas Act is to be amended by section 108, Schedule 6, paragraphs 1 and 2 and Schedule 8 to the Act.

<i>Provisions of the Act</i>	<i>Purpose</i>
	(iii) the period within which, after the making of the application, the applicant should publish a notice of the application and the manner of that publication
Section 74(3) to (6) (gas licence conditions)	For the purpose of the determination by the Secretary of State of standard licence conditions pursuant to section 81(2)
Section 81(1) and (2) (standard conditions of gas licences)	For all purposes
Section 82(4) (modification of standard conditions of gas licences)	For the purpose of enabling the Secretary of State to make an order prescribing the percentages referred to in paragraph (b) of section 23(7)(a) of the Gas Act and the weighting referred to in section 23(8) of that Act
Section 90(2) (standards of performance in individual cases: gas transporters)	For the purpose of enabling the Authority to make and the Secretary of State to consent to the making of regulations prescribing standards of performance in connection with the activities of gas transporters as provided for in section 33AA(b) of the Gas Act and the person (where this is not the Authority) by whom a reference shall be determined and the practice and procedure to be followed in connection with any determination of any dispute arising under section 33A(c) or 33AA or regulations made under either of those sections, as provided for in section 33AB(d) of the Gas Act
Section 91 (overall standards of performance: gas transporters)	For the purpose of enabling the Authority to determine and arrange for the publication of overall standards of performance in connection with the activities of gas transporters as provided for in section 33BA(e) of the Gas Act
Section 92 (procedures for prescribing or determining standards of performance)	For the purpose of enabling the Authority to comply with the procedures for prescribing or determining standards of performance required by section 33BAA(f) of the Gas Act
Section 94 (information to be given to customers about overall performance)	For the purpose of enabling the Authority to make regulations as provided for in section 33D(g) of the Gas Act
Section 104 (specialist members of the Competition Commission)	For all purposes

(a) Section 23 of the Gas Act is to be amended by section 82(2) to (4) of the Act.

(b) Section 33AA of the Gas Act is to be inserted by section 90(2) of the Act.

(c) Section 33A of the Gas Act is to be amended by section 90(1), section 108, Schedule 6, paragraphs 1 and 13 and Schedule 8 to the Act.

(d) Section 33AB of the Gas Act is to be inserted by section 90(2) of the Act.

(e) Section 33BA of the Gas Act is to be inserted by section 91 of the Act.

(f) Section 33BAA of the Gas Act is to be inserted by section 92 of the Act.

(g) Section 33D of the Gas Act is to be substituted by section 94 of the Act.

<i>Provisions of the Act</i>	<i>Purpose</i>
In Schedule 5, paragraphs 1, 3(1) and (2) and 4 (electricity metering, amendment of Schedule 7 to the Electricity Act)	For the purpose of enabling the Authority to make and the Secretary of State to consent to the making of regulations under paragraph 1(1A) of Schedule 7 to the Electricity Act
In Schedule 6 (minor and consequential amendments to the Gas Act 1986)—	
paragraph 1	For the purpose of the entries in Part I of Schedule 6 referred to in this Order
paragraph 2(1) (in so far as it relates to section 7B of the Gas Act) and 5	For the purpose of the determination by the Secretary of State of standard licence conditions pursuant to section 81(1) and (2)
paragraph 13	For the purpose of enabling the Authority to make and the Secretary of State to consent to the making of regulations prescribing standards of performance in connection with the activities of gas suppliers as provided for in section 33A of the Gas Act
paragraph 24	For the purpose of the entries in Part II of Schedule 6 referred to in this Order
paragraph 32	For the purpose of enabling the Authority to make and the Secretary of State to consent to the making of regulations prescribing standards of performance in connection with the activities of electricity suppliers as provided for in section 39 of the Electricity Act
paragraph 33	For the purpose of enabling the Authority to determine and arrange for the publication of overall standards of performance in connection with the activities of electricity suppliers as provided for in section 40 of the Electricity Act(a)
In Schedule 7, paragraphs 1 to 23 (transitional provisions and savings)	For all purposes
In Schedule 8 (repeals) the entry relating to the House of Commons Disqualification Act 1975(b)	For the purpose of the reference to the Chairman of the Gas Consumers' Council

(a) Section 40 of the Electricity Act is to be amended by section 108, Schedule 6, paragraphs 24 and 33 and Schedule 8 to the Act.

(b) 1975 c. 24.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the fifth Commencement Order made under the Utilities Act 2000 (“the Act”).

Article 2 of the Order brings into force on 16th May 2001 those provisions of the Act listed in the Schedule to the Order for the purposes specified therein. These are principally enabling provisions to facilitate certain actions which need to be taken by the Secretary of State or the Gas and Electricity Markets Authority (“the Authority”) prior to the commencement of other provisions of the Act which make changes to the licensing regimes for gas and electricity.

Article 2 commences for certain purposes sections 30 and 74(1) and (7) of the Act enabling the Authority to make regulations prescribing the procedures relating to and content of licence applications in respect of (in the case of section 30) electricity and (in the case of section 74(1) and (7)) gas. Sections 32, 33(1) and (2), 74(3) to (6) and 81(1) and (2) which are also commenced (in some cases for certain purposes only) enable the Secretary of State to determine standard licence conditions which will be included in future electricity and gas licences (including those which will result from licensing schemes made under Schedule 7 to the Act). Article 2 also commences sections 35 (in relation to electricity) and 82(4) (in relation to gas) so as to enable the Secretary of State to exercise his order making powers to prescribe certain thresholds and weighting provisions in respect of the modification of standard conditions of licences. Section 46 enables the Secretary of State to consult and make regulations relating to aspects of connection expenses, whilst section 52 and Schedule 5, paragraphs 1, 3(1) and (2) and 4 permit the making of certain regulations relating to electricity metering. Article 2 also commences sections 54(2), 55, 56 and 58 of the Act and certain provisions of Schedule 6, enabling requirements in respect of standards of performance (both individual and overall) in relation to electricity to be in place at the same time as provisions making the principal changes to the electricity licensing regime take effect. Sections 90(2), 91, 92 and 94 which achieve the same in the case of gas licensing are also commenced by article 2. Section 62 is also commenced by article 2 for the purpose of enabling consultation by the Secretary of State in relation to the new renewables obligation.

Further, certain minor, consequential and transitional provisions (including paragraphs 1 to 23 of Schedule 7 which provide for the making of transfer, licensing and former tariff customer schemes) and repeals are commenced by article 2.

The transitional provisions in articles 3 to 10 make it clear that the commencement for certain purposes of the provisions referred to in those articles is without prejudice to the continuation in force of those existing provisions of the Electricity Act 1989 and Gas Act 1986 referred to in those articles.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Utilities Act 2000 have been brought into force by commencement orders made before the date of this Order—

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 1(1), (2) and (4)	1.11.2000	2000/2917
Section 2—		
subsections (1), (2) and (4)	1.11.2000	2000/2917
subsection 3	7.11.2000	2000/2974
Section 3—		
subsections (1) and (2)	20.12.2000	2000/3343
subsections (3) to (5) and (8)	1.11.2000	2000/2917
subsections (6) and (7)	7.11.2000	2000/2974
Section 4—		
(partially)	7.11.2000	2000/2974
(for all remaining purposes)	20.12.2000	2000/3343
Section 5—		
subsections (1) to (9)	20.12.2000	2000/3343
subsection (10) (partially)	20.12.2000	2000/3343
Sections 6 to 16	20.12.2000	2000/3343
Section 17	7.11.2000	2000/2974
Section 18—		
subsections (1) to (4) and (7)	7.11.2000	2000/2974
subsections (5) and (6)	20.12.2000	2000/3343
Section 19—		
subsections (1) to (3), (4)(a), (5) and (6)	7.11.2000	2000/2974
subsection (4)(b)	20.12.2000	2000/3343
Section 20—		
subsections (1) to (4)	7.11.2000	2000/2974
subsections (5) and (6) (partially)	7.11.2000	2000/2974
Section 21—		
subsections (1) to (3), (4)(a) and (5)	7.11.2000	2000/2974
subsection (4)(b)	20.12.2000	2000/3343
Sections 22 and 23	7.11.2000	2000/2974
Section 24—		
subsections (1) to (3)—		
(partially)	7.11.2000	2000/2974
(for all remaining purposes)	20.12.2000	2000/3343
subsection (4)	20.12.2000	2000/3343
Sections 25 and 26	20.12.2000	2000/3343
Section 27—		
(partially)	29.9.2000	2000/2412
subsections (1) and (3) to (7) for all remaining purposes	7.11.2000	2000/2974
subsection (2) (for all remaining purposes)	20.12.2000	2000/3343
Section 28(3)(a)—		
(partially)	7.11.2000	2000/2974
(partially)	20.12.2000	2000/3343
Section 32		
subsection (1) (partially)	20.12.2000	2000/3343
subsection (2)	20.12.2000	2000/3343
Section 51(2) (partially)	20.12.2000	2000/3343
Section 59(1) (partially)	20.12.2000	2000/3343
Section 66	21.11.2000	2000/2412
Section 67	29.9.2000	2000/2412
Section 74—		
subsection (1) (partially)	20.12.2000	2000/3343
subsection (3)	20.12.2000	2000/3343
Section 95(1) (partially)	20.12.2000	2000/3343

<i>Provision</i>	<i>Date of commence- ment</i>	<i>S.I. No.</i>
Section 100	20.12.2000	2000/3343
Section 105—		
(except subsection (8)(b))	7.11.2000	2000/2974
subsection (8)(b)	20.12.2000	2000/3343
Sections 106 and 107	29.9.2000	2000/2412
Section 108 (partially)	20.12.2000	2000/3343
Section 109	29.9.2000	2000/2412
Schedule 1	1.11.2000	2000/2917
Schedule 2—		
paragraphs 1 to 9 and 15 to 17	1.11.2000	2000/2917
paragraphs 10 to 14	7.11.2000	2000/2974
Schedule 3	1.11.2000	2000/2917
Schedule 4 (partially)	20.12.2000	2000/3343
Schedule 6—		
paragraph 1—		
(partially)	7.11.2000	2000/2974
(partially)	20.12.2000	2000/3343
paragraph 5	7.11.2000	2000/2974
paragraph 8—		
sub-paragraph (1) (partially)	20.12.2000	2000/3343
sub-paragraph (3)	20.12.2000	2000/3343
paragraph 11	20.12.2000	2000/3343
paragraphs 12(f) and 15	7.11.2000	2000/2974
paragraph 17	20.12.2000	2000/3343
paragraph 19(a) (partially)	7.11.2000	2000/2974
paragraph 22—		
sub-paragraph (a)	20.12.2000	2000/3343
sub-paragraph (b)	7.11.2000	2000/2974
paragraph 24—		
(partially)	7.11.2000	2000/2974
(partially)	20.12.2000	2000/3343
paragraphs 25 and 27	20.12.2000	2000/3343
paragraph 28 (partially)	7.11.2000	2000/2974
paragraph 29	20.12.2000	2000/3343
paragraph 35	7.11.2000	2000/2974
paragraph 38(2) (partially)	7.11.2000	2000/2974
paragraph 40—		
sub-paragraph (a)	20.12.2000	2000/3343
sub-paragraph (b)	7.11.2000	2000/2974
paragraphs 42 to 44	1.11.2000	2000/2917
paragraph 45—		
(partially)	1.11.2000	2000/2917
(for all remaining purposes)	7.11.2000	2000/2974
Schedule 7—		
paragraphs 24 and 25	7.11.2000	2000/2974
paragraph 26	1.11.2000	2000/2917
paragraph 27	20.12.2000	2000/3343
paragraphs 28 and 30 to 32	7.11.2000	2000/2974
Schedule 8, the entries relating to—		
Parliamentary Commissioner Act 1967 (c. 13)	7.11.2000	2000/2974
Chronically Sick and Disabled Persons Act 1970 (c. 44)	7.11.2000	2000/2974
House of Commons Disqualification Act 1975 (c. 24) (partially)	7.11.2000	2000/2974
Northern Ireland Assembly Disqualification Act 1975 (c. 25) (partially)	7.11.2000	2000/2974
Gas Act 1986 (c. 44)—		
(partially)	7.11.2000	2000/2974
section 39 (partially)	20.12.2000	2000/3343

<i>Provision</i>	<i>Date of commence- ment</i>	<i>S.I. No.</i>
Electricity Act 1989 (c. 29)— (partially)	7.11.2000	2000/2974
section 50 (partially)	20.12.2000	2000/3343

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