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STATUTORY INSTRUMENTS

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**2011 No. 2704**

**The Electricity and Gas (Internal Markets) Regulations 2011**

**PART 7**

**Regulatory authority**

*Designation, reporting and members*

**Designation of the Gas and Electricity Markets Authority as the regulatory authority for Great Britain**

**22.** After section 3 of the Utilities Act 2000(1) insert—

**“3A Designation of Authority as regulatory authority for Great Britain**

(1) The Authority is designated as the regulatory authority for Great Britain in accordance with Article 35 of the Electricity Directive and Article 39 of the Gas Directive.

(2) The Authority must ensure that members of its staff do not—

- (a) seek or take any instructions that might compromise, or might reasonably be seen to compromise, the Authority’s independence 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, the impartiality of those members of staff.

(3) If a representative of the Authority is appointed under Article 13(2) of the Agency Regulation to represent the United Kingdom on the Board of Regulators of the Agency, the Authority must—

- (a) in advance of any meeting of the Board, ensure that the designated regulatory authority for Northern Ireland is given access to any documents and other information that the Authority has access to in relation to that meeting;
- (b) provide that authority with an opportunity to make representations in respect of those documents or that information;
- (c) have regard to any representations so made; and
- (d) notify that authority of the matters discussed and decisions taken by the Board.”.