
STATUTORY INSTRUMENTS

2013 No. 1389

**The Electricity and Gas (Market Integrity and
Transparency) (Enforcement etc.) Regulations 2013**

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations 2013 and come into force on 29th June 2013.

(2) These Regulations do not extend to Northern Ireland.

Interpretation

2. In these Regulations—

“the Authority” means the Gas and Electricity Markets Authority;

“chief executive”, in relation to a body corporate, means an employee of that body who, alone or jointly with one or more others, is responsible under the immediate authority of the directors, for the conduct of the whole of the business of that body;

“director”, in relation to a body corporate, includes—

(a) a person occupying in relation to it the position of a director (by whatever name called);
and

(b) a person in accordance with whose directions or instructions (not being advice given in a professional capacity) the directors of that body are accustomed to act;

“documents” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form, or in a form from which it can readily be produced in visible and legible form;

“investigation” means an investigation conducted in accordance with regulation 10;

“premises” has the same meaning as in section 23 of the Police and Criminal Evidence Act 1984^{M1};

“regulated person” has the meaning given in regulation 3;

[^{F1}“regulation 39 requirement” means a prohibition against publication imposed by regulation 39 on any person to whom the Authority has given or copied a warning or decision notice;]

[^{F2}“REMIT” means—

- (a) in relation to anything done before IP completion day, Regulation (EU) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency, as it applied immediately before IP completion day;
 - (b) in relation to anything done on or after IP completion day, that Regulation as it applies in the law of the United Kingdom on or after IP completion day;]
- “REMIT requirement” has the meaning given in regulation 4;
- “the Tribunal” means the Upper Tribunal;
- “wholesale energy market” has the same meaning as in REMIT.

Textual Amendments

- F1** Words in reg. 2 inserted (1.7.2015) by [The Electricity and Gas \(Market Integrity and Transparency\) \(Enforcement etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/862\)](#), regs. 1(1), **7**
- F2** Words in reg. 2 substituted (31.12.2020) by [The Electricity and Gas \(Market Integrity and Transparency\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/534\)](#), regs. 1(2), **3(2)** (as amended by S.I. 2020/1016, regs. 1(2), **7(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Marginal Citations

- M1** [1984 c. 60](#); section 23 was amended by section 103(2) of the [Energy Act 2004 \(c. 20\)](#).

Regulated person

- 3.—(1) “Regulated person” means any person who is—
- (a) a market participant; or
 - (b) a person subject to an obligation imposed by Article 15 of REMIT.
- (2) In this regulation, “market participant” has the same meaning as in REMIT.

REMIT requirement

4. “REMIT requirement” means a requirement imposed by any of the following Articles of REMIT—
- (a) Article 3(1) and (5) (prohibition of insider trading);
 - (b) Article 4(1), (2) and (3) (obligation to publish inside information);
 - (c) Article 5 (prohibition of market manipulation);
 - [^{F3}(ca) Article 8(1) and (5) (data collection);
 - (cb) Article 9(1), (4) and (5) (registration of market participants);]
 - (d) Article 15 (obligations of persons professionally arranging transactions).

Textual Amendments

- F3** Reg. 4(ca)(cb) inserted (1.7.2015) by [The Electricity and Gas \(Market Integrity and Transparency\) \(Enforcement etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/862\)](#), regs. 1(1), **8**

Application to the Crown etc

5. Schedule 1 (application to the Crown etc) has effect.

Service of notices

6. Schedule 2 (service of notices) has effect.

Changes to legislation:

There are currently no known outstanding effects for the The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations 2013, PART 1.