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STATUTORY INSTRUMENTS

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**2019 No. 530**

**EXITING THE EUROPEAN UNION  
ENERGY**

**The Electricity and Gas etc. (Amendment  
etc.) (EU Exit) Regulations 2019**

*Made - - - - 15th March 2019*

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 <sup>M1</sup>.

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**Marginal Citations**

**M1** 2018 c. 16.

PROSPECTIVE

VALID FROM 31/12/2020

**PART 1**

Preliminary

**Citation, commencement <sup>[F1]</sup>, extent and interpretation]**

1.—(1) These Regulations may be cited as the Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

(2) An amendment, repeal or revocation made by Part 2, 3, or 4 of these Regulations has the same extent as the provision being amended, repealed or revoked.

**Status:** Point in time view as at 15/09/2020. This version of this

Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

[<sup>F2</sup>(3) In these Regulations, “the Electricity Regulation” means Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast) and “predecessor”, in relation to that Regulation, means Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network of cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003.]

#### Textual Amendments

- F1** Words in reg. 1 heading substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(2)(a)**
- F2** Reg. 1(3) inserted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(2)(b)**

#### Commencement Information

- I1** Reg. 1 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

VALID FROM 31/12/2020

## PART 2

### Amendment of primary legislation

#### Energy Act 1976

2. The Energy Act 1976 <sup>M2</sup> is amended as follows.

#### Commencement Information

- I2** Reg. 2 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

- M2** [1976 c. 76](#). Relevant amendments were made by [S.I. 2011/1043](#).

3. In section 3 (implementation of reserve powers), in subsection (1)(a), omit “the European Union or”.

#### Commencement Information

- I3** Reg. 3 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

4. In section 18 (administration, enforcement and offences), in subsection (2)—  
(a) omit paragraph (c) and the “or” following it;

(b) omit paragraph (d)(i) and the “or” following it.

**Commencement Information**

**I4** Reg. 4 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

5.—(1) Schedule 2 (administration and other matters) is amended as follows.

(2) In paragraph 1 (power to obtain information), in sub-paragraph (2), omit “the European Union or”.

(3) In paragraph 7 (non-disclosure of information), in paragraph (c), omit “to any institution of the European Union, or”.

**Commencement Information**

**I5** Reg. 5 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

6. Omit Schedule 3 (EU obligations of which breach is punishable under this Act).

**Commencement Information**

**I6** Reg. 6 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**Gas Act 1986**

7. The Gas Act 1986<sup>M3</sup> is amended as follows.

**Commencement Information**

**I7** Reg. 7 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**Marginal Citations**

**M3** 1986 c. 44. Relevant amendments were made by the [Utilities Act 2000 \(c. 27\)](#) sections 9 and 12, the [Energy Act 2010 \(c. 27\)](#) section 16, and by [S.I. 2000/1937](#), 2009/1349, 2011/1043, 2011/2704 and 2014/3333.

8.—(1) Section 4AA (the principal objective and general duties of the Secretary of State and the Gas and Electricity Markets Authority) is amended as follows.

(2) In subsection (1A)(c)—

(a) for “functions as designated regulatory authority for Great Britain” substitute “designated regulatory functions”;

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(b) for the words from “objectives” to “Directive” substitute “ designated regulatory objectives ”.

(3) In subsection (5B), at the appropriate place insert—

““the designated regulatory objectives” means the objectives set out in Article 40(c) to (h) of the Gas Directive but read with the following modifications—

(a) in Article 40(c), for the words from “between” to the end substitute “ , including enabling the development of appropriate cross-border transmission capacities to meet demand; ”,

(b) in Article 40(d), omit “ , in line with general energy policy objectives;”,

(c) in Article 40(f), omit “and foster market integration”, and

(d) in Article 40(g), for “their national market” substitute “ the energy market in Great Britain ”;”.

#### Commencement Information

**I8** Reg. 8 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**9.** In section 4B (exceptions from sections 4AA to 4A), in subsection (4), after “any”, in the second place it occurs, insert “ retained ”.

#### Commencement Information

**I9** Reg. 9 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**10.—(1)** Section 4C (duty of the Gas and Electricity Markets Authority as regards binding decisions of the Agency or European Commission) is amended as follows.

(2) Renumber the existing section as subsection (1).

(3) After subsection (1) insert—

“(2) For the purposes of subsection (1), a binding decision does not include a decision that is not, or so much of a decision as is not, retained EU law.”.

#### Commencement Information

**I10** Reg. 10 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**11.—(1)** Section 4D (Gas and Electricity Markets Authority to consult and cooperate with other authorities) is amended as follows.

(2) In subsection (1)—

(a) for “functions as designated regulatory authority for Great Britain” substitute “ designated regulatory functions ”;

- (b) in paragraph (a), for the words from “Agency” to “States” substitute “ Northern Ireland Authority ”;
- (c) in paragraph (b)—
  - (i) for the words from “Agency and” to “States” substitute “ Northern Ireland Authority ”;
  - (ii) for “they” substitute “ it ”;
  - (iii) for the words from “their” to “to gas” substitute “ its designated regulatory functions ”.
- (3) In subsection (2)—
  - (a) for the words from “designated” to “Britain” substitute “ Northern Ireland Authority ”;
  - (b) omit “ , within that region, ”;
  - (c) omit paragraph (a);
  - (d) in paragraph (d)—
    - (i) for “cross-border trade in gas” substitute “ trade in gas between Great Britain and Northern Ireland ”;
    - (ii) for “cross-border capacity” substitute “ capacity between Great Britain and Northern Ireland ”;
  - (e) omit paragraph (f) (but not the “and” following it).
- (4) In subsection (3)—
  - (a) omit the definition of “network code”;
  - (b) omit the definition of “region” and the “and” following it.

#### **Commencement Information**

- 111** Reg. 11 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

- 12.** In section 8D (application for certification), in subsection (3)—
- (a) omit “on or after 3 March 2013”;
  - (b) for “third country”, in both places, substitute “ country outside the United Kingdom ”;
  - (c) in paragraph (a), omit “and the European Commission”;
  - (d) in paragraph (b)—
    - (i) omit “to the Secretary of State”;
    - (ii) omit “or any other EEA state”.

#### **Commencement Information**

- 112** Reg. 12 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

- 13.—(1)** Section 8E (report where applicant connected with a country outside the European Economic Area) is amended as follows.

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- (2) In the heading, for “European Economic Area” substitute “ United Kingdom ”.
- (3) In subsection (1), for “third country”, in both places, substitute “ country outside the United Kingdom ”.
- (4) In subsection (2), omit “or any other EEA state”.
- (5) In subsection (5)(b), omit “third”.

#### Commencement Information

**I13** Reg. 13 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**14.** Notwithstanding the amendments of sections 8D and 8E of the Gas Act 1986 made by regulations 12 and 13, if an application under section 8D is made before [<sup>F3</sup>IP completion day] and the applicant is a person from an EEA state or a person controlled by a person from an EEA state—

- (a) the Gas and Electricity Markets Authority is not required to notify the Secretary of State of the application under section 8D(3), and
- (b) the Secretary of State is not required to prepare a report under section 8E in relation to the application.

#### Textual Amendments

**F3** Words in [reg. 14](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(3)**

#### Commencement Information

**I14** Reg. 14 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

- 15.—**(1) Section 8F (certification) is amended as set out in paragraphs (2) to (5).
- (2) In subsection (1)—
    - (a) omit “preliminary”;
    - (b) for “it should” substitute “ to ”.
  - (3) In subsection (4)—
    - (a) omit “preliminary”;
    - (b) after paragraph (a) insert “ and ”;
    - (c) omit paragraph (c) and the “and” before it.
  - (4) Omit subsections (5) to (8).
  - (5) After subsection (8) insert—
 

“(9) The Authority must publish its decision to certify or to refuse to certify the applicant, together with the reasons for it, in such manner as it considers appropriate.”.
  - (6) Where, immediately before [<sup>F4</sup>IP completion day], the Gas and Electricity Markets Authority has made a preliminary decision under section 8F of the Gas Act 1986 on an application for certification, but not a final decision under Article 3 of Regulation [\(EC\) No](#)

715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005, the Authority's preliminary decision is to be treated on and after [F<sup>4</sup>IP completion day] as if it were a final decision under Article 3 made immediately before [F<sup>4</sup>IP completion day].

(7) If a preliminary decision of the Gas and Electricity Markets Authority is treated as a final decision to certify, or to refuse to certify, an applicant because of paragraph (6), the Authority must publish, in such manner as it considers appropriate, a document setting out that decision and the reasons for it.

#### Textual Amendments

**F4** Words in reg. 15(6) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), 3(4)

#### Commencement Information

**I15** Reg. 15 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**16.—**(1) Section 8G (grounds for certification) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a)—

(i) omit “preliminary”;

(ii) for “an applicant should be certified” substitute “to certify an applicant”;

(b) omit paragraph (b).

(3) In subsection (2)—

(a) omit “decide that the applicant should be certified, or”;

(b) omit “six”.

(4) Omit subsection (6).

(5) In subsection (7)(b), for the words from “requirement” to the end substitute—

“requirement—

(i) in accordance with Article 36 of the Gas Directive (new infrastructure) before [F<sup>5</sup>IP completion day] and remains entitled to the benefit of it, or

(ii) on the basis set out in Article 36(1) to (3) and (6) of the Gas Directive and remains entitled to the benefit of it.”.

(6) In subsection (9)—

(a) omit paragraph (a);

(b) in paragraph (b)—

(i) omit “must not decide that the applicant should be certified, and”;

(ii) omit “or any other EEA state”;

(c) omit paragraph (c).

(7) After subsection (9) insert—

“(10) For the purposes of subsection (4), Article 9(9) of the Gas Directive is to be treated as if the comparison with the provisions of Chapter 4 of the Gas Directive were

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a comparison with the provisions of Chapter 4 as they applied in relation to a member State immediately before [<sup>F6</sup>IP completion day].

(11) The references in subsection (5) to Article 14(1) and (2) of the Gas Directive are to be treated as references to those provisions with the following modifications—

[<sup>F7</sup>(a) Article 14(1) is to be read as if the second and third sentences were omitted;]

(b) Article 14(2)(b) is to be read as if after “Article 13” there were inserted—  
“as implemented in relation to Great Britain immediately before [<sup>F6</sup>IP completion day], disregarding for this purpose—

(i) paragraph 2,

(ii) paragraph 3 so far as relating to Article 41(6)(c), and

(iii) paragraph 4 except as it relates to such minimum standards, if any, as apply in Great Britain”;

(c) Article 14(2)(e) is to be read as if—

(i) for “Regulation (EC) No 715/2009” there were substituted “ the Gas Regulation ”, and

(ii) the words from “including” to the end were omitted.”.

#### Textual Amendments

**F5** Words in reg. 16(5) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(5)(a)**

**F6** Words in reg. 16(7) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(5)(b)(i)**

**F7** Words in reg. 16(7) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(5)(b)(ii)**

#### Commencement Information

**I16** Reg. 16 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**17.**—(1) Section 8J (designation for the purposes of EU gas legislation) is amended as set out in paragraphs (2) to (5).

(2) In the heading, for “EU gas legislation” substitute “ the Gas Regulation ”.

(3) In subsection (2)—

(a) omit “fourth,”;

(b) for the words from “Article” to “operators)” substitute “ the Gas Regulation ”.

(4) In subsection (3), for “that Article” substitute “ the Gas Regulation ”.

(5) In subsection (4)—

(a) after paragraph (a) insert “ and ”;

(b) omit paragraph (c) and the “and” preceding it.

(6) A person who is designated as a gas transmission system operator under section 8J of the Gas Act 1986 for the purposes of Article 10(2) of the Gas Directive immediately before [<sup>F8</sup>IP completion day] is to be treated, on and after [<sup>F8</sup>IP completion day], as a person who is designated as a gas transmission system operator under section 8J for the purposes of the Gas



Regulation, if and for so long as the person designated or (as the case may be) the person who nominated the person designated continues on and after<sup>F8</sup>IP completion day] to hold a licence under section 7 or 7A of the Gas Act 1986 and to be certified under section 8F of that Act.

(7) In paragraph (6)—

“the Gas Directive” means Directive [2009/73/EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive [2003/55/EC](#)<sup>M4</sup><sup>F9</sup>, as amended by Directive (EU) 2019/692 of the European Parliament and of the Council of 17 April 2019];

“the Gas Regulation” means Regulation (EC) No [715/2009](#) of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No [1775/2005](#).

#### Textual Amendments

**F8** Words in [reg. 17\(6\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), [3\(6\)\(a\)](#)

**F9** Words in [reg. 17\(7\)](#) inserted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), [3\(6\)\(b\)](#)

#### Commencement Information

**I17** Reg. 17 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M4** O.J. L 211, 14.8.2009, p. 94.

**18.**—(1) Section 8K (monitoring and review of certification) is amended as follows.

(2) In subsection (2)—

(a) omit “on or after 3 March 2013,”;

(b) for “third country” substitute “country outside the United Kingdom”;

(c) in paragraph (a), omit “and the European Commission”;

(d) in paragraph (b), omit “or any other EEA state”.

(3) Omit subsections (3) and (4).

(4) In subsection (5), omit “also”.

(5) In subsection (10), omit “(4),”.

#### Commencement Information

**I18** Reg. 18 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**19.**—(1) Section 8M (report as to any connection of certified person with a country outside the European Economic Area) is amended as follows.

(2) In the heading, for “outside the European Economic Area” substitute “outside the United Kingdom”.

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(3) In subsection (2), omit “or any other EEA state”.

(4) In subsection (5)(b), omit “third”.

#### Commencement Information

**I19** Reg. 19 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**20.**—(1) Notwithstanding the amendments of sections 8K and 8M of the Gas Act 1986 made by regulations 18 and 19, if and for so long as the condition in paragraph (2) is satisfied in relation to the person—

- (a) the Gas and Electricity Markets Authority is not required to notify the Secretary of State under section 8K(2) about a person from a country outside the United Kingdom who has taken control of a certified person before [<sup>F10</sup>IP completion day], and
- (b) the Secretary of State is not required to prepare a report under section 8M in relation to the certified person.

(2) The condition is that the person was a person from an EEA state at the time of taking control and has continued to be such a person.

#### Textual Amendments

**F10** Words in [reg. 20\(1\)\(a\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), [3\(7\)](#)

#### Commencement Information

**I20** Reg. 20 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**21.**—(1) Section 8N (continuation or withdrawal of certification) is amended as set out in paragraphs (2) to (9).

(2) In subsection (1)—

- (a) for “8K(3) or (5)” substitute “ 8K(5) ”;
- (b) for “8K(4) or (6)” substitute “ 8K(6) ”;
- (c) in paragraph (a)—
  - (i) omit “preliminary”;
  - (ii) for “that the certification should be continued” substitute “ to continue the certification ”;
- (d) in paragraph (b)—
  - (i) omit “preliminary”;
  - (ii) for “that the certification should be withdrawn” substitute “ to withdraw the certification ”.

(3) In subsection (2)—

- (a) omit “preliminary”;

- (b) for “that the certification should be continued” substitute “ to continue the certification ”.
- (4) In subsection (3)—
- (a) in paragraph (a)—
- (i) omit “preliminary”;
- (ii) for “that the certification should be continued” substitute “ to continue the certification ”;
- (b) in paragraph (b)—
- (i) omit “preliminary”;
- (ii) for “that the certification should be withdrawn” substitute “ to withdraw the certification ”.
- (5) In subsection (4)—
- (a) omit “preliminary”;
- (b) for “that the certification should be continued” substitute “ to continue the certification ”.
- (6) In subsection (5)—
- (a) omit “preliminary”;
- (b) omit paragraph (b) and the “and” before it.
- (7) Omit subsections (6) to (9).
- (8) After subsection (9) insert—
- “(9A) The Authority must publish its decision to continue a certification, or to withdraw a certification, together with the reasons for it, in such manner as it considers appropriate.”.
- (9) In subsection (10)—
- (a) in the words before paragraph (a), for “8G(9)(a) and (b)” substitute “ 8G(9)(b) ”;
- (b) in paragraph (a), for “8G(9)(a) and (b)” substitute “ 8G(9)(b) ”.
- (10) Where, immediately before [F11IP completion day], the Gas and Electricity Markets Authority has made a preliminary decision under section 8N of the Gas Act 1986 on a review under section 8K(5) or (8), but not a final decision under Article 3 of Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005, the Authority's preliminary decision is to be treated on and after [F11IP completion day] as if it were a final decision under Article 3 made immediately before [F11IP completion day].
- (11) If a preliminary decision of the Gas and Electricity Markets Authority is treated as a final decision to continue a certification, or to withdraw a certification, because of paragraph (10), the Authority must publish, in such manner as it considers appropriate, a document setting out that decision and the reasons for it.

#### Textual Amendments

- F11** Words in reg. 21(10) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(8)**

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#### Commencement Information

**I21** Reg. 21 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

- 22.** In section 8Q (interpretation of sections 8C to 8Q), in subsection (1)—
- (a) in the definition of “certified”, for the words from “taken” to “certified) by” substitute “certified by”;
  - (b) in the definition of “person from a third country”, for “third country”, in both places, substitute “country outside the United Kingdom”;
  - (c) omit the definition of “third country”.

#### Commencement Information

**I22** Reg. 22 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

- 23.—**(1) Section 8R (independence of storage facilities) is amended as follows.
- (2) In subsection (2), for “an EEA state” substitute “the United Kingdom”.
  - (3) In subsection (3), for “an EEA state” substitute “the United Kingdom”.
  - (4) In subsection (4), for “an EEA state” substitute “the United Kingdom”.

#### Commencement Information

**I23** Reg. 23 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

- 24.** In section 19A (application of section 19B to storage facilities), omit subsection (2C).

#### Commencement Information

**I24** Reg. 24 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**25.—**(1) Section 19AA (review and revocation of exemptions under section 19A) is amended as follows.

- (2) In the heading, omit “Review and”.
- (3) Omit subsection (1).
- (4) Omit subsection (2).
- (5) In subsection (4)—
  - (a) in paragraph (a)—
    - (i) after “if” insert “before [F12IP completion day]”;

- (ii) after “(1)” insert “ (as it then had effect) ”;
- (b) in paragraph (b), after “if,” insert “ before [F12IP completion day] and ”;
- (c) for paragraph (c) substitute—
  - “(c) if—
    - (i) before [F12IP completion day] the Authority sent the European Commission a copy of the exemption and terms under subsection (1) (as it then had effect), and
    - (ii) the European Commission does not act as described in paragraph (a) or (b) before [F12IP completion day],the date 4 months after the Authority sent the European Commission a copy of the exemption and terms under subsection (1) or [F12IP completion day], whichever is the sooner;”;
- (d) after paragraph (c) insert—
  - “(d) if the decision to give the exemption was published under section 19A(11) on or after [F12IP completion day], the date on which the decision was published under section 19A(11).”.

#### Textual Amendments

- F12** Words in [reg. 25\(5\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(9\)](#)

#### Commencement Information

- I25** Reg. 25 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

- 26.** In section 19C (application of section 19D to LNG facilities), omit subsection (2C).

#### Commencement Information

- I26** Reg. 26 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**27.—**(1) Section 19CA (review and revocation of exemptions under section 19C) is amended as follows.

- (2) In the heading, omit “Review and”.
- (3) Omit subsection (1).
- (4) Omit subsection (2).
- (5) In subsection (4)—
  - (a) in paragraph (a) —
    - (i) after “if” insert “ before [F13IP completion day] ”;
    - (ii) after “(1)” insert “ (as it then had effect) ”;
  - (b) in paragraph (b), after “if,” insert “ before [F13IP completion day] and ”;

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(c) for paragraph (c) substitute—

“(c) if—

(i) before [F13IP completion day] the Authority sent the European Commission a copy of the exemption and terms under subsection (1) (as it then had effect), and

(ii) the European Commission does not act as described in paragraph (a) or (b) before [F13IP completion day],

the date 4 months after the Authority sent the European Commission a copy of the exemption and terms under subsection (1) or [F13IP completion day], whichever is the sooner;”;

(d) after paragraph (c) insert—

“(d) if the decision to give the exemption was published under section 19C(10) on or after [F13IP completion day], the date on which the decision was published under section 19C(10).”.

#### Textual Amendments

**F13** Words in reg. 27(5) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(10)**

#### Commencement Information

**I27** Reg. 27 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**28.—**(1) Section 19D (acquisition of rights to use LNG facilities) is amended as follows.

(2) In subsection (11B), for the words from “, within” to “that paragraph;” substitute “ which applies to the owner; ”.

(3) After subsection (12) insert—

“(13) An obligation is a public service obligation for the purposes of this section if—

(a) it is imposed by or under a provision of an Act, and

(b) the provision is identified in a notice issued by the Secretary of State as a provision imposing, or enabling the imposition of, a public service obligation within the meaning of Article 3(2) of the Gas Directive (as it had effect immediately before [F14IP completion day]).

(14) For the purposes of subsection (13), the reference to Article 3(2) is to be read as if the reference in that provision to natural gas undertakings of the Community were a reference to natural gas undertakings of the United Kingdom.”.

#### Textual Amendments

**F14** Words in [reg. 28\(3\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(11)**

**Commencement Information**

**I28** Reg. 28 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**29.**—(1) Section 19DZA (duty to allow others to use LNG import or export facilities: exemptions in relation to take-or-pay commitments) is amended as follows.

(2) In subsection (5)(b)(ii), for the words from “, within” to “that paragraph;” substitute “ which applies to the owner; ”.

(3) After subsection (5) insert—

“(5A) In subsection (5)(b)(ii) “public service obligation” has the same meaning as in section 19D.”.

(4) Omit subsection (7).

(5) Omit subsection (9).

**Commencement Information**

**I29** Reg. 29 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**30.** In the italic heading preceding section 27B, for “Article 41 Disputes” substitute “Section 27B disputes ”.

**Commencement Information**

**I30** Reg. 30 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**31.**—(1) Section 27B (meaning of “Article 41 dispute”) is amended as follows.

(2) In the title, for “ “Article 41” substitute “ “section 27B”.

(3) In subsection (1)—

(a) for “an “Article 41 dispute”” substitute “ a “section 27B dispute” ”;

(b) in paragraph (b), for the words from “under” to “Directive” substitute “ which falls within subsection (2A) ”.

(4) After subsection (2) insert—

“(2A) An obligation of the person complained against falls within this subsection if it is—

(a) an obligation under a relevant condition or relevant requirement in relation to that person imposed before [<sup>F15</sup>IP completion day] for the purpose of implementing the Gas Directive, including such an obligation as modified on or after [<sup>F15</sup>IP completion day], or

(b) an obligation under a relevant condition or relevant requirement in relation to that person imposed on or after [<sup>F15</sup>IP completion day] which, if it had

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been imposed immediately before [<sup>F15</sup>IP completion day], would have been an obligation imposed for the purpose of implementing the Gas Directive.”.

#### Textual Amendments

**F15** Words in [reg. 31\(4\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(12)**

#### Commencement Information

**I31** Reg. 31 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

- 32.**—(1) Section 27C (determination of disputes) is amended as follows.
- (2) In subsection (1), for “An Article 41” substitute “ A section 27B ”.
- (3) In subsection (2), for “An Article 41” substitute “ A section 27B ”.
- (4) In subsection (3), for “an Article 41” substitute “ a section 27B ”.

#### Commencement Information

**I32** Reg. 32 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

- 33.**—(1) Section 27D (time limit for determinations) is amended as follows.
- (2) In subsection (1), for “an Article 41” substitute “ a section 27B ”.
- (3) In subsection (4)(a), for “an Article 41” substitute “ a section 27B ”.

#### Commencement Information

**I33** Reg. 33 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**34.**—(1) Section 34 (general functions of the Gas and Electricity Markets Authority) is amended as follows.

- (2) In subsection (2A)—
- (a) in paragraph (b), for “and (r) to” substitute “ , (r) and ”;
- (b) omit paragraph (d) (but not the “and” following it).
- (3) After subsection (2A) insert—
- “(2B) For the purposes of subsection (2A)(c), the reference to Article 41(3)(a) is to be read as if the reference in that provision to Article 41 were a reference to Article 41 as implemented in Great Britain immediately before [<sup>F16</sup>IP completion day].”.



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#### Textual Amendments

**F16** Words in [reg. 34\(3\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(13)**

#### Commencement Information

**I34** Reg. 34 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**35.**—(1) In section 48 (interpretation of Part 1 and savings), subsection (1) is amended as follows.

(2) Omit the definition of “designated regulatory authority”.

(3) Omit the definition of “designated regulatory authority for Great Britain”.

(4) At the appropriate place insert—

““designated regulatory function” means a function of the Authority or the Northern Ireland Authority conferred by—

(a) a provision of retained EU law, <sup>F17</sup>...or

(b) a condition in a licence under section 7, 7ZA or 7A or Article 8 of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)), as that condition is modified from time to time on or after [<sup>F18</sup>IP completion day],

where that function was, immediately before [<sup>F18</sup>IP completion day], one of its functions as a regulatory authority designated in accordance with Article 39 of the Gas Directive;”.

(5) At the appropriate place insert—

““Northern Ireland Authority” means the Northern Ireland Authority for Utility Regulation;”.

#### Textual Amendments

**F17** Words in [reg. 35\(4\)](#) omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(14)(a)**

**F18** Words in [reg. 35\(4\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(14)(b)**

#### Commencement Information

**I35** Reg. 35 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**36.** In Schedule 2AB (duties of supply exemption holders), in paragraph 7 (determination of disputes), for “an Article 41” substitute “ a section 27B ”.

#### Commencement Information

**I36** Reg. 36 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

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**37.—(1)** Schedule 4B (provisions imposing obligations enforceable as relevant requirements) is amended as set out in paragraphs (2) and (3).

(2) In paragraph 3 (persons required to be certified as to independence), in paragraph (d), omit sub-paragraphs (i) to (iv).

(3) In paragraph 9 (gas undertakings which are relevant producers or suppliers)—

(a) omit paragraph (e);

(b) omit paragraph (f).

(4) For the purposes of sections 30A to 30O and 38 of the Gas Act 1986, a reference in Schedule 4B to the Gas Act 1986 to a provision of retained direct EU legislation is to be treated on or after [<sup>F19</sup>IP completion day] as including a reference to that provision as it had effect in EU law at any time before [<sup>F19</sup>IP completion day].

#### Textual Amendments

**F19** Words in [reg. 37\(4\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(15\)](#)

#### Commencement Information

**I37** Reg. 37 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

### Electricity Act 1989

**38.** The Electricity Act 1989 <sup>M5</sup> is amended as follows.

#### Commencement Information

**I38** Reg. 38 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M5** 1989 c. 29. Relevant amendments were made by the [Utilities Act 2000 \(c. 27\)](#) sections 13 and 16, the [Energy Act 2010 \(c. 27\)](#) section 17, and by [S.I. 2009/1349](#), 2011/1043, 2011/2704, 2014/3333 and 2017/493.

**39.—(1)** Section 3A (the principal objective and general duties of the Secretary of State and the Gas and Electricity Markets Authority) is amended as follows.

(2) In subsection (1A)(c)—

(a) for “functions as designated regulatory authority for Great Britain” substitute “designated regulatory functions”;

(b) for the words from “objectives” to “Directive” substitute “designated regulatory objectives”.

(3) In subsection (5B), at the appropriate place insert—

““the designated regulatory objectives” means the objectives set out in Article 36(c) to (h) of the Electricity Directive but read with the following modifications—

- (a) in Article 36(c), for the words from “between” to the end substitute “, including enabling the development of appropriate cross-border transmission capacities to meet demand;”;
- (b) in Article 36(d), omit “, in line with general energy policy objectives;”;
- (c) in Article 36(f), omit “and foster market integration”;
- (d) in Article 36(g), for “their national market” substitute “ the energy market in Great Britain ”;

**Commencement Information**

**I39** Reg. 39 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**40.** In section 3D (exceptions from sections 3A to 3C), in subsection (5), after “any”, in the second place it occurs, insert “ retained ”.

**Commencement Information**

**I40** Reg. 40 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**41.—(1)** Section 3E (duty of the Gas and Electricity Markets Authority as regards binding decisions of the Agency or European Commission) is amended as follows.

(2) Renumber the existing section as subsection (1).

(3) After subsection (1) insert—

“(2) For the purposes of subsection (1), a binding decision does not include a decision that is not, or so much of a decision as is not, retained EU law.”.

**Commencement Information**

**I41** Reg. 41 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**42.—(1)** Section 3F (Gas and Electricity Markets Authority to consult and cooperate with others) is amended as follows.

(2) In subsection (1)—

(a) for “functions as designated regulatory authority for Great Britain” substitute “ designated regulatory functions ”;

(b) in paragraph (a), for the words from “Agency” to “States” substitute “ Northern Ireland Authority ”;

(c) in paragraph (b)—

(i) for the words from “Agency and” to “States” substitute “ Northern Ireland Authority ”;

(ii) for “they” substitute “ it ”;

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(iii) for the words from “their” to “to electricity” substitute “ its designated regulatory functions ”.

(3) In subsection (2)—

- (a) for the words from “designated” to “Britain” substitute “ Northern Ireland Authority ”;
- (b) omit “, within that region,”;
- (c) omit paragraph (a);
- (d) omit paragraph (f) (but not the “and” following it).

(4) In subsection (3)—

- (a) omit the definition of “network code”;
- (b) omit the definition of “region” and the “and” following it.

#### **Commencement Information**

**I42** Reg. 42 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**43.** In section 10B (application for certification), in subsection (3)—

- (a) omit “on or after 3 March 2013”;
- (b) for “third country”, in both places, substitute “ country outside the United Kingdom ”;
- (c) in paragraph (a), omit “and the European Commission”;
- (d) in paragraph (b)—
  - (i) omit “to the Secretary of State”;
  - (ii) omit “or any other EEA state”.

#### **Commencement Information**

**I43** Reg. 43 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**44.—(1)** — Section 10C (report where applicant connected with a country outside the European Economic Area) is amended as follows.

- (2) In the heading, for “European Economic Area” substitute “ United Kingdom ”.
- (3) In subsection (1), for “third country”, in both places, substitute “ country outside the United Kingdom ”.
- (4) In subsection (2), omit “or any other EEA state”.
- (5) In subsection (5)(b), omit “third”.

#### **Commencement Information**

**I44** Reg. 44 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

45. Notwithstanding the amendments of sections 10B and 10C of the Electricity Act 1989 made by regulations 43 and 44, where an application under section 10B is made before [<sup>F20</sup>IP completion day] and the applicant is a person from an EEA state or a person controlled by a person from an EEA state—

- (a) the Gas and Electricity Markets Authority is not required to notify the Secretary of State of the application under section 10B(3), and
- (b) the Secretary of State is not required to prepare a report under section 10C in relation to the application.

#### Textual Amendments

**F20** Words in reg. 45 substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(16)**

#### Commencement Information

**I45** Reg. 45 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

46.—(1) Section 10D (certification) is amended as set out in paragraphs (2) to (5).

(2) In subsection (1)—

- (a) omit “preliminary”;
- (b) for “it should” substitute “ to ”.

(3) In subsection (4)—

- (a) omit “preliminary”;
- (b) after paragraph (a) insert “ and ”;
- (c) omit paragraph (c) and the “and” before it.

(4) Omit subsections (5) to (8).

(5) After subsection (8) insert—

“(9) The Authority must publish its decision to certify or to refuse to certify the applicant, together with the reasons for it, in such manner as it considers appropriate.”.

(6) Where, immediately before [<sup>F21</sup>IP completion day], the Gas and Electricity Markets Authority has made a preliminary decision under section 10D of the Electricity Act 1989 on an application for certification, but not a final decision under [<sup>F22</sup>Article 51 of the Electricity Regulation (or Article 3 of its predecessor)], the Authority's preliminary decision is to be treated on and after [<sup>F21</sup>IP completion day] as if it were a final decision under [<sup>F23</sup>Article 51 of the Electricity Regulation] made immediately before [<sup>F21</sup>IP completion day].

(7) If a preliminary decision of the Gas and Electricity Markets Authority is treated as a final decision to certify, or to refuse to certify, an applicant because of paragraph (6), the Authority must publish, in such manner as it considers appropriate, a document setting out that decision and the reasons for it.

#### Textual Amendments

**F21** Words in reg. 46(6) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(17)(c)**

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**F22** Words in reg. 46(6) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(17)(a)**

**F23** Words in reg. 46(6) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(17)(b)**

#### Commencement Information

**I46** Reg. 46 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**47.—(1)** Section 10E (grounds for certification) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a)—

(i) omit “preliminary”;

(ii) for “an applicant should be certified” substitute “<sup>F24</sup>... to certify an applicant”;

(b) omit paragraph (b).

(3) In subsection (2), omit “decide that the applicant should be certified, or”.

(4) In subsection (8)—

(a) omit paragraph (a);

(b) in paragraph (b)—

(i) omit “must not decide that the applicant should be certified, and”;

(ii) omit “or any other EEA state”;

(c) omit paragraph (c).

(5) After subsection (8) insert—

“(9) For the purposes of subsection (4), Article 9(9) of the Electricity Directive is to be treated as if the comparison with the provisions of Chapter 5 of the Electricity Directive were a comparison with the provisions of Chapter 5 as they applied in relation to a member State immediately before [<sup>F25</sup>IP completion day].

(10) For the purposes of subsection (5), the references to Article 13(1) and (2) of the Electricity Directive are to be treated as references to those provisions with the following modifications—

(a) Article 13(1) is to be read as if “Such designation shall be subject to approval by the Commission” were omitted;

(b) Article 13(2)(b) is to be read as if the reference to Article 12 of the Electricity Directive were a reference to Article 12 with the omission of point (h);

(c) Article 13(2)(e) is to be read as if—

(i) for “Regulation (EC) No 714/2009” there were substituted “ the Electricity Regulation ”, and

(ii) the words from “including” to the end were omitted.”.

#### Textual Amendments

**F24** Word in reg. 47(2)(a)(ii) omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(18)(a)**

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**F25** Words in [reg. 47\(5\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(18)(b)**

#### Commencement Information

**I47** Reg. 47 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**48.**—(1) Section 10H (designation for the purposes of EU electricity legislation) is amended as set out in paragraphs (2) to (5).

(2) In the heading, for “EU electricity legislation” substitute “ the Electricity Regulation ”.

(3) In subsection (2), for the words from “Article” to “operators)” substitute “ the Electricity Regulation ”.

(4) In subsection (3), for “that Article” substitute “ the Electricity Regulation ”.

(5) In subsection (4)—

(a) after paragraph (a) insert “ and ”;

(b) omit paragraph (c) and the “and” preceding it.

(6) A person who is designated an electricity transmission system operator under section 10H of the Electricity Act 1989 for the purposes of Article 10(2) of the Electricity Directive immediately before [<sup>F26</sup>IP completion day] is to be treated, on and after [<sup>F26</sup>IP completion day], as a person who is designated as an electricity transmission system operator under section 10H for the purposes of the Electricity Regulation, if and for so long as the person designated or (as the case may be) the person who nominated the person designated continues on and after [<sup>F26</sup>IP completion day] to hold a licence under section 6(1)(b) or (e) of the Electricity Act 1989 and to be certified under section 10D of that Act.

(7) In paragraph (6)—

“the Electricity Directive” means Directive [2009/72/EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive [2003/54/EC](#)<sup>M6</sup>;

<sup>F27</sup>  
...

#### Textual Amendments

**F26** Words in [reg. 48\(6\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(19)(a)**

**F27** Words in [reg. 48\(7\)](#) omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(19)(b)**

#### Commencement Information

**I48** Reg. 48 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

#### Marginal Citations

**M6** O.J. L 211, 14.8.2009, p. 55.

**49.**—(1) Section 10I (monitoring and review of certification) is amended as follows.

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- (2) In subsection (2)—
- (a) omit “on or after 3 March 2013,”;
  - (b) for “third country” substitute “country outside the United Kingdom”;
  - (c) in paragraph (a), omit “and the European Commission”;
  - (d) in paragraph (b), omit “or any other EEA state”.
- (3) Omit subsections (3) and (4).
- (4) In subsection (5), omit “also”.
- (5) In subsection (10), omit “(4),”.

#### Commencement Information

**149** Reg. 49 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**50.**—(1) Section 10K (report as to any connection of certified person with a country outside the European Economic Area) is amended as follows.

- (2) In the heading, for “European Economic Area” substitute “United Kingdom”.
- (3) In subsection (2), omit “or any other EEA state”.
- (4) In subsection (5)(b), omit “third”.

#### Commencement Information

**150** Reg. 50 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**51.**—(1) Notwithstanding the amendments of sections 10I and 10K of the Electricity Act 1989 made by regulations 49 and 50, if and for so long as the condition in paragraph (2) is satisfied in relation to the person—

- (a) the Gas and Electricity Markets Authority is not required to notify the Secretary of State under section 10I(2) about a person from a country outside the United Kingdom who has taken control of a certified person before [<sup>F28</sup>IP completion day], and
  - (b) the Secretary of State is not required to prepare a report under section 10K in relation to the certified person.
- (2) The condition is that the person was a person from an EEA state at the time of taking control and has continued to be such a person.

#### Textual Amendments

**F28** Words in [reg. 51\(1\)\(a\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\), 3\(20\)](#)

#### Commencement Information

**151** Reg. 51 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)



**52.**—(1) Section 10L (continuation or withdrawal of certification) is amended as set out in paragraphs (2) to (9).

(2) In subsection (1)—

(a) for “10I(3) or (5)” substitute “ 10I(5) ”;

(b) for “10I(4) or (6)” substitute “ 10I(6) ”;

(c) in paragraph (a)—

(i) omit “preliminary”;

(ii) for “that the certification should be continued” substitute “ to continue the certification ”;

(d) in paragraph (b)—

(i) omit “preliminary”;

(ii) for “that the certification should be withdrawn” substitute “ to withdraw the certification ”.

(3) In subsection (2)—

(a) omit “preliminary”;

(b) for “that the certification should be continued” substitute “ to continue the certification ”.

(4) In subsection (3)—

(a) in paragraph (a)—

(i) omit “preliminary”;

(ii) for “that the certification should be continued” substitute “ to continue the certification ”;

(b) in paragraph (b)—

(i) omit “preliminary”;

(ii) for “that the certification should be withdrawn” substitute “ to withdraw the certification ”.

(5) In subsection (4)—

(a) omit “preliminary”;

(b) for “that the certification should be continued” substitute “ to continue the certification ”.

(6) In subsection (5)—

(a) omit “preliminary”;

(b) omit paragraph (b) and the “and” before it.

(7) Omit subsections (6) to (9).

(8) After subsection (9) insert—

“(9A) The Authority must publish its decision to continue a certification, or to withdraw a certification, together with the reasons for it, in such manner as it considers appropriate.”.

(9) In subsection (10)—

(a) in the words before paragraph (a), for “10E(8)(a) and (b)” substitute “ 10E(8)(b) ”;

(b) in paragraph (a), for “10E(8)(a) and (b)” substitute “ 10E(8)(b) ”.

**Status:** Point in time view as at 15/09/2020. This version of this

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**Changes to legislation:** There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

(10) Where, immediately before [<sup>F29</sup>IP completion day], the Gas and Electricity Markets Authority has made a preliminary decision under section 10L of the Electricity Act 1989 on a review under section 10I(5) or (8), but not a final decision under [<sup>F30</sup>Article 51 of the Electricity Regulation (or Article 3 of its predecessor)], the Authority's preliminary decision is to be treated on and after [<sup>F29</sup>IP completion day] as if it were a final decision under [<sup>F31</sup>Article 51 of the Electricity Regulation] made immediately before [<sup>F29</sup>IP completion day].

(11) If a preliminary decision of the Gas and Electricity Markets Authority is treated as a final decision to continue a certification, or to withdraw a certification, because of paragraph (10), the Authority must publish, in such manner as it considers appropriate, a document setting out that decision and the reasons for it.

#### Textual Amendments

- F29** Words in reg. 52(10) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(21)(c)**
- F30** Words in reg. 52(10) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(21)(a)**
- F31** Words in reg. 52(10) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(21)(b)**

#### Commencement Information

- I52** Reg. 52 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**53.** In section 100 (interpretation of sections 10A to 100), in subsection (1)—

- (a) in the definition of “certified”, for the words from “taken” to “certified) by” substitute “certified by”;
- (b) in the definition of “person from a third country”, for “third country”, in both places, substitute “country outside the United Kingdom”;
- (c) omit the definition of “third country”.

#### Commencement Information

- I53** Reg. 53 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

[<sup>F32</sup>**54.** In section 25 (orders for securing compliance), in subsection (8)—

- (a) in the definition of “regulated person” omit paragraph (e);
- (b) in the definition of “relevant requirement”, omit paragraph (b) and the “and” before it.]

#### Textual Amendments

- F32** [Reg. 54](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(22)**

#### Commencement Information

**I54** Reg. 54 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**55.** In the italic heading preceding section 44B, for “Article 37 Disputes” substitute “ Section 44B disputes ”.

#### Commencement Information

**I55** Reg. 55 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**56.—**(1) Section 44B (meaning of “Article 37 dispute”) is amended as follows.

(2) In the title, for “ “Article 37” substitute “ “section 44B”.

(3) In subsection (1)—

(a) for “an “Article 37 dispute”” substitute “ a “section 44B dispute” ”;

(b) in paragraph (b), for the words from “under” to “Directive” substitute “ which falls within subsection (2A) ”.

(4) After subsection (2) insert—

“(2A) An obligation of the person complained against falls within this subsection if it is—

(a) an obligation under a relevant condition or relevant requirement in relation to that person imposed before [<sup>F33</sup>IP completion day] for the purpose of implementing the Electricity Directive, including such an obligation as modified on or after [<sup>F33</sup>IP completion day], or

(b) an obligation under a relevant condition or relevant requirement in relation to that person imposed on or after [<sup>F33</sup>IP completion day] which, if it had been imposed immediately before [<sup>F33</sup>IP completion day], would have been an obligation imposed for the purpose of implementing the Electricity Directive.”.

#### Textual Amendments

**F33** Words in [reg. 56\(4\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), [3\(23\)](#)

#### Commencement Information

**I56** Reg. 56 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**57.—**(1) Section 44C (determination of disputes) is amended as follows.

(2) In subsection (1), for “An Article 37” substitute “ A section 44B ”.

(3) In subsection (2), for “An Article 37” substitute “ A section 44B ”.

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(4) In subsection (3), for “an Article 37” substitute “ a section 44B ”.

#### Commencement Information

**I57** Reg. 57 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**58.**—(1) Section 44D (time limit for determinations) is amended as follows.

(2) In subsection (1), for “an Article 37” substitute “ a section 44B ”.

(3) In subsection (6)(a), for “an Article 37” substitute “ a section 44B ”.

#### Commencement Information

**I58** Reg. 58 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**59.** In section 47 (general functions of the Gas and Electricity Markets Authority), after subsection (1C) insert—

“(1D) The references in subsection (1C) to the following provisions of the Electricity Directive are to be treated as references to those provisions with the following modifications—

- (a) Article 37(1)(q) is to be read as if for “Regulation (EC) No 714/2009” there were substituted “ the Electricity Regulation ”;
- (b) Article 37(1)(s) is to be read as if—
  - (i) the words “Community and third country” were omitted, and
  - (ii) after “operators” there were inserted “ in the United Kingdom and transmission system operators in countries outside the United Kingdom ”;
- (c) Article 37(1)(t) is to be read as if the reference to Article 42 were to Article 42 with the omission of the words from “must cause” to “market and”;
- (d) Article 37(3)(f) is to be read as if for “Regulation (EC) No 714/2009” there were substituted “ the Electricity Regulation ”.”.

#### Commencement Information

**I59** Reg. 59 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**60.**—(1) In section 64 (interpretation of Part 1), subsection (1) is amended as follows.

(2) Omit the definition of “the CACM Regulation”.

(3) Omit the definition of “designated regulatory authority”.

(4) Omit the definition of “designated regulatory authority for Great Britain”.

(5) Omit the definition of “nominated electricity market operator”.

(6) At the appropriate place insert—

[<sup>F34</sup>“designated regulatory function” means—

(a) a function of the Authority conferred by—

(i) a provision of retained EU law, or

(ii) a condition in a licence under section 6 as that condition is modified from time to time after IP completion day,

where that function was, immediately before IP completion day, one of its functions as a regulatory authority designated in accordance with Article 35 of the Electricity Directive;

(b) a function of the Northern Ireland Authority as a regulatory authority designated in accordance with Article 35 of the Electricity Directive;”].

(7) At the appropriate place insert—

““Northern Ireland Authority” means the Northern Ireland Authority for Utility Regulation;”.

#### Textual Amendments

**F34** Words in reg. 60(6) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(24)**

#### Commencement Information

**I60** Reg. 60 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**61.** In Schedule 2ZB (duties of supply exemption holders), in paragraph 8 (determination of exempt supply disputes), for “an Article 37” substitute “a section 44B”.

#### Commencement Information

**I61** Reg. 61 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**62.—(1)** Schedule 6A (provisions imposing obligations enforceable as relevant requirements) is amended as set out in paragraphs [<sup>F35</sup>(1A) to (4A)].

[<sup>F36</sup>(1A) In paragraph 1 (relevant provisions in relation to all licence holders)—

(a) omit paragraph (ca);

(b) omit paragraph (f).]

[<sup>F37</sup>(2) In paragraph 4 (persons required to be certified as to independence)—

(a) in paragraph (ca), omit—

(i) “the CACM Regulation;”;

(ii) “or the FCA Regulation”;

(b) in paragraph (d)—

(i) in sub-paragraph (iv), for “16(1) to (4)” substitute “16(1), (2), (4)”;

(ii) omit sub-paragraph (v);

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(iii) omit sub-paragraphs (viii) to (xi);

(iv) omit sub-paragraph (xiii);

(c) omit paragraph (g).]

(3) In paragraph 9 (electricity undertakings which are relevant producers or suppliers)—

(a) omit paragraph (e);

(b) omit paragraph (f).

(4) Omit paragraph 9B (nominated electricity market operators).

[<sup>F38</sup>(4A) In paragraph 10 (interpretation), omit the definition of “the FCA Regulation”.]

(5) For the purposes of sections 27A to 28 of the Electricity Act 1989, a reference in Schedule 6A to the Electricity Act 1989 to a provision of retained direct EU legislation is to be treated on and after [<sup>F39</sup>IP completion day] as including a reference to that provision as it had effect in EU law at any time before [<sup>F39</sup>IP completion day].

#### Textual Amendments

**F35** Words in [reg. 62\(1\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(25\)\(a\)](#)

**F36** [Reg. 62\(1A\)](#) inserted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(25\)\(b\)](#)

**F37** [Reg. 62\(2\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(25\)\(c\)](#)

**F38** [Reg. 62\(4A\)](#) inserted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(25\)\(d\)](#)

**F39** Words in [reg. 62\(5\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(25\)\(e\)](#)

#### Commencement Information

**I62** [Reg. 62](#) in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Utilities Act 2000

**63.** The Utilities Act 2000 <sup>M7</sup> is amended as follows.

#### Commencement Information

**I63** [Reg. 63](#) in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M7** [2000 c. 27](#). Relevant amendments were made by [S.I. 2011/2704](#) and 2015/862.

**64.**—(1) Section 3A (designation of Gas and Electricity Markets Authority as regulatory authority for Great Britain) is amended as follows.

(2) For the heading substitute “ Exercise of designated regulatory functions etc ”.

(3) Omit subsection (1).

(4) In subsection (2)(a), for “functions as designated regulatory authority for Great Britain” substitute “ designated regulatory functions ”.

(5) Omit subsection (3).

**Commencement Information**

**I64** Reg. 64 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

65. Omit section 5ZA (report on activities as designated regulatory authority).

**Commencement Information**

**I65** Reg. 65 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

66. In section 33 (standard conditions of electricity licences), in subsection (1), omit paragraph (za).

**Commencement Information**

**I66** Reg. 66 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

67. In section 81 (standard conditions of gas licences), in subsection (2), omit “under section 2(2) of the European Communities Act 1972,”.

**Commencement Information**

**I67** Reg. 67 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

68.—(1) Section 105 (general restrictions on disclosure of information) is amended as follows.

(2) In subsection (4)—

(a) in paragraph (ga)—

(i) after “requirement” insert “ or an EU REMIT requirement ”;

(ii) after “of REMIT” insert “ or any proceedings brought under or by virtue of EU REMIT in a member State ”;

(b) in paragraph (h), for “an” substitute “ a retained ”.

(3) In subsection (6A), for “another national regulatory authority” substitute “ a national regulatory authority of a member State ”.

(4) In subsection (10)—

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(a) at the appropriate place insert—

““EU REMIT” means Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (OJ L 326, 8.12.2011, p.1–16), as it has effect in EU law as amended from time to time;”;

(b) at the appropriate place insert—

““EU REMIT requirement” means a requirement imposed by any of Articles 3(1) and (5), 4(1), (2) and (3), 5, 8(1) and (5), 9(1), (4) and (5) and 15 of EU REMIT;”;

(c) in the definition of “national regulatory authority”, after “in” insert “ EU ”.

#### Commencement Information

**168** Reg. 68 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**69.**—(1) Section 105A (restrictions on disclosure in respect of cross-border exchanges of information) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), for “functions as designated regulatory authority for Great Britain” substitute “ designated regulatory functions ”;

(b) in paragraph (b), for the words from “the designated” to “Gas Directive” substitute “ the Northern Ireland Authority for Utility Regulation in the exercise of its designated regulatory functions ”.

(3) After subsection (1) insert—

“(1A) This section also applies to any information provided to the Authority on or after [<sup>F40</sup>IP completion day]—

(a) for the purpose of enabling it to carry out its designated regulatory functions; and

(b) by an authority designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive.

(1B) This section also applies to any information provided to the Authority before [<sup>F40</sup>IP completion day]—

(a) for the purpose of enabling it to carry out its functions as an authority designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive; and

(b) by—

(i) the Northern Ireland Authority for Utility Regulation, or

(ii) an authority in another member State which is designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive,

in accordance with Article 38(1) of the Electricity Directive or Article 42(1) of the Gas Directive.”.

(4) In subsection (2)(a), for “the originating authority”, in the first place it occurs, substitute “ the authority that provided the information to the Authority (“the originating authority”) ”.

(5) In subsection (3), for “Subsection (1)” substitute “ Subsection (1), (1A) or (1B) ”.



### Textual Amendments

- F40** Words in [reg. 69\(3\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(26\)](#)

### Commencement Information

- I69** Reg. 69 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

### 70. In section 106 (interpretation)—

- (a) omit the definition of “the Agency”;
- (b) omit the definition of “the Agency Regulation”;
- (c) omit the definition of “designated regulatory authority”;
- (d) omit the definition of “designated regulatory authority for Great Britain”;
- (e) at the appropriate place insert—

[<sup>F41</sup>“designated regulatory function” means—

- (a) a function of the Authority conferred by—
  - (i) a provision of retained EU law,
  - (ii) a condition in a licence under section 7, 7ZA or 7A of the 1986 Act, as that condition is modified from time to time on or after IP completion day, or
  - (iii) a condition in a licence under section 6 of the 1989 Act, as that condition is modified from time to time on or after IP completion day,

where that function was, immediately before IP completion day, one of its functions as a regulatory authority designated in accordance with Article 35 of the Electricity Directive or Article 39 of the Gas Directive;

- (b) a function of the Northern Ireland Authority conferred by—
  - (i) a provision of retained EU law, or
  - (ii) a condition in a licence under Article 8 of the Gas (Northern Ireland) Order 1996 ([S.I. 1996/275 \(N.I. 2\)](#)), as that condition is modified from time to time on or after IP completion day,

where that function was, immediately before IP completion day, one of its functions as a regulatory authority designated in accordance with Article 39 of the Gas Directive;

- (c) a function of the Northern Ireland Authority as a regulatory authority designated in accordance with Article 35 of the Electricity Directive;”].

### Textual Amendments

- F41** Words in [reg. 70\(e\)](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(27\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I70** Reg. 70 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**71.** In Schedule 1 (the Gas and Electricity Markets Authority), in paragraph 2A (certain duties of members of the Authority), for “functions as designated regulatory authority for Great Britain” substitute “ designated regulatory functions ”.

#### Commencement Information

**I71** Reg. 71 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

### Energy Act 2004

**72.** The Energy Act 2004 <sup>M8</sup> is amended as follows.

#### Commencement Information

**I72** Reg. 72 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M8** 2004 c. 20. Relevant amendments were made by [S.I. 2011/1043](#) and 2011/2704.

**73.** In section 137 (new standard conditions for transmission licences), in subsection (3), omit paragraph (za).

#### Commencement Information

**I73** Reg. 73 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**74.** In section 146 (standard conditions for electricity interconnectors), in subsection (5), omit “under section 2(2) of the European Communities Act 1972,”.

#### Commencement Information

**I74** Reg. 74 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**75.** In section 150 (standard conditions for gas interconnectors), in subsection (5), omit “under section 2(2) of the European Communities Act 1972,”.

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#### Commencement Information

**I75** Reg. 75 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**76.** In Schedule 21 (energy transfer schemes), in paragraph 4 (provision that may be made by a scheme), in sub-paragraph (2)(f), omit “, EU instrument”.

#### Commencement Information

**I76** Reg. 76 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

### Consumers, Estate Agents and Redress Act 2007

**77.** In the Consumers, Estate Agents and Redress Act 2007 <sup>M9</sup>, in section 19A (guidance for energy consumers), in subsection (2), after “Gas Directive” insert “ which is in force immediately before [<sup>F42</sup>IP completion day]”.

#### Textual Amendments

**F42** Words in [reg. 77](#) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(28)**

#### Commencement Information

**I77** Reg. 77 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M9** [2007 c. 17](#). Section 19A was inserted by [S.I. 2011/2704](#).

VALID FROM 31/12/2020

## PART 3

### Amendment of subordinate legislation: Great Britain

#### The Electricity Safety, Quality and Continuity Regulations 2002

**78.** In the Electricity Safety, Quality and Continuity Regulations 2002 <sup>M10</sup>, in regulation 1 (citation, commencement and interpretation)—

- (a) in paragraph (2), for “EEA State” substitute “ country or territory ”.
- (b) omit paragraph (3).

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*Changes to legislation: There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

#### Commencement Information

**I78** Reg. 78 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M10** [S.I. 2002/2665](#).

### The Electricity (Applications for Licences, Modifications of an Area and Extensions and Restrictions of Licences) Regulations 2010

**79.** In the Electricity (Applications for Licences, Modifications of an Area and Extensions and Restrictions of Licences) Regulations 2010 <sup>M11</sup>, in regulation 3 (interpretation), in paragraph (1), in the definition of “point of single contact”, for the words from “an” to the end substitute “ the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009 <sup>M12</sup>; ”.

#### Commencement Information

**I79** Reg. 79 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M11** [S.I. 2010/2154](#).

**M12** [S.I. 2009/2999](#).

### The Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 2010

**80.** In the Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 2010 <sup>M13</sup>, in regulation 3 (interpretation), in paragraph (1), in the definition of “point of single contact”, for the words from “an” to the end substitute “ the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009; ”.

#### Commencement Information

**I80** Reg. 80 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M13** [S.I. 2010/2155](#).

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

**81.—(1)** In the Electricity and Gas (Internal Markets) Regulations 2011 <sup>M14</sup>, regulation 51 (review of regulations) is amended as follows.

(2) Omit paragraph (2).

(3) In paragraph (6), omit—

(a) the definition of “2010 Amending Decision”;

- (b) the definition of “the 2012 Amending Decision”;
- (c) the definition of “the 2013 Amending Regulation”;
- [<sup>F43</sup>(ca) the definition of “ACER Regulation”];
- (d) the definition of “CACM Regulation”;
- [<sup>F44</sup>(da) the definition of “Electricity Regulation”];
- (e) the definition of “ITC Regulation”;
- (f) the definition of “Third Package”.

#### Textual Amendments

**F43** Reg. 81(3)(ca) inserted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(29)(a)**

**F44** Reg. 81(3)(da) inserted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(29)(b)**

#### Commencement Information

**I81** Reg. 81 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

#### Marginal Citations

**M14** [S.I. 2011/2704](#). Regulation 51 was amended by [S.I. 2014/3332](#), 2014/3333 and 2017/493.

### The Energy Supply Company Administration Rules 2013

**82.** In the Energy Supply Company Administration Rules 2013 <sup>M15</sup>, in rule 34 (venue and conduct of company meeting), in paragraph (5)(b), omit “other than the United Kingdom”.

#### Commencement Information

**I82** Reg. 82 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M15** [S.I. 2013/1046](#).

### The Electricity Capacity Regulations 2014

**83.—(1)** In the Electricity Capacity Regulations 2014 <sup>M16</sup>, regulation 65 (protection of information) is amended as follows.

(2) In paragraph (2)(b)(v), for “an” substitute “ a retained ”.

(3) In paragraph (5), omit the definition of “EU obligation”.

#### Commencement Information

**I83** Reg. 83 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

*Status: Point in time view as at 15/09/2020. This version of this Instrument contains provisions that are not valid for this point in time.*  
*Changes to legislation: There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

**Marginal Citations**

M16 S.I. 2014/2043.

VALID FROM 31/12/2020

**PART 4**

Amendment of Northern Ireland legislation

**The Electricity (Northern Ireland) Order 1992**

<sup>F45</sup>84. ....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

<sup>F45</sup>85. ....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

<sup>F45</sup>86. ....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

<sup>F45</sup>87. ....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

<sup>F45</sup>88. ....

*Status: Point in time view as at 15/09/2020. This version of this*

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**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**F45**89. ....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**F45**90. ....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**F45**91. ....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**F45**92. ....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**F45**93. ....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**F45**94. ....

**Status:** Point in time view as at 15/09/2020. This version of this

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**Changes to legislation:** There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**F45****95.** .....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**F45****96.** .....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**F45****97.** .....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**F45****98.** .....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**F45****99.** .....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**F45****100.** .....



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**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

<sup>F45</sup>**101.** .....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

<sup>F45</sup>**102.** .....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

<sup>F45</sup>**103.** .....

**Textual Amendments**

**F45** Regs. 84-103 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(30)**

**The Gas (Northern Ireland) Order 1996**

**104.** The Gas (Northern Ireland) Order 1996 <sup>M17</sup> is amended as follows.

**Commencement Information**

**I84** Reg. 104 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**Marginal Citations**

**M17** [S.I. 1996/275 \(N.I. 2\)](#). Relevant amendments have been made by [S.R. 2006 No. 358](#), [2011 No. 155](#), [2013 No. 92](#), [2014 No. 198](#) and [2015 No. 249](#).

**105.** In Article 7 (exemptions from Article 6) in paragraph (4A), for “the relevant requirements and prohibitions laid down by the Directive” substitute “ relevant requirements and prohibitions contained in any provision of retained EU law ”.

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*Changes to legislation: There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

#### Commencement Information

**185** Reg. 105 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**106.** In Article 8 (licences authorising supply etc.) for paragraph (7B) substitute—

“(7B) In paragraph (4A) “published criteria” means criteria determined by the Department and published by it from time to time which are objective and non-discriminatory.”.

#### Commencement Information

**186** Reg. 106 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**107.** In Article 8C (application for certification) for paragraph (2) substitute—

“(2) If the application is made on or after 3rd March 2013 and the applicant is a person from a country outside the United Kingdom or a person controlled by a person from a country outside the United Kingdom, the Authority must notify the Department as soon as is reasonably practicable.”.

#### Commencement Information

**187** Reg. 107 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**108.—**(1) Article 8D (report where applicant connected with a country outside the European Economic Area) is amended as follows.

(2) In the heading, for “European Economic Area” substitute “ United Kingdom ”.

(3) In paragraph (1), for “third country”, in both places, substitute “ country outside the United Kingdom ”.

(4) In paragraph (2), omit “and the European Economic Area”.

(5) In paragraph (3)(b), omit “third”.

#### Commencement Information

**188** Reg. 108 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**109.** Notwithstanding the amendments of Articles 8C and 8D of the Gas (Northern Ireland) Order 1996 made by regulations 107 and 108, where an application under Article 8C is made before [<sup>F46</sup>IP completion day] and the applicant is a person from an EEA state or a person controlled by a person from an EEA state—

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- (a) the Northern Ireland Authority for Utility Regulation is not required to notify the Department for the Economy of the application under Article 8C(2), and
- (b) the Department for the Economy is not required to prepare a report under Article 8D in relation to the application.

#### Textual Amendments

**F46** Words in reg. 109 substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(31)**

#### Commencement Information

**I89** Reg. 109 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**110.**—(1) Article 8E (certification) is amended as set out in paragraphs (2) to (6).

(2) In paragraph (1)—

- (a) omit “preliminary”;
- (b) for “it should” substitute “ to ”.

(3) In paragraph (3)—

- (a) omit “preliminary”;
- (b) after sub-paragraph (b) insert “ and ”;
- (c) omit sub-paragraph (d) and the “and” before it.

(4) In paragraph (4), for “(a), (b) or (d)” substitute “ (a) or (b) ”.

(5) Omit paragraphs (5) and (6).

(6) After paragraph (6) insert—

“(7) The Authority must publish its decision to certify or refuse to certify the applicant, together with the reasons for it, in such manner as it considers appropriate.”.

(7) Where, immediately before [<sup>F47</sup>IP completion day], the Northern Ireland Authority for Utility Regulation has made a preliminary decision under Article 8E of the Gas (Northern Ireland) Order 1996 on an application for certification, but not a final decision under Article 3 of Regulation [\(EC\) No. 715/2009](#) of the European Parliament and of the Council of 13 July 2009 on conditions of access to the natural gas transmission networks and repealing Regulation [\(EC\) No. 1775/2005](#), the Authority's preliminary decision is to be treated on and after [<sup>F47</sup>IP completion day] as if it were a final decision under Article 3 made immediately before [<sup>F47</sup>IP completion day].

(8) If a preliminary decision of the Northern Ireland Authority for Utility Regulation is treated as a final decision to certify, or to refuse to certify, an applicant because of paragraph (7), the Authority must publish, in such manner as it considers appropriate, a document setting out that decision and the reasons for it.

#### Textual Amendments

**F47** Words in reg. 110(7) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(32)**

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*Changes to legislation: There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

### Commencement Information

**190** Reg. 110 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**111.**—(1) Article 8F (grounds for certification) is amended as follows.

(2) For paragraph (1) substitute—

“(1) This Article applies to a decision under Article 8E as to whether to certify an applicant.”

(3) In paragraph (2)—

(a) for “decide that the applicant should be certified, or decide to certify the applicant,” substitute “decide to certify the applicant”;

(b) omit “four”.

(4) Omit paragraph (5).

(5) In paragraph (6), omit the words from “in accordance” to the end.

(6) In paragraph (7), omit “preliminary”.

(7) For paragraph (8) substitute—

“(8) But, regardless of whether a certification ground applies under paragraph (2), the Authority must not certify the applicant if a report prepared by the Department under Article 8D states that the certification of the applicant would put at risk the security of gas supplies in the United Kingdom.”

(8) At the end add—

“(9) The references in paragraph (4) to Article 14(1) and (2) and 15(1) of the Directive are to be treated as references to those provisions with the following modifications—

[<sup>F48</sup>(a) in paragraph (1) of Article 14 the reference to “Member State” in the first sentence is to be read as if it were a reference to the Authority;

(b) paragraph (1) of Article 14 is to be read as if the second and third sentences were omitted;

(ba) in paragraph (2) of Article 14 the reference to “Member State” is to be read as if it were a reference to the Authority;]

(c) paragraph (2)(b) of Article 14 is to be read as if after “Article 13” there were inserted “as implemented in relation to Northern Ireland immediately before [<sup>F49</sup>IP completion day], disregarding for this purpose—

(i) paragraph 2,

(ii) paragraph 3 so far as relating to Article 41(6)(c), and

(iii) paragraph 4 except as it relates to such minimum standards, if any, as apply in Northern Ireland”;

(d) paragraph (2)(e) of Article 14 is to be read as if—

(i) the words “Regulation (EC) No. 715/2009” were a reference to the Gas Regulation, and

(ii) the words from “including” to the end were omitted;

(e) paragraph (1) of Article 15 is to be read as if, in the second sentence, “pursuant to Article 33” were omitted.”

### Textual Amendments

- F48** Words in reg. 111(8) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(33)(a)**
- F49** Words in reg. 111(8) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(33)(b)**

### Commencement Information

- I91** Reg. 111 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**112.**—(1) Article 8H (designation for the purposes of EU gas legislation) is amended as set out in paragraphs (2) to (5).

(2) In the heading, for “EU gas legislation” substitute “ the Gas Regulation ”.

(3) In paragraph (2)—

(a) omit “or third”;

(b) for the words from “Article 10(2)” to the end substitute “ the Gas Regulation ”.

(4) In paragraph (3), for “that Article” substitute “ the Gas Regulation ”.

(5) In paragraph (4)—

(a) at the end of sub-paragraph (b) insert “ and ”;

(b) omit sub-paragraph (d) and the “and” before it.

(6) A person who is designated as a gas transmission system operator under Article 8H of the Gas (Northern Ireland) Order 1996 for the purposes of Article 10(2) of the Gas Directive immediately before [<sup>F50</sup>IP completion day] is to be treated, on and after [<sup>F50</sup>IP completion day], as a person who is designated as a gas transmission system operator under Article 8H for the purposes of the Gas Regulation, if and for so long as the person designated or (as the case may be) the person who nominated the person designated continues on and after [<sup>F50</sup>IP completion day] to hold a licence under Article 8(1)(a) of the Gas (Northern Ireland) Order 1996 and to be certified under Article 8E of that Order.

(7) In paragraph (6)—

“the Gas Directive” means Directive [2009/73/EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive [2003/55/EC](#)<sup>F51</sup>, as amended by Directive (EU) 2019/692 of the European Parliament and of the Council of 17 April 2019];

“the Gas Regulation” means Regulation (EC) No [715/2009](#) of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No [1775/2005](#).

### Textual Amendments

- F50** Words in reg. 112(6) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(34)(a)**
- F51** Words in reg. 112(7) inserted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(34)(b)**

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#### Commencement Information

**192** Reg. 112 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**113.**—(1) Article 8I (monitoring and review of certification) is amended as follows.

(2) In paragraph (3)—

- (a) for “3rd March 2013” substitute “ [F52IP completion day] ”;
- (b) for “third country” substitute “ country outside the United Kingdom ”;
- (c) omit “and the European Commission”.

(3) In paragraph (4), omit “final”.

(4) Omit paragraphs (6) and (7).

(5) In paragraph (8), omit “or (6)”.

(6) In paragraph (12A), for “paragraphs (5) or (7)” substitute “ paragraph (5) ”.

#### Textual Amendments

**F52** Words in reg. 113(2)(a) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), [3\(35\)](#)

#### Commencement Information

**193** Reg. 113 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**114.**—(1) Article 8J (report as to any connection of a certified person with a country outside the European Economic Area) is amended as follows.

(2) In the heading, for “European Economic Area” substitute “ United Kingdom ”.

(3) In paragraph (1), for “a third country” substitute “ a country outside the United Kingdom ”.

(4) In paragraph (2), omit “and the European Economic Area”.

(5) In paragraph (3)(b), omit “third”.

#### Commencement Information

**194** Reg. 114 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**115.**—(1) Article 8K (continuation or withdrawal of certification) is amended as set out in paragraphs (2) to (8).

(2) In paragraph (1)—

- (a) omit “preliminary”;
- (b) omit “that either”;

- (c) in sub-paragraph (a), for “the certification should be continued” substitute “ to continue the certification ”;
- (d) for sub-paragraph (b) substitute—
- “ (b) to withdraw the certification; ”.
- (3) In paragraph (2), for “that the certification should be continued” substitute “ to continue the certification ”.
- (4) Omit paragraphs (3), (4) and (5).
- (5) In paragraph (6)—
- (a) omit “final”;
- (b) after sub-paragraph (b) insert “ and ”;
- (c) omit sub-paragraph (d) and the “and” before it.
- (6) In paragraph (7), omit “final”.
- (7) After paragraph (8) insert—
- “(8A) The Authority must publish its decision to continue a certification, or to withdraw a certification, together with the reasons for it, in such manner as it considers appropriate.”.
- (8) In paragraph (9)—
- (a) for “Article 8F(8)(a) and (b)” substitute “ Article 8F(8) ”;
- (b) for “Article 8F(8)(b)” substitute “ Article 8F(8) ”.
- (9) Where immediately before [<sup>F53</sup>IP completion day], the Northern Ireland Authority for Utility Regulation has made a preliminary decision under Article 8K of the Gas (Northern Ireland) Order 1996 on a review under Article 8I(2), (4) or (6) but not a final decision under Article 3 of Regulation (EC) No. 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No. 1775/2005, the Authority’s preliminary decision is to be treated on and after [<sup>F53</sup>IP completion day] as if it were a final decision under Article 3 made immediately before [<sup>F53</sup>IP completion day].
- (10) If a preliminary decision of the Northern Ireland Authority for Utility Regulation is treated as a final decision to continue a certification, or to withdraw a certification, because of paragraph (9), the Authority must publish, in such manner as it considers appropriate, a document setting out that decision and the reasons for it.

#### Textual Amendments

**F53** Words in reg. 115(9) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(36)**

#### Commencement Information

**I95** Reg. 115 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**116.—(1)** Article 8L (interpretation) is amended as follows.

(2) In paragraph (1)—

- (a) in the definition of “person from a third country”, for “third country”, in both places, substitute “ country outside the United Kingdom ”;

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(b) in the definition of “review period”, omit “or (7)”;

(c) omit the definition of “third country”.

(3) In paragraph (3), for “European Economic Area state” substitute “country outside the United Kingdom”.

(4) In paragraph (4), for “European Economic Area state” substitute “country outside the United Kingdom”.

#### Commencement Information

**196** Reg. 116 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**117.** For Article 9A (limitation of rights under exclusive licences) substitute—

“**9A.** The prohibition in Article 9(3) does not apply to the grant by the Department or the Authority of a licence under Article 8(1)(c) authorising the holder to supply a customer where the gas is supplied and conveyed through a direct line.”.

#### Commencement Information

**197** Reg. 117 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

**118.** For Article 10A (compliance with community obligations) substitute—

#### “Licences: further conditions

**10A.—**(1) The conditions included in a licence must—

- (a) ensure that the licence holder and, if appropriate, any activity authorised by the licence and the construction or operation of any pipe-line, facility or associated apparatus used in connection with that activity meets the published criteria referred to in Article 8(7B);
- (b) require the licence holder to develop and publish technical safety criteria and rules which are objective and non-discriminatory;
- (c) require the licence holder to keep accounts in accordance with requirements corresponding to the requirements in Article 31 of the Directive and to have them audited in accordance with those requirements and must confer on the Department and the Authority a right of access to the licence holder's accounts for the purpose of ensuring compliance with those requirements.

(2) For the purposes of paragraph (1)(c), the reference to Article 31 of the Directive is to be read as a reference to that Article with the modifications that—

- (a) in paragraph (2), in the first sub-paragraph, the words from “adopted pursuant” to the end are omitted; and
- (b) in paragraph (3), the third sentence is omitted.



(3) Conditions included in a licence under Article 8(1)(a) must, having regard to the activities authorised by the licence, require the holder—

- (a) where the holder balances gas inputs to and offtakes from any pipeline used under the licence, to adopt, follow, and make publicly available, rules which are objective, transparent and non-discriminatory;
- (b) to procure energy used for carrying out the holder's functions in accordance with procedures which are transparent, non-discriminatory and market based;
- (c) where appropriate in relation to the holder's circumstances, to carry out tasks corresponding to the tasks mentioned in Article 25(1) of the Directive;
- (d) to refrain from discriminating between persons or classes of person using or intending to use any pipe-line, facility or associated apparatus operated for the purposes of the licence;
- (e) to provide such persons with the information they need for efficient access to and use of the system;
- (f) to provide any other licence holder mentioned in Article 25(3) of the Directive with sufficient information to achieve an outcome that corresponds to the outcome mentioned in that provision;
- (g) to comply with requirements for system access corresponding to the requirements mentioned in Article 32 of the Directive (as read with Article 2 of the Commission Decision);
- [<sup>F54</sup>(ga) to comply with requirements for access to upstream pipeline networks, and requirements about the manner in which that access is to be provided, corresponding to the requirements mentioned in Article 34(1) and (2) of the Directive;]
- (h) to take any measures necessary for the purpose of ensuring that information necessary for effective competition and for the effective functioning of the market is made public;
- (i) to facilitate (to the extent within the holder's control) the ability of customers to change suppliers within 3 weeks;
- (j) to facilitate (to the extent within the holder's control) the ability of customers to have access to consumption data.

(4) For the purposes of paragraph (3)(g), the reference to Article 32 of the Directive is to be read as a reference to that Article with the modifications that—

- (a) for references to “Member States” there were substituted references to “ the Department ”;
- (b) in paragraph (1), for the words “in accordance with Article 41 by a regulatory authority referred to in Article 39(1)” there were substituted “ by the Authority ”;
- (c) in paragraph (3), for the reference to “Community competition rules” there were substituted a reference to “ retained EU law relating to competition ”.

[<sup>F55</sup>(4A) For the purposes of paragraph (3)(ga)—

- (a) “upstream pipeline networks” has the meaning given in Article 2(2) of the Directive; and
- (b) the references to Article 34(1) and (2) of the Directive are to be read as references to those provisions with the following modifications—

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- (i) references to “Member States” are to be read as references to “the Department”;
  - (ii) in Article 34(1) the last sentence is to be omitted; and
  - (iii) in Article 34(2)(d), the reference to “Community law” is to be read as a reference to “retained EU law”.]
- (5) Conditions included in a licence under Article 8(1)(a) must—
- (a) provide for the Authority to approve, in advance of their coming into operation, any terms and conditions—
    - (i) for the connection and access to any pipe-line, facility or associated apparatus operated by the holder for the purposes of the licence including but not limited to the tariffs, or the method of determining the tariffs for such connection or access; and
    - (ii) for the provision of any balancing services; and
  - (b) provide that where the licence holder enters into a contract directly with a household customer (within the meaning given in Article 7D) for the provision to that customer of services under the licence, or makes arrangements in pursuance of which a household customer enters into a contract with another person for a supply of gas to that customer, then to the extent that this is within the licence holder's control—
    - (i) the terms and conditions of any such contract comply with requirements which correspond to those mentioned in points (a) and (d) of paragraph 1 of Annex I to the Directive; and
    - (ii) requirements corresponding to those mentioned in points (b), (c) and (g) of paragraph 1 of Annex I to the Directive are complied with in relation to the customer.
- (6) For the purposes of paragraph (5)(b)(ii), point (g) of paragraph 1 of Annex I to the Directive is to be read as if for the words “the national legislation applicable” there were substituted “ the Gas (Northern Ireland) Order 1996 ”.
- (7) The conditions included in a licence under Article 8(1)(a) granted to a person forming part of a vertically integrated undertaking must—
- (a) require that person to continue to be independent in terms of that person's legal form, organisation and decision-making in relation to that person's activities under the licence and to comply with requirements corresponding to those mentioned in Article 26(2) of the Directive for independence in terms of organisation and decision making, in particular the minimum criteria laid down thereby and to comply with requirements corresponding to the requirements in relation to communication and branding mentioned in Article 26(3) of the Directive; and
  - (b) if the person carries on combined activity as the holder of a licence under Article 8(1)(a), (b), (c) and (d), require that person to comply with requirements corresponding to those mentioned in Article 29 of the Directive for independence in terms of legal form, organisation and decision making in relation to activities under the licence.
- (8) Paragraph (7)(a) does not prevent a person from acting as the holder of a licence of more than one type under Article 8(1).
- (9) For the purposes of paragraph (7)—
- (a) Article 26(2) of the Directive is to be read as if—

- (i) in point (c), for the words “in accordance with Article 41(6)”, there is substituted “ by the Authority ”;
  - (ii) in point (d), for the words “to the regulatory authority referred to in Article 39(1)”, there is substituted “ to the Authority ”;
  - (b) Article 26(3) of the Directive is to be read as if for the words from “the Member States” to “or other competent bodies” there were substituted “ the Authority must monitor all the activities of the distribution system operator ”.
- (10) Paragraph (7)(a) does not apply in the case of a licence holder who does not supply gas to persons or premises, but who conveys gas from one place to another through one or more pipeline systems to which there are fewer than 100,000 premises connected.
- (11) The conditions included in a licence under Article 8(1)(a) must—
- (a) where the holder, or a person who holds a licence under Article 8(1)(a) in relation to whom the holder is a related conveyance licensee, is certified under the first certification ground in Article 8F, require the ownership unbundling requirement in Article 8G to continue to be met in relation to the holder;
  - (b) where the holder is certified under the second certification ground in Article 8F or is designated as independent system operator for the purposes of that certification ground—
    - (i) require that requirements corresponding to those mentioned in Articles 14(1) and (2) and 15(1) and (2) of the Directive which are relevant to the holder continue to be met; and
    - (ii) require that requirements corresponding to those mentioned in Article 14(4) or 14(5) of the Directive which are relevant to the holder continue to be met; and
  - (c) require the holder to notify the Authority if any of the other conditions referred to in this paragraph ceases or is likely to cease to be met.
- (12) For the purposes of paragraph (11)—
- (a) the references to Article 14 are to be read as references to that provision as if it contained the modifications in Article 8F(9) of this Order;
  - (b) Article 14(4) is to be read as if the words “in accordance with this Chapter” were omitted;
  - (c) Article 14(5) and 15(2) are to be read as if references to “the regulatory authority” were references to “the Authority”;
  - (d) paragraph (1) of Article 15 is to be read as if, in the second sentence, “pursuant to Article 33” were omitted;
  - (e) item (c) in Article 15(2) is to be read as if for the words “in accordance with Article 41(6)”, there were substituted “ by the Authority ”.
- (13) The conditions included in a licence under Article 8(1)(a), as appropriate having regard to the activities authorised by the licence, must require the holder to carry out tasks corresponding to those mentioned in Article 13(1) of the Directive.
- (14) The conditions included in a licence under Article 8(1)(b) must require the holder, as appropriate, having regard to the activities authorised by the licence—
- (a) to carry out tasks corresponding to the tasks mentioned in Article 13(1) of the Directive;

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- (b) to comply with requirements corresponding to the requirements for access to storage mentioned in Article 33 of the Directive in accordance with criteria published by the Authority; and
  - (c) where the person forms part of a vertically integrated undertaking, to comply with requirements corresponding to those mentioned in Article 15 of the Directive concerning independence in terms of legal form, organisation and decision-making in relation to its activities under the licence and, in particular, to comply with minimum criteria corresponding to those mentioned in Article 15(2) of the Directive.
- (15) For the purposes of paragraph (14)—
- (a) the reference to Article 15 of the Directive is to be read as a reference to that Article with the modifications set out in paragraph (12)(c), (d) and (e);
  - (b) Article 33 is to be read as if—
    - [<sup>F56</sup>(i) in paragraph (1), the reference to “Member States” in the first sub-paragraph were a reference to the Department;
    - (ia) in paragraphs (1), (3) and (4), any reference (however expressed) to “the regulatory authorities where Member States have so provided or Member States” were a reference to the Authority;]
    - (ii) in paragraph (1), the third sub-paragraph were omitted;
    - (iii) in paragraph (3), in the second sub-paragraph the words from “by 1 January 2005” were a reference to “on an annual basis”.
- (16) The conditions included in a licence under Article 8(1)(c) must—
- (a) require the introduction and maintenance of safeguards to help any consumers referred to in Article 14(3) of the Energy (Northern Ireland) Order 2003 and individuals who are consumers in rural areas in particular to avoid disconnection from the gas pipe-line system;
  - (b) ensure that consumers of gas have access to information (including information about the contractual terms and conditions offered to such consumers);
  - (c) ensure that all customers can exercise their freedom to purchase gas from the supplier of their choice;
  - (d) ensure that persons exercising that freedom are not charged therefor and are able to use transparent, simple and inexpensive complaints procedures;
  - (e) require that information provided to consumers of gas (including information about the contractual terms and conditions offered to such consumers) by the holder of the licence are sufficiently transparent to enable the consumer to exercise that freedom;
  - (f) make provision for customers wishing to change suppliers to be able to do so within 3 weeks;
  - (g) ensure that customers have consumption data at their disposal and are able to give access to that data to other suppliers;
  - (h) ensure that customers have access to information about sources of energy efficiency advice;
  - (i) require that the holder of the licence provides its customers with a copy of the guidance which is to be published by the Authority pursuant to Article 7(5) of the Energy (Northern Ireland) Order 2003;

- (j) ensure that household customers are offered a wide choice of payment methods which do not unduly discriminate between customers;
  - (k) ensure that the terms and conditions of supply contracts offered by the licence holder to household customers comply with requirements corresponding to those mentioned in points (a) and (d) of paragraph 1 of Annex I to the Directive;
  - (l) make provision for customers to be protected from unfair or misleading selling methods;
  - (m) ensure that household customers receive a final bill following changing suppliers no later than six weeks from the date on which the change occurs; and
  - (n) ensure that the holder of the licence for at least five years maintains records of data corresponding to that required by Article 44 of the Directive.
- (17) Conditions included in a licence under Article 8(1)(d) must require the holder as appropriate having regard to the activities authorised by the licence—
- (a) to carry out tasks corresponding to the tasks mentioned in Article 13(1) of the Directive;
  - (b) to keep accounts in terms corresponding to the requirements of Article 31 of the Directive and to have them audited in a manner corresponding to those requirements; and
  - (c) to comply with requirements for [<sup>F57</sup>access to LNG facilities] corresponding to those mentioned in Article 32 of the Directive (as read with Article 2 of the Commission Decision).
- (18) Conditions included in a licence under Article 8(1)(d) must confer on the Department or the Authority a right of access to the licence holder's accounts for the purposes of ensuring compliance with the requirements mentioned in paragraph (17).
- (19) For the purposes of paragraph (17)—
- (a) the reference to Article 31 of the Directive is to be read as a reference to that Article with the modifications set out in paragraph (2);
  - (b) the reference to Article 32 of the Directive is to be read as a reference to that Article with the modifications set out in paragraph (4).
- (20) Conditions included in a licence under Article 8(1) must ensure that the holder—
- (a) does not disclose commercially sensitive information obtained in the course of carrying out its business, except in accordance with a legal duty to disclose information; and
  - (b) prevents information about its own activities which might be commercially advantageous from being disclosed in a discriminatory manner.”.

#### **Textual Amendments**

**F54** Words in reg. 118 inserted (28.12.2020) by [The Gas \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/305\)](#), regs. 1(2), **3(2)**

**F55** Words in reg. 118 inserted (28.12.2020) by [The Gas \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/305\)](#), regs. 1(2), **3(3)**

**F56** Words in reg. 118 substituted (28.12.2020) by [The Gas \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/305\)](#), regs. 1(2), **3(4)**

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**F57** Words in [reg. 118](#) substituted (28.12.2020) by [The Gas \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/305\)](#), regs. 1(2), **3(5)**

#### **Commencement Information**

**I98** Reg. 118 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**119.** For Article 10AA (licensing and energy efficiency) substitute—

#### **“Licensing and energy efficiency**

**10AA.**—(1) Subject to paragraph (5), where a customer of the holder of a licence granted under Article 8(1)(c) takes a supply of gas through a smart meter, the conditions included in that licence must require the holder of the licence to ensure that—

- (a) the meter complies with standards corresponding to those set out in Article 9(2)(a) and 10(2) of the Energy Efficiency Directive and where the customer so requests, Article 9(2)(c) of that Directive;
- (b) the customer is provided with the information specified in Article 9(2)(a) and 10(2) of the Energy Efficiency Directive;
- (c) the customer is provided with the information specified in Article 10(2)(b) of the Energy Efficiency Directive in the manner mentioned in that provision;
- (d) where the customer so requests, the customer or another person acting on the customer's behalf is provided with the information specified in Article 9(2)(d) of the Energy Efficiency Directive in the manner mentioned in that provision;
- (e) the meter is physically secure and any information provided by it is held in a manner that complies with the requirements of any relevant legislation relating to data protection; and
- (f) advice and information specified in Article 9(2)(e) of the Energy Efficiency Directive is provided to the customer.

(2) For the purposes of paragraph (1)(b) and (c), the reference to Article 10(2) of the Energy Efficiency Directive is to be read as a reference to that Article with the modifications that—

- (a) the words “installed in accordance with Directives [2009/72/EC](#) and [2009/73/EC](#)” are to be omitted; and
- (b) the reference to “Member States” is to be read as a reference to “the Authority”.

(3) Where a customer of the holder of a licence under Article 8(1)(c) does not take a supply of gas through a smart meter, the conditions included in that licence must require the holder of the licence to ensure that any bill or statement of account provided to the customer is accurate and based on actual consumption and that the information specified in paragraph 1.1 of Annex VII to the Energy Efficiency Directive is provided to the customer in the manner specified in that provision.

(4) The conditions included in a licence under Article 8(1)(c) must require the holder of the licence to ensure that—

- (a) where a customer so requests, the information specified in Article 10(3)(a) of the Energy Efficiency Directive is provided to an energy service provider designated by the customer;

- (b) any bill or statement of account sent to the customer—
    - (i) contains the information specified in Article 10(3)(c) of and paragraph 1.2 and 1.3 of Annex VII to the Energy Efficiency Directive;
    - (ii) complies with any guidance issued and published by the Authority; and
    - (iii) where the customer so requests, is provided in an electronic format;
  - (c) where a customer so requests, the information specified in Article 10(3)(b) of the Energy Efficiency Directive is provided to the customer;
  - (d) any customer taking a supply of gas from the licence holder is provided with the information specified in paragraph 1.3 of Annex VII to the Energy Efficiency Directive in contract documentation;
  - (e) any information provided to a customer in accordance with conditions included under this paragraph is provided in a timely manner and in an easily understandable format enabling customers to compare deals on a like-for-like basis;
  - (f) a charge is not made in respect of any bill or statement of account sent to a customer or in respect of any information provided to the customer (whether in the bill or statement of account or otherwise).
- (5) The duty on the Authority in paragraph (1) to include conditions in a licence only has effect where the Department—
- (a) has determined that it is technically possible, financially reasonable and proportionate in relation to the potential energy savings to implement a programme for the widespread provision of smart meters; and
  - (b) notifies the Authority in writing to that effect.
- (6) In this Article—
- (a) “the Energy Efficiency Directive” means the European Parliament and Council Directive 2012/27/EU on energy efficiency, amending Directives [2009/125/EC](#) and [2010/30/EU](#) and repealing Directives [2004/8/EC](#) and [2006/32/EC](#);
  - (b) “smart meter” means—
    - (i) a gas meter which can send and receive information using an electronic communications network; or
    - (ii) a gas meter and a device which is associated with or ancillary to that meter and which enables information to be sent and received by the meter using an electronic communication network;
  - (c) “electronic communications network” has the same meaning as in section 32 of the Communications Act 2003; and
  - (d) other expressions which are also used in the Energy Efficiency Directive have the same meaning as in that Directive.”.

#### **Commencement Information**

**I99** Reg. 119 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

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**120.**—(1) Article 10B (exemption from requirement for system access) is amended as follows.

(2) In paragraph (7)(b)(ii), for the words from “within” to “that paragraph” substitute “ which apply to the holder ”.

(3) Omit paragraph (9).

(4) After paragraph (10) insert—

“(10A) An obligation is a public service obligation for the purposes of this Article if—

(a) it is imposed by or under a statutory provision, and

(b) the provision is identified in a notice issued by the Department as a provision imposing or enabling the imposition of, a public service obligation within the meaning of Article 3(2) of the Directive (as it had effect immediately before [<sup>F58</sup>IP completion day]).

(10B) For the purposes of paragraph (10A), the reference to Article 3(2) is to be read as if the reference in that provision to natural gas undertakings of the Community were a reference to natural gas undertakings of the United Kingdom.”.

(5) Omit paragraph (11).

(6) In paragraph (12)(a), for “Article 10A(3) or (10)” substitute “ Article 10A(3) or (17) ”.

#### Textual Amendments

**F58** Words in reg. 120(4) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(37)**

#### Commencement Information

**I100** Reg. 120 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. [1\(1\)](#)

**121.**—(1) Article 27 (general functions) is amended as follows.

(2) In paragraph (3B)—

(a) in sub-paragraph (b), for “and (r) to” substitute “ , (r) and ”;

(b) omit sub-paragraph (d).

(3) After paragraph (3B) add—

“(3C) For the purposes of paragraph (3B)(c), the reference to Article 41(3)(a) is to be read as if the reference in that provision to Article 41 were a reference to Article 41 as implemented in Northern Ireland immediately before [<sup>F59</sup>IP completion day].”.

#### Textual Amendments

**F59** Words in reg. 121(3) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(38)**

#### Commencement Information

**I101** Reg. 121 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. [1\(1\)](#)



**122.**—(1) Article 27A (dispute resolution) is amended as follows.

(2) In paragraph (1)(b), for the words from “imposed” to “Directive” substitute “ which satisfies the requirement in paragraph (1A) ”.

(3) After paragraph (1) insert—

“(1A) The requirement in this paragraph is that either—

(a) the obligation is an obligation imposed on the holder before [<sup>F60</sup>IP completion day] pursuant to the Directive, including such an obligation as modified on or after [<sup>F60</sup>IP completion day], or

(b) both the following apply—

(i) the obligation was imposed on the holder on or after [<sup>F60</sup>IP completion day], and

(ii) the obligation is such that, if it had been imposed immediately before [<sup>F60</sup>IP completion day], it would have been an obligation imposed pursuant to the Directive;

and in this paragraph “the holder” means the holder mentioned in paragraph (1)(a).”.

#### Textual Amendments

**F60** Words in reg. 122(3) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(39)**

#### Commencement Information

**I102** Reg. 122 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**123.** In Article 38A (requirements for major pipelines etc.), in paragraph (5)—

(a) for “the criteria” substitute “ objective and non-discriminatory criteria ”;

(b) omit “for the purposes of and in accordance with Article 4(2) of the Directive”.

#### Commencement Information

**I103** Reg. 123 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**124.**—(1) Article 39A (exemption from relevant requirements) is amended as follows.

(2) In paragraph (2)(b), for “with” to “Directive” substitute “ with provisions corresponding to those set out in Articles 32, 33 or 34 of the Directive ”;

(3) After paragraph (2) insert—

“(2A) For the purposes of paragraph (2)(b)—

(a) the reference to Article 32 of the Directive is to be read as a reference to that Article with the modifications set out in Article 10A(4) of this Order;

(b) the reference to Article 33 of the Directive is to be read as a reference to that Article with the modifications set out in Article 10A(15)(b) of this Order;

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- (c) the reference to Article 34 is to be read as a reference to that Article with the following modifications—
- (i) references to “Member States” are to be read as references to “the Department”;
  - (ii) in paragraph (1), the final sentence is to be omitted;
  - (iii) in paragraph (2)(d), the reference to “Community law” is to be read as a reference to retained EU law;
  - (iv) paragraph (4) is to be omitted.”.
- (4) Omit paragraph (4).

#### Commencement Information

**I104** Reg. 124 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

- 125.**—(1) Article 39B (review of exemptions under Article 39A) is amended as follows.
- (2) Omit paragraphs (1) and (2).
- (3) In paragraph (4)—
- (a) in sub-paragraph (a)—
    - (i) after “if” insert “ before [F61IP completion day] ”;
    - (ii) after “paragraph (1)” insert “ (as it then had effect) ”;
  - (b) in sub-paragraph (b), after “if” insert “ before [F61IP completion day] ”;
  - (c) for sub-paragraph (c) substitute—
    - “(c) if—
      - (i) before [F61IP completion day] the Authority sent the European Commission a copy of the exemption and terms under paragraph (1) (as it then had effect), and
      - (ii) the European Commission does not act as described in paragraph (a) or (b) before [F61IP completion day],
 the date four months after the Authority sent the European Commission a copy of the exemption under paragraph (1) or [F61IP completion day], whichever is the sooner;
  - (d) if the decision to give the exemption was published under Article 39A(12) on or after [F61IP completion day], the date on which the decision was published under Article 39A(12).”.

#### Textual Amendments

**F61** Words in reg. 125 substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(40)**

#### Commencement Information

**I105** Reg. 125 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

126. In Article 45 (directions restricting the use of certain information), in paragraph (1A), for the words from “information” to the end substitute “ commercially sensitive information obtained in the course of carrying out its business, except in accordance with a legal duty to disclose information. ”.

**Commencement Information**

**I106** Reg. 126 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**The Energy (Northern Ireland) Order 2003**

127. The Energy (Northern Ireland) Order 2003 <sup>M18</sup> is amended as follows.

**Commencement Information**

**I107** Reg. 127 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**Marginal Citations**

**M18** S.I. 2003/419 (N.I. 6). Relevant amendments have been made by S.R. 2005 No. 335, 2009 No. 35, 2011 No. 155, 2013 No. 92 and 2014 No. 198.

128. In Article 2 (interpretation), in paragraph (2)—

<sup>F62</sup>(a) . . . . .

<sup>F62</sup>(b) . . . . .

[<sup>F63</sup>(c) in the definition of “designated regulatory authority” omit the words “or Article 39 of the Gas Directive”]

[<sup>F64</sup>(ca) omit the definition of “Third Package”;

(d) at the appropriate places insert—

<sup>F65</sup>  
...

<sup>F66</sup>  
...

<sup>F67</sup>  
...

[<sup>F68</sup>“designated regulatory gas functions” means any function of the Authority conferred by—

(a) a provision of retained EU law, or

(b) a condition in a licence under Article 8 of the Gas Order, as that condition is modified from time to time on or after IP completion day, where that function was, immediately before IP completion day, one of its functions as a regulatory authority designated in accordance with Article 39 of the Gas Directive;”];

““the designated regulatory gas objectives” means the objectives set out in Article 40(c) to (h) of the Gas Directive but read with the following modifications—

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- (a) in Article 40(c), for the words from “between” to the end substitute “ , including enabling the development of appropriate cross-border transmission capacities to meet demand; ”,
- (b) in Article 40(d), omit “ , in line with general energy policy objectives,”,
- (c) in Article 40(f), omit “and foster market integration” , and
- (d) in Article 40(g) for “their national market,” substitute “the market for gas in Northern Ireland”;

““Great Britain authority” means the Gas and Electricity Markets Authority;”.

**Textual Amendments**

- F62** Reg. 128(a)(b) omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(41)(a)**
- F63** Reg. 128(c) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(41)(b)**
- F64** Reg. 128(ca) inserted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(41)(c)**
- F65** Words in reg. 128(d) omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(41)(d)(i)**
- F66** Words in reg. 128(d) omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(41)(d)(ii)**
- F67** Words in reg. 128(d) omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(41)(d)(iii)**
- F68** Words in reg. 128(d) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(41)(d)(iv)**

**Commencement Information**

- I108** Reg. 128 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**129.—(1)** Article 3A (designation of Authority as national regulatory authority for Northern Ireland) is amended as follows.

[<sup>F69</sup>(2) At the end of the heading insert “: electricity”.]

[<sup>F70</sup>(3) In paragraph (1) omit the words “and Article 39(3) of the Gas Directive”.]

<sup>F71</sup>(4) .....

<sup>F71</sup>(5) .....

**Textual Amendments**

- F69** Reg. 129(2) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(42)(a)**
- F70** Reg. 129(3) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(42)(b)**
- F71** Reg. 129(4)(5) omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(42)(c)**

#### Commencement Information

**I109** Reg. 129 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

[<sup>F72</sup>**129A.** After Article 3A insert—

#### “Exercise of designated regulatory gas functions etc

**3B.** The Authority shall ensure that 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 designated regulatory gas functions; 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 Authority’s independence in relation to those functions.”]

#### Textual Amendments

**F72** Reg. 129A inserted (15.9.2020) by *The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016)*, regs. 1(2), **3(43)**

[<sup>F73</sup>**130.**—(1) Article 6A (report on activities as designated regulatory authority) is amended as follows.

- (2) At the end of the heading insert “: electricity”.
- (3) In paragraph (2) omit “and Article 41 of the Gas Directive”.]

#### Textual Amendments

**F73** Reg. 130 substituted (15.9.2020) by *The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016)*, regs. 1(2), **3(44)**

#### Commencement Information

**I110** Reg. 130 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**131.**—(1) Article 6B (decisions of the Agency for the Cooperation of Energy Regulators and of the European Commission) is amended as follows.

- (2) Renumber the existing Article as paragraph (1).
- (3) After paragraph (1) insert—

“(2) For the purposes of paragraph (1), a binding decision [<sup>F74</sup>made under the Gas Directive or the Gas Regulation] does not include a decision that is not, or so much of a decision as is not, retained EU law.”.

**Status:** Point in time view as at 15/09/2020. This version of this

Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Textual Amendments

**F74** Words in reg. 131(3) inserted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(45)**

#### Commencement Information

**I111** Reg. 131 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**132.** In Article 7 (publication by Authority of advice and information about consumer matters), in paragraph (5)(a)(i), after “European Commission” insert “ before [<sup>F75</sup>IP completion day] ”.

#### Textual Amendments

**F75** Words in reg. 132 substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(46)**

#### Commencement Information

**I112** Reg. 132 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**133.** In Article 8 (powers of Authority in relation to external matters), in paragraph (1), omit sub-paragraph (b).

#### Commencement Information

**I113** Reg. 133 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

**134.—(1)** Article 8A (duty on the Authority to have regard to the need for consultation and co-operation with other authorities) is amended as follows.

[<sup>F76</sup>(2) At the end of the heading insert “: electricity”.

(3) In paragraph (1)(b), omit “the Gas Directive,” and “the Gas Regulation”.

(4) In paragraph (2), for “Third Package” substitute “Electricity Directive”.

(5) In paragraph (3), in the definition of “region”—

(a) in sub-paragraph (a), omit “in relation to electricity,”;

(b) omit sub-paragraph (b) and the “and” preceding it.]

#### Textual Amendments

**F76** Reg. 134(2)-(5) substituted for reg. 134(2)-(4) (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(47)**

*Status: Point in time view as at 15/09/2020. This version of this*

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*Changes to legislation: There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

#### Commencement Information

**I114** Reg. 134 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

[<sup>F77</sup>**134A.** After Article 8A insert—

**“Duty on the authority to have regard to the need for consultation and co-operation with regard to other authorities: gas**

**8B.**—(1) When carrying out its designated regulatory gas functions, the Authority shall, to the extent it considers necessary, consider whether there is a need to—

- (a) consult and co-operate with the Great Britain authority or the regulatory authorities of other countries or territories;
- (b) provide the Great Britain authority with information it may require in order to carry out any functions of the Great Britain authority corresponding to the Authority’s designated regulatory gas functions; and
- (c) consult relevant national authorities.

(2) In this Article, “relevant national authorities” has the same meaning as in Article 8A(3).”]

#### Textual Amendments

**F77** Reg. 134A inserted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(48)**

<sup>F78</sup>**135.** . . . . .

#### Textual Amendments

**F78** Reg. 135 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(49)**

<sup>F79</sup>**136.** . . . . .

#### Textual Amendments

**F79** Reg. 136 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(49)**

**137.**—(1) Article 14 (principal objective and general duties of the Department and the Authority in relation to gas) is amended as follows.

(2) In paragraph (1), for the words from “pursuant” to the end substitute “ of the designated regulatory gas objectives ”.

(3) Omit paragraph (5B).

*Status: Point in time view as at 15/09/2020. This version of this*

*Instrument contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

#### Commencement Information

**I115** Reg. 137 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**138.** In Article 15 (exceptions from the general duties), in paragraph (4), for “Community obligation” substitute “retained EU obligation”.

#### Commencement Information

**I116** Reg. 138 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**139.**—(1) Article 38 (modification of licences: general provisions) is amended as follows.

<sup>F80</sup>(2) .....

(3) In paragraph (2), for the words from “the requirements” to the end substitute “any requirements and prohibitions contained in retained EU law which correspond to prohibitions and requirements in the Gas Directive”.

#### Textual Amendments

**F80** Reg. 139(2) omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(50\)](#)

#### Commencement Information

**I117** Reg. 139 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**140.**—<sup>F81</sup>(1) In Article 45 (financial penalties), in paragraph (9)(b), after “Electricity Directive or” insert “by or under a provision referring to a provision of”]

(2) For the purposes of Article 45 of the Energy (Northern Ireland) Order 2003, the reference in paragraph (1) of that Article to “any provision of a Community Regulation” is to be treated on and after [<sup>F82</sup>IP completion day] as including a reference to any provision of [<sup>F83</sup>the Gas Regulation (within the meaning of that Order)] as it had effect in EU law at any time before [<sup>F82</sup>IP completion day].

#### Textual Amendments

**F81** Reg. 140(1) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(51\)\(a\)](#)

**F82** Words in reg. 140(2) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(51\)\(b\)\(i\)](#)

**F83** Words in reg. 140(2) substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), [regs. 1\(2\)](#), [3\(51\)\(b\)\(ii\)](#)



*Status: Point in time view as at 15/09/2020. This version of this*

*Instrument contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

**Commencement Information**

**I118** Reg. 140 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

<sup>F84</sup>**141.** . . . . .

**Textual Amendments**

**F84** Reg. 141 omitted (15.9.2020) by virtue of **The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016)**, regs. 1(2), **3(52)**

**142.** In Article 55F (interpretation of Articles 52 to 55F), in paragraph (1) omit the definition of “Great Britain authority”.

**Commencement Information**

**I119** Reg. 142 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**143.** In Article 56 (power to amend Part VII), in paragraph (1)—  
[<sup>F85</sup>(a) at the end of sub-paragraph (b)(i) omit “or”;  
(ab) after sub-paragraph (b)(i) insert—  
“*(ia)* any retained EU obligation; or”];  
(b) in sub-paragraph (b)(ii), for “member State” substitute “country”.

**Textual Amendments**

**F85** Reg. 143(a)(ab) substituted for reg. 143(a) (15.9.2020) by **The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016)**, regs. 1(2), **3(53)**

**Commencement Information**

**I120** Reg. 143 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

[<sup>F86</sup>**144.** In Article 62 (reasons for decisions), in paragraph (1)(g), after “Northern Ireland” insert “or designated regulatory gas functions”.]

**Textual Amendments**

**F86** Reg. 144 substituted (15.9.2020) by **The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016)**, regs. 1(2), **3(54)**

*Status: Point in time view as at 15/09/2020. This version of this*

*Instrument contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

**Commencement Information**

**I121** Reg. 144 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

[<sup>F87</sup>**145.** In Article 63 (general restrictions on disclosure of information), in paragraph (4)(i), after “Community obligation” insert “or retained EU obligation”.]

**Textual Amendments**

**F87** Reg. 145 substituted (15.9.2020) by [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(55)**

**Commencement Information**

**I122** Reg. 145 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007**

<sup>F88</sup>**146.** . . . . .

**Textual Amendments**

**F88** Regs. 146-149 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(56)**

**The Electricity (Priority Dispatch) Regulations (Northern Ireland) 2012**

<sup>F88</sup>**147.** . . . . .

**Textual Amendments**

**F88** Regs. 146-149 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(56)**

<sup>F88</sup>**148.** . . . . .

**Textual Amendments**

**F88** Regs. 146-149 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(56)**

<sup>F88</sup>**149.** . . . . .

**Textual Amendments**

**F88** Regs. 146-149 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(56)**

VALID FROM 31/12/2020

## PART 5

### Amendment of EU Regulations and Decisions

#### The Electricity Regulation

<sup>F89</sup>**150.** . . . . .

**Textual Amendments**

**F89** Reg. 150 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(57)**

#### The Gas Regulation

**151.**—(1) The Gas Regulation is amended as set out in Schedule 2.

(2) In this regulation and in Schedule 2, “the Gas Regulation” means Regulation [\(EC\) 715/2009](#) of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation [\(EC\) No 1775/2005](#)<sup>M19</sup>.

**Commencement Information**

**I123** Reg. 151 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

**Marginal Citations**

**M19** Further amendments to the Gas Regulation are made by [S.I. 2018/1286](#).

#### Revocations and savings

**152.**—(1) The EU Regulations and Decisions specified in Schedule 3 are revoked.

(2) The revocation of the TEN-E Regulation by paragraph (1) and Schedule 3 is subject to the savings provisions in Schedule 4.

(3) In this regulation and in Schedules 3 and 4, “the TEN-E Regulation” means Regulation [\(EU\) No 347/2013](#) of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No [1364/2006/EC](#) and amending Regulations [\(EC\) No 713/2009](#), [\(EC\) No 714/2009](#) and [\(EC\) No 715/2009](#).

**Status:** Point in time view as at 15/09/2020. This version of this

Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

### Commencement Information

**I124** Reg. 152 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(1\)](#)

Department for Business, Energy and  
Industrial Strategy

*Claire Perry*  
Minister of State

**Status:** Point in time view as at 15/09/2020. This version of this Instrument contains provisions that are not valid for this point in time.  
**Changes to legislation:** There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

VALID FROM 31/12/2020

<sup>F90</sup>SCHEDULE 1

Regulation 150

The Electricity Regulation

**Textual Amendments**

**F90** Sch. 1 omitted (15.9.2020) by virtue of [The Electricity and Gas etc. \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1016\)](#), regs. 1(2), **3(57)**

SCHEDULE 2

Regulation 151

The Gas Regulation

SCHEDULE 3

Regulation 152(1)

EU Regulations and Decisions: Revocations

SCHEDULE 4

Regulation 152(2)

The TEN-E Regulation: Savings

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) to (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 amends primary legislation, Part 3 amends subordinate legislation applying to Great Britain, and Part 4 amends Northern Ireland legislation, relating to electricity and gas.

**Status:** Point in time view as at 15/09/2020. This version of this

*Instrument contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

Part 5 amends or revokes retained EU Regulations and Decisions relating to electricity and gas or, in the case of some of the revoked instruments, to energy more generally. Regulations (EC) No 714/2009 (“the Electricity Regulation”) and 715/2009 (“the Gas Regulation”), which are amended by Schedules 1 and 2, are also amended with effect from exit day by the Electricity and Gas (Powers to Make Subordinate Legislation) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1286).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

**Status:**

Point in time view as at 15/09/2020. This version of this Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019.