
STATUTORY INSTRUMENTS

2019 No. 530

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

PART 2

Amendment of primary legislation

Electricity Act 1989

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 exit 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 Article 3 of 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, the Authority’s preliminary decision is to be treated on and after exit day as if it were a final decision under Article 3 made immediately before exit 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.