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STATUTORY INSTRUMENTS

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**2019 No. 530**

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

PART 2

Amendment of primary legislation

**Electricity Act 1989**

**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 exit day is to be treated, on and after exit 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 exit 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](#)(**1**);

“the Electricity 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 for cross-border exchanges in electricity and repealing Regulation ([EC](#)) No 1228/2003.