STATUTORY INSTRUMENTS

2015 No. 862

ELECTRICITY
GAS

The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015

Made - - - -	*23rd March 2015*
Laid before Parliament	*25th March 2015*
Coming into force - -	*1st July 2015*

The Secretary of State is designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to energy and energy sources.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) (Amendment) Regulations 2015 and come into force on 1st July 2015.

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

Interpretation

2. In these Regulations, "the REMIT Regulations" means the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations 2013(**3**).

(**1**) S.I. 2010/761.
(**2**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
(**3**) S.I. 2013/1389, as amended by S.I. 2015/783.

PART 2

Amendments to the Utilities Act 2000

3. The Utilities Act 2000(**4**) is amended as follows.

Annual and other reports of Authority

4. In section 5(2)—

(a) at the end of paragraph (c) omit "and";

(b) after paragraph (c) insert—

"(ca) a summary of final notices given by the Authority under the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations 2013; and".

General restrictions on disclosure of information

5. In section 105(**5**)—

(a) in subsection (3)(a), after "Energy Act 2013" insert ", the REMIT Regulations";

(b) in subsection (4), after paragraph (g) (but before the "or" immediately following it) insert —

"(ga) in connection with the investigation of any failure to comply with a REMIT requirement or for the purposes of any proceedings brought under or by virtue of REMIT;";

(c) in subsection (5), for paragraphs (f) and (g) substitute the following paragraph—

"(f) the Northern Ireland Authority for Utility Regulation;";

(d) in subsection (6), after paragraph (x) insert the following paragraph—

"(y) the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations (Northern Ireland) 2013(**6**).";

(e) after subsection (6) insert the following subsection—

"(6A) If the Authority is making a decision whether to disclose information to another national regulatory authority under subsection (4)(ga), the Authority must have regard in particular to whether there are arrangements in place for the provision of mutual assistance in relation to the disclosure of information.";

(f) in subsection (10)—

(i) after the definition of "licence holder" insert—

""national regulatory authority" has the same meaning as in REMIT;";

(ii) after the definition of "relevant activities" insert the following definitions—

""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(**7**);

(**4**) 2000 c. 27.
(**5**) Section 105 was amended by section 52(b) of the Energy Act 2013 (c. 32) and section 76(4) of, and paragraph 11 of Schedule 9 to, the Civil Aviation Act 2012 (c. 19). Other amendments have been made that are not relevant for these purposes.
(**6**) S.R. (NI) 2013 No 208.
(**7**) OJ No L326, 08.12.2011, p1.

"the REMIT Regulations" means the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations 2013(**8**);

"REMIT requirement" has the same meaning as in the REMIT Regulations.".

PART 3

Amendments to the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations 2013

6. The REMIT Regulations are amended as follows.

Interpretation

7. In regulation 2, after the definition of "regulated person" insert the following definition—

""regulation 39 requirement" means a prohibition against publication imposed by regulation 39 on any person to whom the Authority has given or copied a warning or decision notice;".

REMIT requirement

8. After regulation 4(c) insert the following sub-paragraphs—

"(ca) Article 8(1) and (5) (data collection);

(cb) Article 9(1), (4) and (5) (registration of market participants);".

Authority's general functions

9. Before regulation 7 (but after the heading "Authority's general functions") insert the following regulation—

"**6A.** The Authority must, so far as it appears to the Authority to be appropriate, monitor the integrity and transparency of the wholesale energy market.".

Power of Authority to investigate

10. In regulation 10(1), for sub-paragraph (b) substitute—

"(b) may have failed to comply with—

(i) a requirement imposed by or under regulation 8; or

(ii) a regulation 39 requirement;".

General restrictions on disclosure of information

11. After regulation 20 insert the following regulations—

"General restrictions on disclosure of information

General restrictions on disclosure of information

20A.—(1) Section 105 of the Utilities Act 2000 (general restrictions on disclosure of information), apart from subsections (7) and (12), applies in relation to information obtained

(**8**) S.I. 2013/1389, as amended by S.I. 2015/783.