

ELECTRICITY (AMENDMENT) ACT 2010

Arrangement of Sections

Section

PART 1

INTRODUCTORY

- 1.** Short title

PART 2

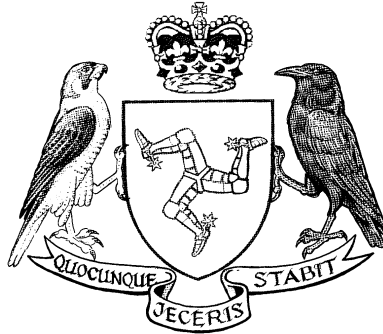
AMENDMENTS

- 2.** Amendment of the Electricity Act 1996
- 3.** Section 2 amended (functions of the Authority)
- 4.** Sections 2A and 2B inserted
- 5.** Section 3 amended (revenue of Authority to cover outgoings etc)
- 6.** Section 3A amended (accounts)
- 7.** Section 3B amended (directions to transfer sums to General Revenue)
- 8.** Section 3C amended (subsidiary companies etc)
- 9.** Section 15A amended (power to lay gas pipes etc)
- 10.** Section 20 amended (interpretation)

PART 3

SUPPLEMENTARY

- 11.** Transitional provision



Isle of Man } Signed in Tynwald: 19th October 2010
 to Wit } Received Royal Assent: 19th October 2010
 Announced to Tynwald: 19th October 2010

AN ACT

to amend the Electricity Act 1996;
 and for connected purposes.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by
 and with the advice and consent of the Council and Keys in
 Tynwald assembled, and by the authority of the same, as follows:—

PART 1

INTRODUCTORY

1. The short title of this Act is the Electricity (Amendment) Act 2010. Short title

PART 2

AMENDMENTS

2. The Electricity Act 1996 is amended as follows.

Amendment of the
 Electricity Act 1996

3. In section 2(7) omit “under this Act”.

[c.14]

Section 2 amended
 (functions of the
 Authority)

4. After section 2 insert —

Sections 2A
 and 2B inserted

“Additional powers of the Authority in relation to supply of gas
 P2000/22/2
 [c.12] **2A.** (1) Without prejudice to section 2(5), or its powers under the Gas and Electricity Act 2003, the Authority has power to do anything to supply, or facilitate the supply of, gas to any person if, in the opinion of the Treasury, to do so is likely to achieve one or more of the following —

- (a) the promotion or improvement of the Island's economy;
- (b) the promotion or improvement of the social well-being of the Island;
- (c) the promotion or improvement of the Island's environment.

(2) The power in subsection (1) may be exercised in relation to, or for the benefit of —

- (a) the whole or any part of the Island;
- (b) all or any persons resident or present in the Island.

(3) The power in subsection (1) includes power for the Authority to —

- (a) incur expenditure;
- (b) give financial assistance (including assistance by way of guarantee or indemnity) to any person;
- (c) enter into arrangements or agreements with any person;
- (d) co-operate with, or facilitate or co-ordinate the activities of, any person;
- (e) exercise any of a person's functions on that person's behalf; and
- (f) provide staff, goods, services or accommodation to any person.

(4) Nothing in subsection (3) limits the scope of the power in subsection (1).

(5) This section is subject to section 2B.

Limits on
power in
section 2A

P2000/22/3

2B. (1) The power in section 2A(1) may not be exercised without the written consent of the Department and the Treasury.

(2) Section 2A(1) does not enable the Authority to do anything which it is unable to do by virtue of any prohibition, restriction or limitation on its powers contained in any enactment (whenever passed or made).

(3) Section 2A(1) does not affect the operation of —

(a) any other power contained in this Act or the Gas and Electricity Act 2003; [c.12]

(b) the Isle of Man Loans Act 1974; or [c.6]

(c) the Audit Act 2006. [c.15]

(4) The Department, with the written consent of the Treasury, may by order repeal this section and section 2A.

(5) An order under subsection (4) must not come into operation unless it is approved by Tynwald.”.

5. (1) Section 3 is amended as follows.

(2) For subsection (1) substitute —

“(1) The Authority shall perform its functions in connection with each of its undertakings referred to in section 3A(1) —

(a) unless the Treasury authorises otherwise, so as to secure that the revenue of the undertaking in each accounting year is sufficient to meet all charges properly chargeable to revenue account; and

(b) unless the Treasury makes a direction under subsection (2)(b), so as to enable the Authority to make such allocations to reserves as the Authority considers appropriate.”.

(3) After subsection (2) insert —

“(2A) However, no allocation may be made under subsection (1)(b) or (2)(b) unless the revenue of the undertaking in question in the accounting year in question exceeds all charges properly chargeable to revenue account.”.

(4) Consequently, section 6(1) of the Gas and Electricity Act 2003 is repealed.

6. (1) Section 3A is amended as follows.

Section 3
amended
(revenue of
Authority
to cover
outgoings
etc)

Section 3A
amended
(accounts)

(2) For subsection (1)(b) and (c) substitute —

“(b) the conveyance and supply of gas under section 15A and under the Gas and Electricity Act 2003;”.

[c.12]

(3) In subsection (1)(d) for “that Act” substitute “the Gas and Electricity Act 2003”.

Section 3B
amended
(directions to
transfer sums
to General
Revenue)

7. In section 3B(1) for “any year” substitute “any accounting year”.

Section 3C
amended
(subsidiary
companies
etc)

8. After section 3C(2) insert —

“(2A) Section 5 shall apply to a company mentioned in subsection (2) as it applies to the Authority.”.

Section 15A
amended
(power to lay
gas pipes etc)

9. After section 15A(6) insert —

“(6A) Paragraphs 4 to 7, 9 and 10 of Schedule 2 apply, with any necessary modifications, to works authorised by —

(a) subsection (1)(a) or (b) of this section; or

(b) section 1(1) of the Gas and Electricity Act 2003,

[c.12]

as they apply to the generation, transmission or supply of electricity.

(6B) However, nothing in subsection (6A) shall apply to works for the purpose of supplying gas directly to the public.”.

Section 20
amended
(interpretation)

10. In section 20(1) —

(a) after the definition of “electric line” insert —

““function”, in relation to the Authority, means any function under this or any other enactment;”; and

(b) in the definition of “works” after “supply electricity” add “and, where the context requires, gas or telecommunications”.

PART 3

SUPPLEMENTARY

11. Where, in any of the accounting years ending prior to the year in which this Act came into operation, the revenue of any of the undertakings of the Manx Electricity Authority referred to in section 3A(1) of the Electricity Act 1996 was not sufficient to meet charges properly chargeable to revenue account, the Authority shall nevertheless be treated as having complied with section 3(1) of that Act.

Transitional
provision

[c.14]

