

# FIRST SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. GG4584 of Monday 10<sup>th</sup> June, 2019

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I ASSENT,

EDWARD DAVIS,

GOVERNOR.

7<sup>th</sup> June, 2019



**GIBRALTAR**

**No. 12 of 2019**

**AN ACT** to amend the Gibraltar Electricity Authority Act 2003 to support feed-in agreements and to matters connected thereto.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Gibraltar Electricity Authority (Amendment) Act 2019.

**Commencement.**

2. This Act comes into operation at the end of the period of 2 months beginning with the day of publication.

**Amendment to Act.**

3.(1) The Gibraltar Electricity Authority Act 2003 is amended in accordance with the provisions of this section.

(2) In section 2 (interpretation) after the definition of “electric line” insert—

““feed-in agreement” means an agreement under section 12A;”.

(3) In section 7 (liability and exemptions therefrom) after subsection (6) insert—

“(7) Subsection (1) applies in relation to supply of electricity in accordance with a feed-in agreement as in relation to supply by the Authority.”.

(4) In section 10 (regulations)-

(a) in subsection 1(c) for “.” substitute “;”;

(b) after subsection (1)(c) insert—

“(d) to make provision for the operation of feed-in agreements, and related matters.”.

(5) In section 12 (duty to supply) after subsection (5) insert—

“(6) Where a consumer generates excess electricity and supplies it to the Distribution Network in accordance with a feed-in agreement, bills under subsection (4) shall allow credits in respect of the excess electricity in accordance with the terms of the agreement (which may provide for credits annually or otherwise).”.

(6) After section 12 insert—

**“Feed-in agreements.**

12A.(1) The Authority may, at its discretion, enter into an agreement with a consumer to enable electricity generated by the consumer in excess of the consumer’s consumption needs to be supplied to the Distribution Network in accordance with arrangements made by the Authority.

(2) The agreement shall, where relevant, inter alia include terms—

- (a) about the equipment to be supplied by the Authority for the receipt of the excess electricity (which may, in particular, apply or replicate any provision of section 11 or 13);
- (b) about the installation, technical specifications, usage conditions, maintenance and safety of that equipment;
- (c) determining the amounts by which the consumer’s charges for electricity will be reduced as a result of credits allowed by the Authority to reflect the supply of electricity by the consumer (and provision under this paragraph may refer to a document published by the Authority, including any future variations or replacements of that document);
- (d) about charges (if any) for or in respect of the equipment supplied by the Authority;
- (e) conferring rights of entry and control that may be exercised by the Authority in respect of the consumer’s premises and equipment in order to maintain continuity of supply by the consumer in accordance with the agreement or in order to protect any aspect of the Distribution Network or the safety of persons working on it (and those rights may, in particular, apply or replicate any provision of section 27);
- (f) dealing with any other matter which the Authority thinks necessary or expedient in connection with the supply of electricity by the consumer; and
- (g) specifying a process in accordance with which the Authority may vary terms of the agreement at its discretion (and the process may include provision for variation without consultation or notice in cases of urgency).”.

(7) After section 34 (offences: abstracting electricity) insert—

**“Unauthorised supply.**

34A.(1) It is an offence to supply or attempt to supply electricity to the Distribution Network otherwise than in accordance with a feed-in agreement (or under section 39(2)).

(2) A person who is guilty of an offence under this section is liable on summary conviction to imprisonment for 4 months or a fine at level 2 on the standard scale, or both.”.

(8) In section 36 for “liable on summary conviction to imprisonment and to a fine at level 2 on the standard scale” substitute “liable on summary conviction to imprisonment for 4 months or a fine at level 2 on the standard scale, or both.”.

(9) In section 39 (restriction on supply by others) after subsection (3) insert—

“(4) Subsection (1) does not prevent the supply of electricity in accordance with a feed-in agreement.”.

(10) In section 40(2) (exemptions) after “consumer” insert “or a supplier under a feed-in agreement”.

(11) In Schedule 3 (general powers of the Authority)—

(a) after paragraph 1(5) (authorising consumer-to-consumer supply) insert—

“(5A) To enter into feed-in agreements with consumers.”; and

(b) in paragraph 6 (rights of entry) after subparagraph (4) insert—

“(5) A right of entry under a feed-in agreement shall be exercised, and may be enforced, as if it were a right conferred by this paragraph.”.

Passed by the Gibraltar Parliament on the 30th day of May, 2019.

P E MARTINEZ,  
Clerk to the Parliament.