



# Energy Act 2013

## 2013 CHAPTER 32

### PART 7

#### FINAL

#### **152 Interpretation of Act**

(1) In this Act—

“the Authority” means the Gas and Electricity Markets Authority;

“EA 1989” means the Electricity Act 1989;

“functions” includes powers and duties;

“primary legislation” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) an Act or Measure of the National Assembly for Wales, or
- (d) Northern Ireland legislation.

(2) A reference in this Act to—

- (a) the Department of Enterprise, Trade and Investment, or
- (b) the Department of Environment,

is to that Department in Northern Ireland.

#### **153 Transfer schemes**

(1) This section applies in relation to a scheme made by the Secretary of State under any of the following provisions (a “transfer scheme”)—

- (a) Schedule 1;
- (b) paragraph 16 of Schedule 2;
- (c) Schedule 3;
- (d) Schedule 11;
- (e) Schedule 13.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Subject to subsection (3), the Secretary of State may modify a transfer scheme.
- (3) If a transfer under the scheme has taken effect, any modification under subsection (2) that relates to the transfer may be made only with the agreement of the person (or persons) affected by the modification.
- (4) A modification takes effect from such date as the Secretary of State may specify; and that date may be the date when the original scheme came into effect.
- (5) A transfer scheme may—
  - (a) include incidental, supplementary and consequential provision;
  - (b) make transitory or transitional provision or savings;
  - (c) make different provision for different cases or circumstances or for different purposes;
  - (d) make provision subject to exceptions.
- (6) In the provisions mentioned in subsection (1), “subordinate legislation” means—
  - (a) subordinate legislation within the meaning of the Interpretation Act 1978 (see section 21(1) of that Act), or
  - (b) an instrument made under—
    - (i) an Act of the Scottish Parliament,
    - (ii) an Act or Measure of the National Assembly for Wales, or
    - (iii) Northern Ireland legislation.

## **154 Financial provisions**

- (1) The following are to be paid out of money provided by Parliament—
  - (a) any expenditure incurred by the Secretary of State by virtue of this Act;
  - (b) any expenditure incurred by the Authority by virtue of this Act;
  - (c) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) The expenditure referred to in subsection (1)(a) includes expenditure incurred by the Secretary of State for the purposes of, or in connection with—
  - (a) the establishment of a CFD counterparty;
  - (b) making payments or providing financial assistance to a CFD counterparty;
  - (c) obtaining advice and assistance in relation to the exercise of functions conferred on the Secretary of State by or by virtue of Chapter 2 or 3 of Part 2;
  - (d) making payments or providing financial assistance to a settlement body in relation to capacity agreements (see section 28(4)(g));
  - (e) making payments or providing financial assistance to the national system operator, a person or body on whom a function is conferred by virtue of section 35 or an alternative delivery body in connection with the exercise of EMR functions.
- (3) Financial assistance or payments includes financial assistance or payments given subject to such conditions as may be determined by, or in accordance with arrangements made by, the Secretary of State; and such conditions may in particular in the case of a grant include conditions for repayment in specified circumstances.
- (4) In this section—

“alternative delivery body” and “EMR functions” have the same meaning as in section 46;

“CFD counterparty” and “national system operator” have the same meaning as in Chapter 2 of Part 2;

“financial assistance” means grants, loans, guarantees or indemnities, or any other kind of financial assistance.

## 155 Extent

- (1) Subject to the rest of this section, this Act extends to England and Wales and Scotland.
- (2) The following also extend to Northern Ireland—
  - (a) Part 1 (decarbonisation);
  - (b) in Part 2—
    - (i) Chapter 1 (general considerations),
    - (ii) Chapter 2 (contracts for difference),
    - (iii) Chapter 4 (investment contracts),
    - (iv) section 56 (transition to certificate purchase scheme),
    - (v) Chapter 8 (emissions performance standard), and
    - (vi) section 63 (exemption from liability in damages);
  - (c) subject to subsections (6) and (7), Part 3 (nuclear regulation);
  - (d) this Part.
- (3) Section 55(4) extends to Northern Ireland only.
- (4) Sections 145 and 150 extend to England and Wales only.
- (5) Section 149 extends to England and Wales and Northern Ireland only.
- (6) Part 2 of Schedule 8 extends to England and Wales and Scotland only.
- (7) The amendments made by Schedule 12 have the same extent as the provisions they amend, except that—
  - (a) paragraph 25 (amendment to section 24A of the Nuclear Installations Act 1965 as it has effect in England and Wales and Scotland) extends to England and Wales and Scotland only;
  - (b) the other amendments in that Schedule of the Nuclear Installations Act 1965 extend to England and Wales, Scotland and Northern Ireland only;
  - (c) paragraphs 39 to 49 (amendments of the Nuclear Safeguards and Electricity (Finance) Act 1978 and Nuclear Safeguards Act 2000) extend to England and Wales, Scotland and Northern Ireland only;
  - (d) paragraphs 66 to 68 (amendments of the Radioactive Substances Act 1993) extend to Scotland only.

## 156 Commencement

- (1) The provisions of this Act come into force on such day as the Secretary of State may by order made by statutory instrument appoint, subject to subsections (2) and (3).
- (2) The following provisions come into force at the end of the period of 2 months beginning with the day on which this Act is passed—
  - (a) Chapter 5 of Part 2 (conflicts of interest and contingency arrangements);

- (b) Chapter 6 of Part 2 (access to markets);
  - (c) section 56 (transition to certificate purchase scheme);
  - (d) Chapter 8 of Part 2 (emissions performance standard);
  - (e) Part 5 (strategy and policy statement), other than section 138(1), (4) and (5);
  - (f) sections 139 to 142 (domestic tariffs: modifications of energy supply licences);
  - (g) section 143 (powers to alter activities requiring licences: activities related to supply contracts);
  - (h) section 144 (consumer redress orders);
  - (i) section 145 (fuel poverty);
  - (j) section 146 (feed-in tariffs: increase in maximum capacity of plant);
  - (k) section 147 (offshore transmission systems);
  - (l) section 149 (fees in respect of decommissioning and clean-up of nuclear sites).
- (3) The following provisions come into force on the day on which this Act is passed—
- (a) Part 1 (decarbonisation);
  - (b) Chapter 1 of Part 2 (general considerations);
  - (c) Chapter 2 of Part 2 (contracts for difference);
  - (d) Chapter 3 of Part 2 (capacity market);
  - (e) Chapter 4 of Part 2 (investment contracts);
  - (f) section 55 (closure of support under the renewables obligation);
  - (g) Chapter 9 of Part 2 (miscellaneous);
  - (h) section 113 (subordinate legislation under Part 3);
  - (i) section 114(1) (power to make transitional provision in relation to Part 3);
  - (j) section 115 (transfer of staff etc for purposes of Part 3);
  - (k) section 116(2) (power to make consequential amendments in relation to Part 3);
  - (l) section 118 (review of Part 3);
  - (m) section 151 (review of certain provisions of Part 6);
  - (n) the provisions of this Part (including this section).
- (4) An order under subsection (1) may—
- (a) appoint different days for different purposes;
  - (b) make transitional provision and savings.

## 157 Short title

This Act may be cited as the Energy Act 2013.