



Energy Act 2013

2013 CHAPTER 32

PART 2

ELECTRICITY MARKET REFORM

CHAPTER 8

EMISSIONS PERFORMANCE STANDARD

59 Suspension etc of emissions limit in exceptional circumstances

- (1) This section applies where an appropriate authority considers that there is an electricity shortfall, or a significant risk of an electricity shortfall.
- (2) Where this section applies, the appropriate authority may direct that, in relation to relevant plant, the emissions limit duty is to be treated as—
 - (a) suspended for a period specified in the direction, or
 - (b) modified for a period specified in the direction.
- (3) For the purposes of this section, there is an electricity shortfall when—
 - (a) the electricity available in Great Britain is insufficient to meet demands in Great Britain, or
 - (b) the electricity available in Northern Ireland is insufficient to meet demands in Northern Ireland.
- (4) For this purpose—
 - (a) electricity available in Great Britain or Northern Ireland includes electricity that is available there by virtue of an electricity interconnector (within the meaning of Part 1 of EA 1989), and
 - (b) subject to that, it is for the appropriate authority to determine what is to be regarded as available electricity.
- (5) Before giving a direction under this section, the Secretary of State must consult—

Changes to legislation: *Energy Act 2013, Section 59 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) such other persons as the Secretary of State considers it appropriate to consult.
- (6) As soon as practicable after giving a direction under this section, the Secretary of State must lay before Parliament a document containing—
- (a) a copy of the direction, and
 - (b) a statement of the Secretary of State's reasons for making the direction.
- (7) Before giving a direction under this section, the Department of Enterprise, Trade and Investment must consult such persons as it considers it appropriate to consult.
- (8) As soon as practicable after giving a direction under this section, the Department of Enterprise, Trade and Investment must lay before the Northern Ireland Assembly a document containing—
- (a) a copy of the direction, and
 - (b) a statement of the Department's reasons for making the direction.
- (9) A direction under this section—
- (a) is to be made in writing;
 - (b) may include incidental, supplementary and transitional provision;
 - (c) may be varied or revoked by a further direction under this section.
- (10) Provision that may be made by virtue of subsection (9)(b) includes, in particular, provision imposing requirements on enforcing authorities (within the meaning of Schedule 5) for Great Britain or Northern Ireland, as the case may be.
- (11) Each appropriate authority—
- (a) must issue (and may from time to time revise) a statement of the Secretary of State's or, as the case may be, the Department's policy in relation to making directions under this section,
 - (b) must publish the up-to-date text of the statement whenever it is issued or revised, and
 - (c) must have regard to the statement in making any direction under this section.
- (12) For the purposes of this section—
- “appropriate authority” means—
 - (a) the Secretary of State, or
 - (b) the Department of Enterprise, Trade and Investment;
 - “relevant generating station” means a generating station which satisfies paragraphs (a) and (b) of section 57(4);
 - “relevant plant” means—
 - (a) in relation to a direction by the Secretary of State, fossil fuel plant which consists of or includes a relevant generating station in Great Britain;
 - (b) in relation to a direction by the Department of Enterprise, Trade and Investment, fossil fuel plant which consists of or includes a relevant generating station in Northern Ireland.

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Changes and effects yet to be applied to :

- s. 59(4)(a) words inserted by [2023 c. 52 Sch. 17 para. 17](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 68(4) inserted by [2023 c. 52 s. 302\(4\)](#)