
Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 9

INDEPENDENT SYSTEM OPERATOR AND PLANNER: TRANSFERS

PART 2

OTHER PROVISION ABOUT TRANSFERS AND DESIGNATION

Provision of information or assistance

- 12 (1) The Secretary of State may direct a person within [sub-paragraph \(2\)](#) to provide the Secretary of State with such specified information or assistance as the Secretary of State may reasonably require—
- (a) in preparation for or in connection with the designation of a person under [section 162\(1\)](#), or
 - (b) in connection with the making of a transfer scheme.
- (2) A person is within this sub-paragraph if—
- (a) property, rights or liabilities are likely to be transferred from or to the person by a transfer scheme, or
 - (b) the person is a body corporate that is likely to be transferred under a transfer scheme.
- (3) The Secretary of State may direct a person (other than a person within [sub-paragraph \(2\)](#)) to provide the Secretary of State with such specified information or assistance as the Secretary of State may reasonably require in preparation for or in connection with the designation of a person under [section 162\(1\)](#).
- (4) A direction under [sub-paragraph \(1\)](#) or (3) must—
- (a) be in writing, and
 - (b) specify the sub-paragraph under which it is given.
- (5) The power to give a direction under [sub-paragraph \(3\)](#) ceases to be exercisable—
- (a) at the end of the period of 3 years beginning with the time from which the first designation under [section 162\(1\)](#) has effect, or
 - (b) if at any time before the end of that period a transfer scheme is made under [paragraph 1\(1\)](#), at the end of the period of 3 years beginning with the date (or, if there is more than one, the first date) from which the transfer of property, rights or liabilities under the scheme takes effect.
- (6) A person to whom a direction is given under [sub-paragraph \(1\)](#) or (3) must, so far as reasonably practicable, provide the Secretary of State with the specified information or assistance—
- (a) within the specified period, and
 - (b) in the specified form and manner.

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- (7) A direction under [sub-paragraph \(1\)](#) or [\(3\)](#) is enforceable by the Secretary of State in civil proceedings—
- (a) for an injunction,
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
 - (c) for any other appropriate remedy or relief.
- (8) The Secretary of State—
- (a) must reimburse a person in respect of costs reasonably incurred by the person in complying with a direction under [sub-paragraph \(1\)](#) or [\(3\)](#);
 - (b) may reimburse a person in respect of costs reasonably incurred by the person in complying with a request (whether made before or after the day on which this Act is passed) to provide the Secretary of State with information reasonably required by the Secretary of State for a purpose mentioned in [sub-paragraph \(1\)\(a\)](#) or [\(b\)](#).
- (9) In this paragraph—
- “assistance” includes assistance provided in a country or territory other than the United Kingdom;
 - “information” includes documents;
 - “specified” means specified in the direction.

Commencement Information

II Sch. 9 para. 12 in force at Royal Assent, see [s. 334\(2\)\(h\)\(ii\)](#)

Co-operation

- 13 (1) A person within [sub-paragraph \(2\)](#) must co-operate with, and so far as practicable must not take any step that may reasonably be expected to impede, the Secretary of State in relation to the doing of anything by the Secretary of State—
- (a) in preparation for or in connection with the first designation of a person under [section 162\(1\)](#), or
 - (b) in connection with the making of a transfer scheme.
- (2) The persons within this sub-paragraph are—
- (a) National Grid plc and its associates (within the meaning of section 1152 of the Companies Act 2006);
 - (b) any person who, at any time during the period mentioned in [sub-paragraph \(3\)](#), has acquired property, rights or liabilities from a person within [paragraph \(a\)](#) (whether or not as a result of a transfer scheme under [paragraph 1](#)).
- (3) The period mentioned in [sub-paragraph \(2\)\(b\)](#) is the period beginning on 20 July 2021 and ending with the first designation of a person under [section 162\(1\)](#).

Commencement Information

I2 Sch. 9 para. 13 in force at Royal Assent, see [s. 334\(2\)\(h\)\(ii\)](#)

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Reimbursement and compensation: further provision

- 14 (1) The Secretary of State may reimburse a person in respect of expenditure reasonably incurred by the person—
- (a) in preparation for or in connection with the designation of a person under [section 162\(1\)](#), or
 - (b) in connection with the making of a transfer scheme.
- (2) The Secretary of State may make regulations providing for the payment of compensation by the Secretary of State to a person (other than the transferor in relation to a transfer scheme) who has suffered loss or damage in consequence of anything done by the Secretary of State in preparation for or in connection with the designation of a person under [section 162\(1\)](#).

Commencement Information

- I3** Sch. 9 para. 14 in force at Royal Assent, see [s. 334\(2\)\(h\)\(ii\)](#)

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