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STATUTORY INSTRUMENTS

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**2004 No.2184 (C. 95 )**

**ATOMIC ENERGY AND  
RADIOACTIVE SUBSTANCES  
ELECTRICITY**

**The Energy Act 2004 (Commencement No. 2) Order 2004**

*Made - - - - 23rd August 2004*

The Secretary of State, in exercise of the powers conferred upon her by section 198(2) of the Energy Act 2004<sup>(1)</sup>, hereby makes the following Order:

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Energy Act 2004 (Commencement No. 2) Order 2004.
- (2) In this Order, “the Act” means the Energy Act 2004.

**Commencement**

- 2.—(1) The provisions of the Act specified in Schedule 1 shall come into force on 24th August 2004.
- (2) The provisions of the Act specified in Schedule 2 shall come into force on 1st September 2004.

23rd August 2004

*Stephen Timms,*  
Minister of State for Energy, E-Commerce and  
Postal Services,  
Department of Trade and Industry

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 1

Article 2(1)

## PROVISIONS COMING INTO FORCE ON 24TH AUGUST 2004

| <i>Provisions</i>                                                                                                                           | <i>Subject Matter of Provisions</i>                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 3                                                                                                                                   | Designated responsibilities for Nuclear Decommissioning Authority                                                                               |
| Section 4                                                                                                                                   | Additional responsibilities under designating directions                                                                                        |
| Section 5(1)                                                                                                                                | Supplemental provisions of designating directions                                                                                               |
| Section 6                                                                                                                                   | Designations relating to Scotland                                                                                                               |
| Section 9                                                                                                                                   | General duties when carrying out functions                                                                                                      |
| Section 13                                                                                                                                  | Annual plans                                                                                                                                    |
| Section 22                                                                                                                                  | Expenditure and receipts of NDA                                                                                                                 |
| Sections 36 and 37 in so far as they relate to provisions in Chapter 1 of Part 1 of the Act previously commenced or commenced by this Order | Meaning of “nuclear site” etc. and “person with control” and general interpretation of Chapter 1 of Part 1 of the Act                           |
| Section 133                                                                                                                                 | “New trading and transmission arrangements”                                                                                                     |
| Section 134                                                                                                                                 | Power to modify licence conditions                                                                                                              |
| Section 135 for the purpose of defining “transmission” and “transmission system” where those terms are used in section 133                  | Definition of “transmission” and “transmission system”                                                                                          |
| Section 137 (1), (2), (3), (4) and (7)                                                                                                      | New standard conditions for transmission licences                                                                                               |
| Section 138                                                                                                                                 | Conversion of existing transmission licences                                                                                                    |
| Section 140(2), (3) and (4)                                                                                                                 | Duties to provide information to the Secretary of State and exclusion of section 105(1) of the Utilities Act 2000(2)                            |
| Section 142                                                                                                                                 | Interpretation of Chapter 1 of Part 3 of the Act                                                                                                |
| Section 144                                                                                                                                 | Transition                                                                                                                                      |
| Sections 190 to 196 in so far as they relate to Chapter 1 of Part 3 of the Act                                                              | Supplementary provisions relating to functions of the Secretary of State and the Gas and Electricity Markets Authority, and supplemental powers |
| Schedule 3                                                                                                                                  | Procedural requirements applicable to NDA’s annual plans                                                                                        |
| Schedule 17                                                                                                                                 | Conversion of existing transmission licences: licensing scheme                                                                                  |

SCHEDULE 2

Article 2(2)

PROVISIONS COMING INTO FORCE ON 1ST SEPTEMBER 2004

| <i>Provisions</i>                                                                                                                                                                                                                               | <i>Subject Matter of Provisions</i>                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Section 135 in so far as it is not already in force                                                                                                                                                                                             | Alteration of transmission activities requiring licence             |
| Section 136                                                                                                                                                                                                                                     | Transmission licences                                               |
| Section 137(5) and (6)                                                                                                                                                                                                                          | New standard conditions for transmission licences                   |
| Section 141                                                                                                                                                                                                                                     | Property arrangements schemes                                       |
| Section 143                                                                                                                                                                                                                                     | Amendments consequential on Chapter 1 of Part 3 of the Act          |
| Section 197(8)                                                                                                                                                                                                                                  | Repeal of part of section 11A(10)(b) of the Electricity Act 1989(3) |
| Section 197(9) in so far as it relates to the provisions in Schedule 23 to the Act brought into force by this Order                                                                                                                             | Repeals set out in Schedule 23 to the Act                           |
| Schedule 18                                                                                                                                                                                                                                     | Property arrangements schemes                                       |
| Schedule 19                                                                                                                                                                                                                                     | Amendments consequential on Chapter 1 of Part 3 of the Act          |
| Schedule 23 in so far as it repeals part of sections 6(9), 11A(10) and 64(1) of the Electricity Act 1989, part of section 33(1) of the Utilities Act 2000 and section 53(5) of, and paragraph 31(2)(a) of Schedule 6 to, the Utilities Act 2000 | Repeals                                                             |

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force provisions of the Energy Act 2004 as follows:

- (a) the provisions in Schedule 1 come into force on 24th August 2004, and
- (b) the provisions in Schedule 2 come into force on 1st September 2004.

The remaining provisions will be brought into force by subsequent orders.

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(3) 1989 c. 29

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**NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order) These following provisions of the Act have been brought into force by commencement order made before the date of this Order:*

| <i>Provision</i>                                        | <i>Date of Commencement</i> | <i>S.I. No.</i>                  |
|---------------------------------------------------------|-----------------------------|----------------------------------|
| Section 1, 2, 10, 72, 73, 74, 75 and Schedules 1 and 15 | 27th July 2004              | <a href="#">2004/1973 (C.87)</a> |