

STATUTORY INSTRUMENTS

2024 No. 32

ENERGY

The Energy Act 2023 (Commencement No. 1) Regulations 2024

Made - - - - 10th January 2024

The Secretary of State makes these Regulations in exercise of the powers conferred by section 334(1) of the Energy Act 2023(1).

Citation and interpretation

1.—(1) These Regulations may be cited as the Energy Act 2023 (Commencement No. 1) Regulations 2024.

(2) In these Regulations, “the Act” means the Energy Act 2023.

Commencement Information

II Reg. 1 in force at made date

Provisions coming into force on 11th January 2024

2. The day appointed for the coming into force of the following provisions of the Act is 11th January 2024—

- (a) in Chapter 4 of Part 2 (carbon dioxide storage licences)—
 - (i) section 103 and Schedule 6 (specified provisions in carbon dioxide storage licences);
 - (ii) section 104 (content of storage permits under carbon dioxide storage licences);
 - (iii) section 105 (offences relating to carbon dioxide storage licences);
 - (iv) section 106 (power of OGA to require information about change in control of licence holder);
- (b) in Part 9 (energy smart appliances and load control)—
 - (i) section 238 (energy smart appliances and load control);
 - (ii) sections 239 to 244 (energy smart appliances);
 - (iii) sections 245 to 249 and Schedule 19 (licensing of load control);

- (c) in Part 12 (core fuel sector resilience)—
 - (i) sections 267 and 268 (introduction);
 - (ii) sections 269 to 271 (directions);
 - (iii) section 272 (corresponding powers to make regulations);
 - (iv) sections 273 to 278 (information);
 - (v) section 279 (appeal against notice or direction);
 - (vi) sections 280 to 283 (offences);
 - (vii) section 284 and Schedule 20 (enforcement undertakings);
 - (viii) sections 285 and 286 (guidance);
 - (ix) section 287 (financial assistance for resilience and continuity purposes);
 - (x) section 288 (power to amend thresholds);
 - (xi) section 289 (interpretation of Part 12);
- (d) in Chapter 2 of Part 13 (oil and gas)—
 - (i) sections 296 to 298 (environmental protection);
 - (ii) section 299(1) and (2) (charges in connection with abandonment of offshore installations);
 - (iii) section 300 and Schedule 21 (model clauses of petroleum licences);
 - (iv) section 301 (power of OGA to require information about change in control of licensee);
- (e) in Chapter 1 of Part 14 (civil nuclear sites), section 304(3) (excluded disposal sites), only insofar as is necessary for the purposes of making regulations under section 7C of the Nuclear Installations Act 1965(2) (inserted by section 304(3) of the Act).

Commencement Information

I2 Reg. 2 in force at made date

Provisions coming into force on 31st January 2024

3. The day appointed for the coming into force of the following provisions of the Act is 31st January 2024—

- (a) in Part 5 (Independent System Operator and Planner)—
 - (i) sections 161 and 162 (Independent System Operator and Planner: functions and designation);
 - (ii) sections 163 to 165 (general duties);
 - (iii) section 166(1) and (3) to (10) (licensing of electricity system operator activity);
 - (iv) section 167 (direction for transmission licence to have effect as electricity system operator licence);
 - (v) section 168(1) and (3) to (5) (licensing of gas system planning activity);
 - (vi) sections 171 to 173 (advice, analysis and information);
 - (vii) sections 176 and 177 (financial assistance and funding);

(2) 1965 c. 57; the Nuclear Installations Act 1965 has been amended on a number of occasions but none of those amendments are relevant to these Regulations.

(viii) section 178 (principal objective and general duties of the Secretary of State and GEMA under Part 5) insofar as it is not already in force⁽³⁾ ;

(ix) section 179 and paragraphs 3, 6, 7 and 8 only of Schedule 11 (minor and consequential amendments);

^{F1}(b)

(c) in Chapter 2 of Part 14 (Civil Nuclear Constabulary), section 310 (publication of three-year strategy plan).

Textual Amendments

F1 Reg. 3(b) omitted (30.1.2024) by virtue of [The Energy Act 2023 \(Commencement No. 1\) \(Amendment\) Regulations 2024 \(S.I. 2024/98\)](#), regs. 1, 2

Commencement Information

I3 Reg. 3 in force at made date

10th January 2024

Andrew Bowie
Minister for Nuclear and Renewables
Department for Energy Security and Net Zero

(3) Section 178 was partially commenced by section 334(h)(iii) of the Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Energy Act 2023 (c. 52) (“the Act”). These are the first set of commencement regulations under the Act.

Regulation 2 brings the following provisions into force on 11th January 2024:

- the sections in Chapter 4 of Part 2 along with Schedule 6 which contain amendments to provisions related to carbon dioxide storage licences issued by the Oil and Gas Authority (OGA) under the Energy Act 2008 and secondary legislation made under that Act;
- the sections of Part 9 and Schedule 19 which will enable a regulatory scheme to be established for energy smart appliances and for the licensing of those who may control the load placed on the grid by those appliances;
- the sections of Part 12 and Schedule 20 which contain provisions to remove or mitigate the effects of core fuel sector disruptions through a number of powers and enforcement mechanisms (including enforcement undertakings provided for in Schedule 20);
- sections 296 to 299 which provide for a number of powers over the oil and gas sector including powers to make regulations about pollution from those activities and to create a new charging scheme for the Secretary of State carrying out of functions under Part 4 of the Petroleum Act 1998 in relation to the abandonment of offshore installations. Only subsections (1) and (2) of section 299 are commenced by these commencement regulations;
- sections 300, 301 and Schedule 21 which make changes to certain model clauses in petroleum licences (contained in secondary legislation) to introduce requirements for consent to be obtained from the OGA for a change of control of the licence holder and to enable the OGA to obtain information in relation to a change of control;
- section 304(3), which amends the Nuclear Installations Act 1965 to add a new section 7C to that Act (excluded disposal sites) and which is brought into force to enable regulations to be made under that new section.

Regulation 3 brings the following provisions into force on 31st January 2024:

- sections 161 to 179 which relate to the designation, objectives, duties, licensing, powers and funding of the Independent System Operator and Planner (“the ISOP”);
- section 303 and the remaining subsections of section 304 which relate to the decommissioning of civil nuclear sites;
- section 310 which makes amendments to Schedule 12 of the Energy Act 2004 to provide for the publication of a three-year strategy plan by the Civil Nuclear Police Authority.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Act 2023 (Commencement No. 1) Regulations 2024.