

---

STATUTORY INSTRUMENTS

---

**2024 No. 706**

**The Energy Act 2023 (Consequential Amendments) Regulations 2024**

**Part 2**

**Amendment of Primary Energy Legislation**

**Amendment of the Utilities Act 2000**

- 5.**—(1) The Utilities Act 2000<sup>(1)</sup> is amended as follows.
- (2) In section 5(2)(a) (annual and other reports of Authority)<sup>(2)</sup>—
- (a) omit “or” after sub-paragraph (i);
  - (b) after sub-paragraph (ii), insert “or
  - (iii) the operation or maintenance of, or the supply of heating, cooling or hot water by means of, relevant heat networks (as defined in section 216 of the Energy Act 2023);”.
- (3) In section 5A (duty of Authority to carry out impact assessment)<sup>(3)</sup>—
- (a) in subsection (1)(a), for “or Part 1 of the 1989 Act” substitute “, Part 1 of the 1989 Act or Part 8 of the Energy Act 2023”;
  - (b) after subsection (2)(c), insert—
    - “(ca) have a significant impact on the carrying out by the Independent System Operator and Planner (within the meaning of Part 5 of the Energy Act 2023) of any of its functions;
    - (cb) have a significant impact on the carrying out by a code manager (within the meaning of Part 6 of the Energy Act 2023) of its functions—
      - (i) in relation to a designated gas licence document, or
      - (ii) in relation to a designated electricity licence document;
    - (cc) have a significant impact on persons engaged in—
      - (i) the operation or maintenance of, or the supply of heating, cooling or hot water by means of, relevant heat networks (as defined in section 216 of the Energy Act 2023), or
      - (ii) commercial activities connected with an activity mentioned in sub-paragraph (i);”.
- (4) In section 33 (standard conditions of electricity licences)<sup>(4)</sup>—

---

<sup>(1)</sup> 2000 c. 27.

<sup>(2)</sup> Section 5(2) was amended by S.I. 2015/862, regulations 1(1) and (4).

<sup>(3)</sup> Section 5A was inserted by the Sustainable Energy Act 2003 (c. 30), section 6.

<sup>(4)</sup> Section 33 was amended by the Energy Act 2004 (c. 20), Schedule 19 and the Energy Act 2023 (c. 52), section 248(7)(b). There are other amendments to subsection (1) which are not relevant to these Regulations.

- (a) in subsection (1)—
  - (i) in the opening words—
    - (aa) for “the commencement of subsection (3)” substitute “the relevant time”;
    - (bb) for “section 6(1)(a), (c) and (d)” substitute “section 6(1)(a), (c), (d) and (g)”;
    - (cc) for “distribution licences or supply licences” substitute “distribution licences, supply licences or code manager licences”;
  - (ii) in paragraph (l)(5), for “sections 245 to 247 of” substitute “sections 169, 245 to 247 of, and paragraph 4 of Schedule 12 to,”;
- (b) after subsection (1), insert—
  - “(1A) In subsection (1), “the relevant time” means—
    - (a) where the determination relates to any of the types of licence mentioned in section 6(1)(a), (c) and (d) of the 1989 Act (generation licences, distribution licences or supply licences), the time when subsection (3) comes into force;
    - (b) where the determination relates to the type of licence mentioned in section 6(1)(g) of the 1989 Act (code manager licences), 26th October 2030(6).”.
- (5) In section 81 (standard conditions of gas licences)(7)—
  - (a) in subsection (1), for “or section 7A(2)”, substitute “, section 7A(2) or 7AC(1)”;
  - (b) in subsection (2)—
    - (i) for “the commencement of subsection (3)” substitute “the relevant time”;
    - (ii) for “section 89” to “Energy Act 2023” substitute “sections 89, 136(1) or (4), 169, 245 to 247 of, and paragraph 4 of Schedule 12 to, the Energy Act 2023”;
  - (c) after subsection (2), insert—
    - “(2A) In subsection (2), “the relevant time” means—
      - (a) where the determination relates to any of the types of licence mentioned in sections 7, 7A(1) or 7A(2) of the 1986 Act, the time when subsection (3) comes into force;
      - (b) where the determination relates to the type of licence mentioned in section 7AC of the 1986 Act (licence of a person performing code manager function), 26th October 2030(8).”.
- (6) In section 105 (general restrictions on disclosure of information)(9)—
  - (a) in subsection (1)(a), for “Part 1 of the Energy Act 2023 or Part 5 of that Act” substitute “Part 1, 5 or 6, or Chapter 1 of Part 8 of the Energy Act 2023”;
  - (b) in subsection (3), after paragraph (ad) insert—
    - “(ae) it is made for the purpose of facilitating the performance of any functions of—
      - (i) any person under or by virtue of Chapter 1 of Part 8 of the Energy Act 2023,

---

(5) Paragraph (l) was inserted by the Energy Act 2023, section 248(7)(b). A correction slip for the Energy Act 2023 was published in February 2004 correcting the numbering of paragraph (k) inserted by section 248(7)(b) to paragraph (l).

(6) This date is seven years from the date of Royal Assent of the Energy Act 2023 (c. 52) and links to the date specified in paragraph 3(b) of Schedule 12 to that Act.

(7) Section 81 was amended by the Energy Act 2023 (c. 52), section 91(13) and section 137(7). There are other amendments to subsection (2) which are not relevant to these Regulations.

(8) This date is seven years from the date of Royal Assent of the Energy Act 2023 (c. 52) and links to the date specified in paragraph 3(b) of Schedule 12 to that Act.

(9) Section 105 was amended by the Energy Act 2023 (c. 52), paragraph 5(a) and (b) of Schedule 5, paragraph 8(2), (3) and (4) of Schedule 11, paragraph 26(2) of Schedule 15, paragraph 35 of Schedule 16. There are other amendments to subsections (1), (3) and (8) which are not relevant to these Regulations.

- (ii) a person designated as the Heat Network Zones Authority by regulations made by virtue of section 227(1) of that Act, or
- (iii) a person designated as a heat network zone coordinator by regulations made by virtue of section 228(3)(a) of that Act;
- (af) it is a disclosure of information that relates to relevant heat networks (as defined in section 216 of the Energy Act 2023) and it is made for the purpose of facilitating the performance of the functions of—
  - (i) the Scottish Ministers under the Climate Change (Scotland) Act 2009 ([asp 12](#)) or the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 ([asp 10](#)), or
  - (ii) any person under the Heat Networks (Scotland) Act 2021 ([asp 9](#));”;
- (c) in subsection (8)—
  - (i) in paragraph (a), for “or section 32J or 48 of the 1989 Act” substitute “, section 32J or 48 of the 1989 Act or regulations made by virtue of paragraph 11(4) of Schedule 18 to the Energy Act 2023”;
  - (ii) in paragraph (c), for “or Part I of the 1989 Act” substitute “, Part 1 of the 1989 Act or regulations made by virtue of paragraph 41 of Schedule 18 to the Energy Act 2023”.
- (7) In section 106(1) (interpretation)(10), in the definition of “gas licence”, for “or 7AB” substitute “, 7AA, 7AB or 7AC”.

---

(10) The definition of “gas licence” in section 106(1) was amended by [S.I. 2012/2400](#) to insert references to licences under section 7A or 7AB of the Gas Act 1986.