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DRAFT STATUTORY INSTRUMENTS

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**2024 No.**

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

**Part 3**

**Amendment of Other Primary Legislation**

**Amendment of the Public Records Act 1958**

**10.** In Part 2 of the table in paragraph 3 of Schedule 1 to the Public Records Act 1958 (other establishments and organisations)(1) at the appropriate place insert—

“The Independent System Operator and Planner designated in accordance with section 162 of the Energy Act 2023.”.

**Amendment of the House of Commons Disqualification Act 1975**

**11.** In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices)(2) at the appropriate place insert—

“Director of a company which is designated as the Independent System Operator and Planner in accordance with section 162 of the Energy Act 2023.”.

**Amendment of the Northern Ireland Assembly Disqualification Act 1975**

**12.** In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices)(3) at the appropriate place, insert—

“Director of a company which is designated as the Independent System Operator and Planner in accordance with section 162 of the Energy Act 2023.”.

**Amendment of the Land Drainage Act 1991**

**13.** For paragraph 1(1)(f) of Schedule 6 to the Land Drainage Act 1991 (protection for particular undertakings)(4) substitute—

“(f) the undertaking of any person who holds a licence under Part 1 of the Electricity Act 1989;”.

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(1) 1958 c. 51; Part 2 of the table has been amended a number of times but those amendments are not relevant to these Regulations.  
(2) 1975 c. 24; Part 3 of Schedule 1 has been amended a number of times but those amendments are not relevant to these Regulations.  
(3) 1975 c. 25; Part 3 of Schedule 1 has been amended a number of times but those amendments are not relevant to these Regulations.  
(4) 1991 c. 59; relevant amendments are Energy Act 2004, section 198(2) and paragraph 19 of Schedule 19.

### **Amendment of the Freedom of Information Act 2000**

**14.** In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general)(**5**) at the appropriate place, insert—

“The Independent System Operator and Planner designated in accordance with section 162 of the Energy Act 2023 in respect of information held by it as a result of the exercise of its functions under, or as a consequence of, that Act.”.

### **Amendment of the Countryside and Rights of Way Act 2000**

**15.** In section 85(3) of the Countryside and Rights of Way Act 2000 (general duties of public bodies etc.)(**6**), for the definition of “statutory undertaker” substitute—

““statutory undertaker” means a person—

- (a) who is or is deemed to be a statutory undertaker for the purposes of Part 11 of the Town and Country Planning Act 1990, or
- (b) who holds a gas system planner licence under section 7AA of the Gas Act 1986.”.

### **Amendment of the Enterprise Act 2002**

**16.** In section 168 of the Enterprise Act 2002 (regulated markets)(**7**) is amended as follows—

- (a) in subsection (3)(c)(**8**), for “or 7AB” substitute “, 7AA, 7AB or 7AC”;
- (b) in subsection (4)(c)(**9**), for “or 7AB” substitute “, 7AA, 7AB or 7AC”;
- (c) in subsection (6)(**10**), for “or 7AB” substitute “, 7AA, 7AB or 7AC”.

### **Amendment of the Civil Contingencies Act 2004**

**17.**—(1) Schedule 1 to the Civil Contingencies Act 2004 (category 1 and 2 responders)(**11**) is amended as follows.

(2) In paragraph 19, in sub-paragraph (2)—

- (a) omit “and” after paragraph (b);
- (b) after paragraph (b), insert—

“(ba) an electricity system operator licence,”.

(3) In paragraph 20, in sub-paragraph (2)—

- (a) omit “and” after paragraph (a);
- (b) after paragraph (b), insert, “and

“(c) a licence under section 7AA of that Act.”.

(4) In paragraph 30, in sub-paragraph (2),—

- (a) omit “and” after paragraph (b);
- (b) after paragraph (b) insert—

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(**5**) [2000 c. 36](#); Part 6 of Schedule 1 has been amended a number times but those amendments are not relevant to these Regulations.  
(**6**) [2000 c. 37](#). The definition of “statutory undertaker” was inserted by the Natural Environment and Rural Communities Act [2006 \(c. 16\)](#), section 85 and paragraph 165 of Schedule 11.  
(**7**) [2002 c. 40](#).  
(**8**) Section 168(3) was amended by [S.I. 2012/2400](#).  
(**9**) Section 168(4) was amended by [S.I. 2012/2400](#).  
(**10**) Section 168(6) was amended by the Enterprise and Regulatory Reform Act [2013 \(c. 24\)](#), paragraph 198 of Schedule 5, by the Energy Act [2023 \(c. 52\)](#), paragraph 8(4) of Schedule 5 and by [S.I. 2012/2400](#).  
(**11**) [2004 c. 36](#).

- “(ba) an electricity system operator licence.”
- (5) In paragraph 31, in sub-paragraph (2)—
- (a) omit “and” after paragraph (a);
  - (b) after paragraph (b) insert, “and
- “(c) a licence under section 7AA of that Act.”.

#### **Amendment of the Nature Conservation (Scotland) Act 2004**

**18.** In section 58(1) of the Nature Conservation (Scotland) Act 2004 (interpretation)(12), in the definition of “statutory undertaker”, after paragraph (d) insert—

- “(da) a holder of a licence under section 7 or 7AA of the Gas Act 1986 (c. 44).”.

#### **Amendment of the Natural Environment and Rural Communities Act 2006**

**19.** In section 40(5) of the Natural Environment and Rural Communities Act 2006 (duty to conserve and enhance biodiversity)(13), for the definition of “statutory undertaker” substitute—

““statutory undertaker” means a person—

- (a) who is or is deemed to be a statutory undertaker for the purposes of Part 11 of the Town and Country Planning Act 1990, or
- (b) who holds a gas system planner licence under section 7AA of the Gas Act 1986 (c. 44).”.

#### **Amendment of the Consumers, Estate Agents and Redress Act 2007**

**20.**—(1) The Consumers, Estate Agents and Redress Act 2007(14) is amended as follows.

(2) In section 25(3) (enforcement by regulator of section 24 notice)(15), in the first column of the table, in the first row, for “or 7AB” substitute “, 7AA, 7AB or 7AC”.

(3) In section 29(3) (disclosure of information)(16), in paragraph (a), for “or the Utilities Act 2000 (c. 27)” substitute “, the Utilities Act 2000 (c. 27) or Part 8 of the Energy Act 2023 (c. 52)”.

#### **Amendment of the Equality Act 2010**

**21.** In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities: general)(17), under the heading “Industry, business, finance etc.”, at the appropriate place, insert—

“The Independent System Operator and Planner designated in accordance with section 162 of the Energy Act 2023 (c. 52).”.

#### **Amendment of the Environment (Wales) Act 2016**

**22.** In section 6(10) of the Environment (Wales) Act 2016 (biodiversity and resilience of ecosystems duty)(18)—

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(12) 2004 asp 6.

(13) 2006 c. 16.

(14) 2007 c. 17.

(15) 2007 c. 17; the table in section 25 was amended by S.I. 2012/2400.

(16) Subsection (3) was amended by S.I. 2014/631 and by S.I. 2022/34.

(17) 2010 c. 15; the headed section of Part 1 of Schedule 19 has been amended a number of times but those amendments are not relevant to these Regulations.

(18) 2016 anaw 3; section 6(10) has amendments not relevant to these Regulations.

- (a) in the Welsh text, in the definition “ymgymerwr statudol”, for paragraph (d) substitute—
  - “(d) deiliad trwydded o dan adran 7 neu 7AA o Ddeddf Nwy 1986 (p. 44);”;
- (b) in the English text, in the definition of “statutory undertaker”, for paragraph (d) substitute—
  - “(d) a holder of a licence under section 7 or 7AA of the Gas Act 1986 (c. 44);”.