

*Status: Point in time view as at 29/07/2010.*

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## F 1 SCHEDULES

### SCHEDULE 16

Section 112(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

*Enactments relating to statutory undertakers etc.*

- 1 (1) The holder of a licence under section 6(1) of this Act shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking for the purposes of the following enactments, namely—
- (i) section 16 of the <sup>M1</sup>Public Health Act 1925;
  - (ii) the <sup>M2</sup>Public Health Act 1936;
  - <sup>F1</sup>(iii) . . . . .
  - (iv) Schedule 3 to the <sup>M3</sup>Water Act 1945;
  - (v) section 4 of the <sup>M4</sup>Requisitioned Land and War Works Act 1948;
  - <sup>F2</sup>(vi) the <sup>M5</sup>Water Act 1948;]
  - (vii) the National Parks and Access to the <sup>M6</sup>Countryside Act 1949;
  - (viii) the <sup>M7</sup>Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951;
  - (ix) the <sup>M8</sup>Landlord and Tenant Act 1954;
  - (x) the <sup>M9</sup>Opencast Coal Act 1958;
  - (xi) the <sup>M10</sup>Flood Prevention (Scotland) Act 1961;
  - (xii) section 17(10) of the <sup>M11</sup>Public Health Act 1961;
  - (xiii) the <sup>M12</sup>Pipe-lines Act 1962;
  - (xiv) Schedule 3 to the <sup>M13</sup>Harbours Act 1964;
  - (xv) Schedule 6 to the <sup>M14</sup>Gas Act 1965;
  - <sup>F3</sup>(xvi) . . . . .
  - (xvii) section 40 of the <sup>M15</sup>Forestry Act 1967;
  - (xviii) section 50 of the <sup>M16</sup>Agriculture Act 1967;
  - (xix) section 38 of the <sup>M17</sup>Countryside (Scotland) Act 1967;
  - (xx) paragraph 6 of Schedule 2 to the <sup>M18</sup>Countryside Act 1968;
  - (xxi) section 22 of the <sup>M19</sup>Sewerage (Scotland) Act 1968;
  - <sup>F4</sup>(xxii) . . . . .
  - <sup>F5</sup>(xxiii) . . . . .
  - <sup>F4</sup>(xxiv) . . . . .
  - (xxv) sections 51 . . . <sup>F4</sup>of the <sup>M20</sup>Land Compensation Act 1973;
  - (xxvi) sections 47 <sup>F6</sup>. . . of the <sup>M21</sup>Land Compensation (Scotland) Act 1973;
  - (xxvii) Part III of the <sup>M22</sup>Control of Pollution Act 1974;
  - <sup>F7</sup>(xxviii) . . . . .

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- (xxix) the <sup>M23</sup>Welsh Development Agency Act 1975;
- (xxx) sections 15(3) and 26 of the <sup>M24</sup>Local Government (Miscellaneous Provisions) Act 1976;
- <sup>F8</sup>(xxxix) .....
- (xxxii) section 9(3) of the <sup>M25</sup>Inner Urban Areas Act 1978;
- (xxxiii) the <sup>M26</sup>Ancient Monuments and Archaeological Areas Act 1979;
- (xxxiv) [<sup>F9</sup>Part]XVI of the <sup>M27</sup>Local Government, Planning and Land Act 1980;
- (xxxv) section 53 of the <sup>M28</sup>Civil Aviation Act 1982;
- (xxxvi) section 30 of the <sup>M29</sup>Local Government (Miscellaneous Provisions) Act 1982;
- (xxxvii) section 120 of the <sup>M30</sup>Civic Government (Scotland) Act 1982;
- (xxxviii) section 2(2)(c) of the <sup>M31</sup>Cycle Tracks Act 1984;
- (xxxix) the <sup>M32</sup>Building Act 1984;
- <sup>F10</sup>(xl) .....
- (xli) paragraph 11 of Schedule 8 to the <sup>M33</sup>Housing (Scotland) Act 1987.
- [<sup>F11</sup>(xlii) section 9 of the Enterprise and New Towns (Scotland) Act 1990.]
- (2) References in the <sup>M34</sup>Landlord and Tenant Act 1927 to a statutory company shall be construed as including references to the holder of a licence under section 6(1) of this Act.
- <sup>F12</sup>(3) .....
- (4) The references in sections 73(11)(c) and 74(11)(b) of the <sup>M35</sup>Highways Act 1980 to electricity undertakers shall be construed as references to the holder of a licence under section 6(1)(a) of this Act.
- <sup>F2</sup>[(5) The holder of a licence under section 6(1) of this Act shall be deemed to be an excepted undertaker for the purposes of section 6 of the <sup>M36</sup>Water Act 1981.]
- (6) Paragraph 23 of Schedule 2 to the <sup>M37</sup>Telecommunications Act 1984 (undertakers' works) shall apply to a licence holder for the purposes of any works carried out by him.
- (7) The reference in section 82(4) of the <sup>M38</sup>Building Act 1984 (provisions with respect to demolition orders) to a person authorised by an enactment to carry on an undertaking for the supply of electricity shall be construed as a reference to a licence holder.
- (8) A licence holder shall be deemed to be a public undertaker and his undertaking a public undertaking for the purposes of section 125 of, and paragraphs 9 and 10 of Schedule 8 to, the <sup>M39</sup>Housing (Scotland) Act 1987.

#### Textual Amendments

- F1** Sch. 16 para. 1(1)(iii) repealed (31.10.1994) by 1994 c. 21, s. 67, **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F2** Sch. 16 para. 1(1)(vi) and (5) repealed (E.W.) (01.12.1991) by **Water Consolidation (Consequential Provisions) Act 1991** (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I**.

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- F3** Sch. 16 para. 1(1)(xvi) repealed by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(2), **Sch. 5 Pt. III**
- F4** Sch. 16 para. 1(1)(xxii)(xxiv) and words in para. 1(1)(xxv) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**
- F5** Sch. 16 para. 1(1)(xxiii) repealed (27.5.1997) by 1997 c. 11 ss. 3, 6(2), Sch. 1 Pt. I (with s. 5, Sch. 3)
- F6** Words in Sch. 16 para. 1(1)(xxvi) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)
- F7** Sch. 16 para. 1(1)(xxviii), para. 3(2)(f) repealed by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(2), **Sch. 5 Pt. I**
- F8** Sch. 16 para. 1(1)(xxxi) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F9** Words in Sch. 16 para. 1(1)(xxxiv) substituted (1.10.1998) by 1998 c. 38, s. 135(2)(b) (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F10** Sch. 16 para. 1(1)(xl) repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)
- F11** Sch. 16 para. 1(1)(xlii) added by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(1), **Sch 4 para. 17(a)**
- F12** Sch. 16 para. 1(3) repealed (14.11.2005) by Civil Contingencies Act 2004 (c. 36), s. 34(1), **Sch. 3**; S.I. 2005/2040, art. 3(r)

#### Marginal Citations

- M1** 1925 c. 71.  
**M2** 1936 c. 49.  
**M3** 1945 c. 42.  
**M4** 1948 c. 17.  
**M5** 1948 c. 22.  
**M6** 1949 c. 97.  
**M7** 1951 c. 65.  
**M8** 1954 c. 56.  
**M9** 1958 c. 69.  
**M10** 1961 c. 41.  
**M11** 1961 c. 64.  
**M12** 1962 c. 58.  
**M13** 1964 c. 40.  
**M14** 1965 c. 36.  
**M15** 1967 c. 10.  
**M16** 1967 c. 22.  
**M17** 1967 c. 86.  
**M18** 1968 c. 41.  
**M19** 1968 c. 47.  
**M20** 1973 c. 26.  
**M21** 1973 c. 56.  
**M22** 1974 c. 40.  
**M23** 1975 c. 70.  
**M24** 1976 c. 57.  
**M25** 1978 c. 50.  
**M26** 1979 c. 46.  
**M27** 1980 c. 65.  
**M28** 1982 c. 16.  
**M29** 1982 c. 30.  
**M30** 1982 c. 45.  
**M31** 1984 c. 38.  
**M32** 1984 c. 55.

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**M33** 1987 c. 27.  
**M34** 1927 c. 36.  
**M35** 1980 c. 66.  
**M36** 1981 c. 12.  
**M37** 1984 c. 12.  
**M38** 1984 c. 55.  
**M39** 1987 c. 26.

- 2 (1) A licence holder who is entitled to exercise any power conferred by Schedule 3 or 4 to this Act shall be deemed to be a statutory undertaker for the purposes of section 66 of the <sup>M40</sup>Countryside (Scotland) Act 1967 and section 11 of the <sup>M41</sup>Countryside Act 1968.
- (2) A licence holder who is entitled to exercise any power conferred by Schedule 3 to this Act shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking for the purposes of the following enactments, namely—
- (a) the <sup>M42</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;
  - (b) the <sup>M43</sup>New Towns (Scotland) Act 1968;
  - (c) ..... <sup>F13</sup>
  - <sup>F14</sup>(d) .....
  - (e) section 120 of the <sup>M44</sup>Local Government, Planning and Land Act 1980;
  - (f) the <sup>M45</sup>New Towns Act 1981;
  - (g) the <sup>M46</sup>Acquisition of Land Act 1981; and
  - (h) sections 47, 48, 49 and 51 of, and Schedule 9 to, the <sup>M47</sup>Civil Aviation Act 1982.
- (3) The reference in section 48(6) of the Civil Aviation Act 1982 to an electricity undertaker shall be construed as a reference to a licence holder who is entitled to exercise any power conferred by Schedule 4 to this Act.
- (4) A licence holder who is entitled to exercise any power conferred by paragraph 1 of Schedule 4 to this Act shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking for the purposes of the following enactments, namely—
- (a) section 26 of the <sup>M48</sup>Public Health Act 1925;
  - (b) section 17(1)(b) of the <sup>M49</sup>Requisitioned Land and War Works Act 1945;
  - (c) ..... <sup>F13</sup>
  - (d) the <sup>M50</sup>Highways Act 1980; and
  - (e) sections 296 and 611 of the <sup>M51</sup>Housing Act 1985.
- (5) References in the following enactments, namely—
- (a) section 6 of the <sup>M52</sup>Local Government (Miscellaneous Provisions) Act 1953;
  - (b) ..... <sup>F13</sup>
  - (c) sections 176 and 185 of the <sup>M53</sup>Highways Act 1980; and
  - (d) paragraph 3 of Schedule 5 to the <sup>M54</sup>Road Traffic Regulation Act 1984;
- to electricity undertakers shall be construed as references to licence holders entitled to exercise any power conferred by paragraph 1 of Schedule 4 to this Act.

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- (6) A licence holder entitled to exercise any power conferred by paragraph 1 of Schedule 4 to this Act shall be deemed to be a public utility undertaker for the purposes of the Highways Act 1980 <sup>F15</sup> . . . .
- (7) A licence holder who is entitled to exercise any power conferred by paragraph 2 of Schedule 4 to this Act shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking for the purposes of the following enactments, namely—
- <sup>F14</sup>(a) . . . . .
- (b) the <sup>M55</sup>Roads (Scotland) Act 1984.
- (8) References in the <sup>M56</sup>Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 <sup>F16</sup> . . . to electricity undertakers shall be construed as references to licence holders entitled to exercise any power conferred by paragraph 2 of Schedule 4 to this Act.
- (9) It is immaterial for the purposes of this paragraph whether any power conferred by, or by any provision of, Schedule 3 or 4 to this Act on the holder of a licence under section 6(1)(a) or (2) of this Act is qualified by restrictions, exceptions or conditions included in the licence.

#### Textual Amendments

- F13** Sch. 16 para. 2(2)(c)(4)(c)(5)(b) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)
- F14** Sch. 16 para. 2 (2)(d)(7)(a) repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\), Sch. 1 Pt. I](#) (with s. 5, Sch. 3)
- F15** Words in Sch. 16 para. 2(6) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59\), s. 168\(2\), Sch. 9](#); (E.W.) [S.I. 1992/2984, art. 2\(2\), Sch. 2](#) and (S.) [S.I. 1992/2990, art. 2\(2\), Sch. 2](#).
- F16** Words in Sch. 16 para. 2(8) repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\), Sch. 1 Pt. I](#) (with s. 5, Sch. 3)

#### Marginal Citations

- M40** 1967 c. 86.  
**M41** 1968 c. 41.  
**M42** 1947 c. 42.  
**M43** 1968 c. 16.  
**M44** 1980 c. 65.  
**M45** 1981 c. 64.  
**M46** 1981 c. 67.  
**M47** 1982 c. 16.  
**M48** 1925 c. 71.  
**M49** 1945 c. 43.  
**M50** 1980 c. 66.  
**M51** 1985 c. 68.  
**M52** 1953 c. 26.  
**M53** 1980 c. 66.  
**M54** 1984 c. 27.  
**M55** 1984 c. 54.  
**M56** 1958 c. 50.

- 3 (1) In the following enactments, namely—
- <sup>F17</sup>[(a) the <sup>M57</sup>Water Act 1948;]

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(b) section 39 of the <sup>M58</sup>Opencast Coal Act 1958 except in its application to Scotland;

(c) paragraph 2 of Schedule 6 to the <sup>M59</sup>Gas Act 1965;

<sup>F18</sup>(d) .....

(e) the <sup>M60</sup>Welsh Development Agency Act 1975;

<sup>F19</sup>(f) .....

(g) the <sup>M61</sup>New Towns Act 1981,

“the appropriate Minister”, in relation to a licence holder, shall mean the [<sup>F20</sup>Secretary of State for Trade and Industry].

(2) In the following enactments, namely—

(a) section 39 of the Opencast Coal Act 1958 in its application to Scotland;

(b) the <sup>M62</sup>Pipe-lines Act 1962;

(c) Schedule 3 to the <sup>M63</sup>Harbours Act 1964;

(d) the <sup>M64</sup>New Towns (Scotland) Act 1968;

<sup>F21</sup>(e) .....

<sup>F22</sup>(f) .....

(g) section 121 of the <sup>M65</sup>Highways Act 1980;

(h) the <sup>M66</sup>Acquisition of Land Act 1981,

[<sup>F23</sup>(i) section 9 of the Enterprise and New Towns (Scotland) Act 1990;]

“the appropriate Minister”, in relation to a licence holder, shall mean the Secretary of State.

#### Textual Amendments

**F17** Sch. 16 para. 3(1)(a) repealed (E.W.) (01.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), **Sch. 3 Pt. I**.

**F18** Sch. 16 para. 3(1)(d) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Pt. I**.

**F19** Sch. 16 para. 3(1)(f) repealed (1.10.1998) by [1998 c. 38, s. 152, Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 141(1), 143(2)); [S.I. 1998/2244, art. 4](#).

**F20** Words in Sch. 16 para. 3(1) substituted (5.7.1992) by [S.I. 1992/1314, art. 3\(3\)](#), **Sch. para. 1(e)**.

**F21** Sch. 16 para. 3(2)(e) repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\)](#), **Sch. 1 Pt. I** (with s. 5, Sch. 3).

**F22** Sch. 16 para. 3(2)(f) repealed by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(2), **Sch. 5 Pt. I**.

**F23** Sch. 16 para. 3(2)(i) inserted by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(1), **Sch. 4 para. 17(b)**.

#### Modifications etc. (not altering text)

**C1** Sch. 16 para. 3(1): transfer of functions (5.3.2009) by [The Secretary of State for Energy and Climate Change Order 2009 \(S.I. 2009/229\)](#), arts. 1(2), 4, **Sch. 1(c)**.

#### Marginal Citations

**M57** 1948 c. 42.

**M58** 1958 c. 69.

**M59** 1965 c. 36.

**M60** 1975 c. 70.

**M61** 1981 c. 64.

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- M62** 1962 c. 58.
- M63** 1964 c. 40.
- M64** 1968 c. 16.
- M65** 1980 c. 66.
- M66** 1981 c. 67.

*The Civil Defence Act 1939 (c.31)*

F24<sup>4</sup> .....

**Textual Amendments**

- F24** Sch. 16 para. 4 repealed (14.11.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), s. 34(1), **Sch. 3**; S.I. 2005/2040, art. 3(r)

*The Water Act 1945 (c.42)*

- 5 In Schedule 3 to the Water Act 1945 (incorporated provisions: water undertakings), in section 70, in paragraph (b) of the proviso, for the words “section fifteen of the Electric Lighting Act, 1882, or section seventeen of the Schedule to the Electric Lighting (Clauses) Act, 1899” there shall be substituted the words “paragraph 3 of Schedule 4 to the Electricity Act 1989”.

*The Wireless Telegraphy Act 1949 (c.54)*

F25<sup>6</sup> .....

**Textual Amendments**

- F25** Sch. 16 para. 6 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

*The Public Utilities Street Works Act 1950 (c.39)*

F26<sup>7</sup> .....

**Textual Amendments**

- F26** Sch. 16 para. 7 repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59\)](#), s. 168(2), **Sch.9**; (E.W.) S.I. 1992/2984, art. 2(2), **Sch. 2** and (S.) S.I. 1992/2990, art. 2(2), **Sch.2**.

*The Rights of Entry (Gas and Electricity Boards) Act 1954 (c.21)*

- 8 (1) The Rights of Entry (Gas and Electricity Boards) Act 1954 shall be amended as follows.
- (2) For subsection (2) of section 1 there shall be substituted the following subsection—
- “(2) This Act applies to all rights of entry conferred by—

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- (a) the Gas Act 1986, regulations made under it or any other enactment relating to gas,
  - (b) Schedule 6 to the Electricity Act 1989, and
  - (c) any local enactment relating to gas or electricity,
- in so far as those rights are exercisable for the purposes of a public gas supplier or a public electricity supplier.”
- (3) In subsection (1) of section 2—
- (a) for the words from “required” to “Board”, in the second place where it occurs, there shall be substituted the words “required by a public gas supplier, a public electricity supplier or by an employee of such a supplier”;
  - (b) for the words “the supplier or Board or his or their employee”, in both places where they occur, there shall be substituted the words “the supplier or his employee”.
- (4) For subsection (3) of that section there shall be substituted the following subsection—
- “(3) Where paragraph (a) of subsection (2) above applies—
- (a) section 46 of the Gas Act 1986 (if entry is required for the purposes of a public gas supplier); or
  - (b) section 109 of the Electricity Act 1989 (if entry is required for the purposes of a public electricity supplier),
- shall apply to the service of the notice required by that paragraph.”
- (5) In section 3(1)—
- (a) the definition of “Electricity Board” shall cease to have effect;
  - (b) for the definition of “employee” there shall be substituted the following definition—
    - ““employee”, in relation to a gas or electricity supplier, means an officer, servant or agent of the supplier”
  - (c) after the definition of “premises” there shall be inserted the following definition—
    - ““public electricity supplier” has the same meaning as in Part I of the Electricity Act 1989;”.

*The Land Powers (Defence) Act 1958 (c.30)*

- 9 In section 14(2)(b) of the Land Powers (Defence) Act 1958 for the words “Electric Lighting Act, 1882” there shall be substituted the words “Electricity Act 1989”.

*The Water Resources Act 1963 (c.38)*

- <sup>F27</sup>[10 In section 19(4)(f) of, and in paragraph 4(h) of Schedule 7 to, the Water Resources Act 1963, for the words “Central Electricity Generating Board” there shall be substituted the words “a person authorised by a licence under Part I of the Electricity Act 1989 to generate electricity”.]



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### Textual Amendments

- F27** Sch. 16 para. 10 repealed (E.W.) (01.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), **Sch. 3 Pt.I**.

#### *The Nuclear Installations Act 1965 (c.57)*

- 11 For subsection (4) of section 3 of the Nuclear Installations Act 1965 (nuclear site licences) there shall be substituted the following subsection—

“(4) Subsection (3) of this section shall not apply in relation to an application in respect of a site for a generating station where a consent under section 36 of the Electricity Act 1989 or Article 33 of the Electricity Supply (Northern Ireland) Order 1972 is required for the operation of the station.”

#### *The Building Control Act 1966 (c.27)*

- 12 In section 5(1) of the Building Control Act 1966, after paragraph (f) there shall be inserted the following paragraph—

“(ff) a public electricity supplier within the meaning of Part I of the Electricity Act 1989”.

#### *The Forestry Act 1967 (c.10)*

- 13 (1) Section 9 of the Forestry Act 1967 (licences for tree felling) shall be amended as follows.

- (2) In subsection (4)(c), for the words from “an Electricity Board” to the end there shall be substituted “an electricity operator, because the tree is or will be in such close proximity to an electric line or electrical plant which is kept installed or is being or is to be installed by the operator as to have the effect mentioned in paragraph 9(1)(a) or (b) of Schedule 4 to the Electricity Act 1989;”

- (3) In subsection (6) for the definitions of “Electricity Board” and “electric line” there shall be substituted—

““electricity operator” means a licence holder within the meaning of Part I of the Electricity Act 1989 by whom the powers conferred by paragraph 9 (tree lopping) of Schedule 4 to that Act are exercisable;

“electric line” and “electrical plant” have the same meanings as in Part I of the Electricity Act 1989;”.

#### *The Transport Act 1968 (c. 73)*

- 14 In section 109(2) of the Transport Act 1968, for paragraphs (e), (f) and (g), there shall be substituted—

“(e) a public electricity supplier within the meaning of Part I of the Electricity Act 1989;”.

#### *The Post Office Act 1969 (c.48)*

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**Textual Amendments**

**F28** Sch. 16 para. 15 repealed (26.3.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2001/1148, art. 2(2), **Sch.** (subject to arts. 3-42)

*The Fair Trading Act 1973 (c.41)*

<sup>F29</sup>16 .....

**Textual Amendments**

**F29** Sch. 16 para. 16 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

*The Consumer Credit Act 1974 (c. 39)*

17 (1) The Consumer Credit Act 1974 shall be amended as follows.

<sup>F30</sup>(2) .....

(3) In section 189, for the words “the Electric Lighting Act 1882” there shall be substituted the words “the Electricity Act 1989”.

**Textual Amendments**

**F30** Sch. 16 para. 17(2) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

*The Control of Pollution Act 1974 (c. 40)*

[<sup>F31</sup>18 (1) Section 21 of the Control of Pollution Act 1974 (power of disposal authority to produce and dispose of energy from waste) shall be amended as follows.

(2) In subsection (1), for the words “subsections (2) and (3)” there shall be substituted the words “subsection (2)” and after the words “use, sell or otherwise dispose of any heat” there shall be inserted the words “or electricity”.

(3) For subsections (2) and (3) there shall be substituted the following subsection—

“(2) Nothing in subsection (1) of this section shall be construed as exempting a disposal authority from the requirements of Part I of the Electricity Act 1989.”

(4) In subsection (6), the words “(except the restrictions imposed by subsections (2) and (3))” shall cease to have effect.]

**Textual Amendments**

**F31** Sch. 16 para. 18 repealed (prosp.) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162(2), 164(2)(3), **Sch. 16 Pt. II**

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*The Restrictive Trade Practices Act 1976 (c. 34)*

- 19 In section 41(1)(a) of the Restrictive Trade Practices Act 1976 (disclosure of information), after the words “the Director General of Water Supply” there shall be inserted the words “the Director General of Electricity Supply” and after the words “or the Water Act 1989” there shall be inserted the words “or the Electricity Act 1989”.

*The Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

- 20 (1) Section 11 of the Local Government (Miscellaneous Provisions) Act 1976 (production and supply of energy by local authorities) shall be amended as follows.
- (2) In subsection (1)(d), after the words “heat produced or acquired” there shall be inserted the words “or electricity produced”.
- (3) For subsections (2) and (3) there shall be substituted the following subsections—
- “(2) Nothing in subsection (1) of this section shall be construed as exempting a local authority from the requirements of Part I of the Electricity Act 1989.
- (3) Except in such cases as may be prescribed, a local authority shall not be entitled to sell electricity which is produced otherwise than in association with heat.”
- (4) In subsection (7)—
- (a) the definition of “Electricity Board” shall cease to have effect;
- (b) at the end of the definition of “prescribed” there shall be added the words “which, in the case of regulations under subsection (3) of this section, shall be subject to annulment in pursuance of a resolution of either House of Parliament”; and
- (c) after the words “local authority” there shall be inserted the words “(in its capacity as such)”.

*The Land Drainage Act 1976 (c. 70)*

- [<sup>F32</sup>21 In section 112(2)(a) of the Land Drainage Act 1976 (protection of nationalised undertakings etc.) for the words “any Electricity Board” there shall be substituted the words “any public electricity supplier (within the meaning of Part I of the Electricity Act 1989) or any person authorised by a licence under that Part to generate or transmit electricity”.]

**Textual Amendments**

**F32** Sch. 16 para. 21 repealed (E.W.) (01.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), [Sch. 3 Pt.1](#).

*The Energy Act 1976 (c. 76)*

- 22 In section 14 of the Energy Act 1976 (fuelling for new and converted power stations), for subsection (6) there shall be substituted the following subsection—

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“(6) This section does not affect section 36 of the Electricity Act 1989 (which operates so as, in certain circumstances, to require the Secretary of State’s consent for power station construction etc.).”

*The Land Registration (Scotland) Act 1979 (c. 33)*

23 In section 28(1) of the Land Registration (Scotland) Act 1979 (interpretation), in the definition of “overriding interest”, after paragraph (ee) there shall be inserted the following paragraphs—

- “(ef) a licence holder within the meaning of Part I of the Electricity Act 1989 having such a wayleave as is mentioned in paragraph 6 of Schedule 4 to that Act (wayleaves for electric lines), whether granted under that paragraph or by agreement between the parties;
- (eg) a licence holder within the meaning of Part I of the Electricity Act 1989 who is authorised by virtue of paragraph 1 of Schedule 5 to that Act to abstract, divert and use water for a generating station wholly or mainly driven by water.”

*The Estate Agents Act 1979 (c. 38)*

F33 24 .....

**Textual Amendments**  
**F33** Sch. 16 paras. 24, 25 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

*The Competition Act 1980 (c. 21)*

F33 25 .....

**Textual Amendments**  
**F33** Sch. 16 paras. 24, 25 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

*The Water (Scotland) Act 1980 (c. 45)*

- 26 (1) The Water (Scotland) Act 1980 shall be amended as follows.
- (2) In Schedule 1 (procedure in relation to orders and byelaws)—
- (a) in paragraph 2(ii), after the words “public undertakers” there shall be inserted the words “or licence holder within the meaning of Part I of the Electricity Act 1989”, and after the words “authorised by” there shall be inserted the words “or by virtue of”;
  - (b) in paragraph 6, after the words “undertakers” there shall be inserted the words “or licence holder”;
  - (c) in paragraph 11(ii), after the words “public undertakers” there shall be inserted the words “or licence holder within the meaning of Part I of the

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- Electricity Act 1989”, and after the words “authorised by” there shall be inserted the words “or by virtue of”; and
- (d) in paragraph 15, after the word “undertakers” there shall be inserted the words “or licence holder”.
- (3) In Schedule 4 (provisions to be incorporated in orders relating to statutory undertakers)—
- (a) in section 5(4), for the words from “the expressions” to the end there shall be substituted the words—
- ““electric line” has the same meaning as in Part I of the Electricity Act 1989;
- “electricity undertakers” means public electricity suppliers within the meaning of Part I of the Electricity Act 1989 and persons authorised by a licence under that Part to generate or transmit electricity.”; and
- (b) in paragraph (b) of the proviso to section 36, for the words “electricity undertakers” there shall be substituted the words “public electricity supplier (within the meaning of Part I of the Electricity Act 1989) or any person authorised by a licence under that Part to generate or transmit electricity.”

*The Highways Act 1980 (c. 66)*

F3427 .....

**Textual Amendments**

**F34** Sch. 16 para. 27 repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59\)](#), s. 168(2), [Sch.9](#); (E.W.) [S.I. 1992/2984, art. 2\(2\)](#), [Sch.2](#) and (S.) [S.I. 1992/2990, art. 2\(2\)](#), [Sch.2](#).

*The Acquisition of Land Act 1981 (c. 67)*

28 In section 28 of the Acquisition of Land Act 1981 (acquisition of rights over land by the creation of new rights), after paragraph (g) there shall be inserted the following paragraph—

“(h) paragraph 1 of Schedule 3 to the Electricity Act 1989.”

*The Telecommunications Act 1984 (c. 12)*

- 29 (1) The Telecommunications Act 1984 shall be amended as follows.
- (2) In section 98 (use of certain conduits for telecommunications purposes)—
- (a) for the words “the Electric Lighting Act 1882” there shall be substituted the words “the Electricity Act 1989”; and
- (b) in the definition of “electricity authority”, for the words from “an” to “1983” there shall be substituted the words “a person authorised by a licence under Part I of the Electricity Act 1989 to transmit or supply electricity”.
- (3) In section 101 (general restrictions on disclosure of information)—

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- (a) in subsection (2)(b), after the words “Director General of Water Services” there shall be inserted the words “the Director General of Electricity Supply”; and
- (b) in subsection (3), after paragraph (j) there shall be inserted the following paragraph—
  - “(k) the Electricity Act 1989.”

*The Roads (Scotland) Act 1984 (c. 54)*

- 30 In section 61(4) of the Roads (Scotland) Act 1984 (permission to place and maintain apparatus under a road), for the words from the beginning to “permission” in the second place where it occurs there shall be substituted the words “Works carried out by a person in pursuance of permission under subsection (1) above are not”.

*The Building Act 1984 (c. 55)*

- 31 In section 80(3) of the Building Act 1984 (notice to local authority of intended demolition) for paragraph (c) there shall be substituted the following paragraph—
- “(c) the public electricity supplier (as defined in Part I of the Electricity Act 1989) in whose authorised area (as so defined) the building is situated and any other person authorised by a licence under that Part to supply electricity to the building;”.

*The Bankruptcy (Scotland) Act 1985 (c. 66)*

- 32 In section 70(4)(b) of the Bankruptcy (Scotland) Act 1985 (supplies of gas, water, electricity etc. to certain individuals), for the words from “an Electricity Board (within the meaning of the Energy Act 1983)” there shall be substituted the words “a public electricity supplier within the meaning of Part I of the Electricity Act 1989”.

*The Airports Act 1986 (c. 31)*

- 33 In section 74 of the Airports Act 1986 (restrictions on disclosure of information)—
- (a) in subsection (2)(a), after the words “Director General of Water Services” there shall be inserted the words “the Director General of Electricity Supply”; and
  - (b) in subsection (3), after paragraph (k) there shall be inserted the following paragraph—
    - “(l) the Electricity Act 1989.”

*The Gas Act 1986 (c. 44)*

- 34 In section 42 of the Gas Act 1986 (general restrictions on disclosure of information)
- (a) in subsection (2)(b), after the words “Director General of Water Services” there shall be inserted the words “the Director General of Electricity Supply”; and
  - (b) in subsection (3), after paragraph (l) there shall be inserted the following paragraph—
    - “(m) the Electricity Act 1989.”

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*The Insolvency Act 1986 (c. 45)*

<sup>F35</sup>35 .....

**Textual Amendments**

**F35** Sch. 16 para. 35 repealed (1.10.2001) by 2000 c. 27, s. 108, **Sch. 8**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

*The Consumer Protection Act 1987 (c. 43)*

<sup>F36</sup>36 .....

**Textual Amendments**

**F36** Sch. 16 para. 36 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), **Sch.** (with art. 8)

*The Water Act 1989 (c. 15)*

[<sup>F37</sup>37 In section 160 of the Water Act 1989 (protection of certain undertakings), in subsection (3), for paragraph (f) there shall be substituted the following paragraph—  
“(f) the undertaking of any person authorised by a licence under Part I of the Electricity Act 1989 to generate, transmit or supply electricity;”].

**Textual Amendments**

**F37** Sch. 16 para. 37 repealed (E.W.) (01.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt.I.**

*Interpretation*

38 In this Schedule expressions which are used in Part I of this Act have the same meanings as in that Part.

**Status:**

Point in time view as at 29/07/2010.

**Changes to legislation:**

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