



Electricity Act 1989

1989 CHAPTER 29

PART I

ELECTRICITY SUPPLY

[^{F1}Enforcement of obligations of regulated persons]

25 Orders for securing compliance.

- (1) Subject to subsections (2)[^{F1}, [^{F2}(4A) to] (5A)] and section 26 below, where [^{F3}the Authority] is satisfied that a [^{F4}regulated person] is contravening, or is likely to contravene, any relevant condition or requirement, [^{F5}it] shall by a final order make such provision as is requisite for the purpose of securing compliance with that condition or requirement.
- (2) Subject to [^{F6}subsections [^{F2}(4A) to] (5A)] below, where it appears to [^{F3}the Authority]—
 - (a) that a [^{F4}regulated person] is contravening, or is likely to contravene, any relevant condition or requirement; and
 - (b) that it is requisite that a provisional order be made,[^{F5}it] shall (instead of taking steps towards the making of a final order) by a provisional order make such provision as appears to him requisite for the purpose of securing compliance with that condition or requirement.
- (3) In determining for the purposes of subsection (2)(b) above whether it is requisite that a provisional order be made, [^{F3}the Authority] shall have regard, in particular—
 - (a) to the extent to which any person is likely to sustain loss or damage in consequence of anything which, in contravention of the relevant condition or requirement, is likely to be done, or omitted to be done, before a final order may be made; and
 - (b) to the fact that the effect of the provisions of this section and section 27 below is to exclude the availability of any remedy (apart from under those provisions

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or for negligence) in respect of any contravention of a relevant condition or requirement.

(4) Subject to ^{F6}subsections ^{F7}[^{F7}(4A) to] ^{F8}(5A)] and section 26 below, ^{F3}[^{F3}the Authority] shall confirm a provisional order, with or without modifications, if—

- (a) ^{F5}[^{F5}it] is satisfied that the ^{F4}[^{F4}regulated person] to whom the order relates is contravening, or is likely to contravene, any relevant condition or requirement; and
- (b) the provision made by the order (with any modifications) is requisite for the purpose of securing compliance with that condition or requirement.

^{F8}(4A) Before making a final order or making or confirming a provisional order, the Authority shall consider whether it would be more appropriate to proceed under the Competition Act 1998.

(4B) The Authority shall not make a final order or make or confirm a provisional order if it considers that it would be more appropriate to proceed under the Competition Act 1998.]

(5) ^{F3}[^{F3}the Authority] shall not make a final order or make or confirm a provisional order in relation to a ^{F4}[^{F4}regulated person] if ^{F5}[^{F5}it] is satisfied—

(a) that the duties imposed on him by section ^{F9}[^{F9}3A to 3C] preclude the making or, as the case may be, the confirmation of the order;

^{F10}(b)

^{F10}(c)

^{F11}(d)

^{F12}(5A) The Authority is not required to make a final order or make or confirm a provisional order if it is satisfied—

- (a) that the ^{F4}[^{F4}regulated person] has agreed to take and is taking all such steps as it appears to the Authority for the time being to be appropriate for the ^{F4}[^{F4}regulated person] to take for the purpose of securing or facilitating compliance with the condition or requirement in question; or
- (b) that the contraventions were or the apprehended contraventions are of a trivial nature.]

(6) Where ^{F3}[^{F3}the Authority]]^{F13}[^{F13}decides that it would be more appropriate to proceed under the Competition Act 1998 or] is satisfied as mentioned in ^{F6}[^{F6}subsections (5) ^{F14}[^{F14}or] ^{F5}(5A)] above, ^{F5}[^{F5}it] shall—

- (a) serve notice that ^{F5}[^{F5}it]^{F15}[^{F15}has so decided or] is so satisfied on the ^{F4}[^{F4}regulated person]; and
- (b) publish the notice in such manner as ^{F5}[^{F5}it] considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them.

(7) A final or provisional order—

- (a) shall require the ^{F4}[^{F4}regulated person] to whom it relates (according to the circumstances of the case) to do, or not to do, such things as are specified in the order or are of a description so specified;
- (b) shall take effect at such time, being the earliest practicable time, as is determined by or under the order; and
- (c) may be revoked at any time by ^{F3}[^{F3}the Authority].

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(8) In this Part—

“final order” means an order under this section other than a provisional order;

“provisional order” means an order under this section which, if not previously confirmed in accordance with subsection (4) above, will cease to have effect at the end of such period (not exceeding three months) as is determined by or under the order;

[^{F16}“regulated person” means a person who is one or more of the following—

- (a) a licence holder;
- (b) a distribution exemption holder;
- (c) a supply exemption holder;
- (d) an electricity undertaking which is a relevant producer or supplier;]
- (e) ^{F17} ...

“relevant condition”, in relation to a [^{F4}regulated person], means any condition of [^{F18}any licence held by that person];

“relevant requirement”, in relation to a [^{F4}regulated person],

- (a) [^{F19}means any duty or other requirement imposed on [^{F20}that person under a provision specified in Schedule 6A as a relevant provision in respect of that person]]^{F21} ...
- (b) ^{F21} ...

[^{F22}(9) In paragraph (a) of the definition of “relevant requirement” in subsection (8), the reference to a provision specified in Schedule 6A is to be treated as including a provision of the predecessor of the Electricity Regulation that was specified in that Schedule immediately before the coming into force of the Electricity and Gas (Internal Markets) Regulations 2020.]

Textual Amendments

- F1** Words in s. 25(1) substituted (1.10.2001) by 2000 c. 27, s. 60(2)(7); S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F2** Words in s. 25(1)(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 14 para. 5(2)**; S.I. 2014/416, art. 2(1)(e) (with Sch.)
- F3** Words substituted (20.12.2000) by virtue of Utilities Act 2000 (c. 27), s 3(2); S.I. 2000/3343, art. 2, **Sch.**
- F4** Words in s. 25 substituted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **39(3)(a)**
- F5** Word substituted (20.12.2000) by virtue of Utilities Act 2000 (c. 27), s 3(2); S.I. 2000/3343, art. 2, **Sch.**
- F6** Words in s. 25(2)(4)(6) substituted (1.10.2001) by 2000 c. 27, s. 60(3)(7); S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F7** Words in s. 25(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 14 para. 5(2)**; S.I. 2014/416, art. 2(1)(e) (with Sch.)
- F8** S. 25(4A)(4B) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 14 para. 5(3)**; S.I. 2014/416, art. 2(1)(e) (with Sch.)
- F9** Words in s. 25(5)(a) substituted (20.12.2000) by 2000 c. 27, ss. 108, 110(2), **Sch. 6 Pt. II para. 27**; S.I. 2000/3343, art. 2, **Sch.** (subject to transitional provisions in arts. 3-15) (as amended by S.I. 2001/1780, art. 2)

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- F10** S. 25(5)(b)(c) repealed (1.10.2001) by 2000 c. 27, ss. 60(4)(7), 108, **Sch. 8**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F11** S. 25(5)(d) and word omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 14 para. 5(4)**; S.I. 2014/416, art. 2(1)(e) (with Sch.)
- F12** S. 25(5A) inserted (1.10.2001) by 2000 c. 27, s. **60(5)(7)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F13** Words in s. 25(6) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 14 para. 5(5)(a)**; S.I. 2014/416, art. 2(1)(e) (with Sch.)
- F14** Word in s. 25(6) substituted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 7 para. 9**; S.I. 2008/2550, art. 2, Sch.
- F15** Words in s. 25(6)(a) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 14 para. 5(5)(b)**; S.I. 2014/416, art. 2(1)(e) (with Sch.)
- F16** Words in s. 25(8) inserted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **39(4)(a)**
- F17** Words in s. 25(8) omitted (31.12.2020) by virtue of S.I. 2019/530, reg. 54(a) (as substituted by The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016), regs. 1(2), **3(22)**)
- F18** Words in s. 25(8) substituted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **39(4)(b)**
- F19** Words in s. 25(8) substituted (25.2.2020) by The Electricity and Gas (Internal Markets) Regulations 2020 (S.I. 2020/96), regs. 1, **3(7)(a)(i)**
- F20** Words in s. 25(8) substituted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **39(4)(c)**
- F21** Words in s. 25(8) omitted (31.12.2020) by virtue of S.I. 2019/530, reg. 54(b) (as substituted by The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016), regs. 1(2), **3(22)**)
- F22** S. 25(9) inserted (25.2.2020) by The Electricity and Gas (Internal Markets) Regulations 2020 (S.I. 2020/96), regs. 1, **3(7)(b)**

Modifications etc. (not altering text)

- C1** Ss. 25-28 applied (1.4.2005) by The Renewables Obligation (Scotland) Order 2005 (S.S.I. 2005/185), arts. 1(1), **18(22)**
- C2** Ss. 25-28 applied (1.4.2006) by The Renewables Obligation (Scotland) Order 2006 (S.S.I. 2006/173), arts. 1(1), **24(8)**
- C3** Ss. 25-28 applied (with modifications) (S.) (1.4.2007) by The Renewables Obligation (Scotland) Order 2007 (S.S.I. 2007/267), arts. 1(1), **31**
- C4** S. 25: power to amend conferred (18.12.2013) by Energy Act 2013 (c. 32), ss. **38(c)**, 156(3)
- C5** Ss. 25-28 applied (1.12.2015) by The Renewables Obligation Order 2015 (S.I. 2015/1947), arts. 1(2), **74(6)**

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Changes and effects yet to be applied to :

- s. 25(8) words inserted by [2023 c. 52 Sch. 14 para. 7\(2\)](#)
- s. 25(8) words omitted by [S.I. 2019/530 reg. 54](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 54 substituted (15.9.2020) by [S.I. 2020/1016](#), regs. 1(2), 3(22))

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1)(f) and word inserted by [2023 c. 52 s. 186\(3\)\(b\)](#)
- s. 4(1)(ca) inserted by [2023 c. 52 s. 166\(2\)](#)
- s. 4(1)(da) inserted by [2023 c. 52 s. 205\(2\)\(b\)](#)
- s. 4(3H)(3I) inserted by [2023 c. 52 s. 186\(4\)](#)
- s. 4(3CA) inserted by [2023 c. 52 s. 205\(3\)](#)
- s. 4(3EA) inserted by [2023 c. 52 s. 205\(5\)](#)
- s. 6(1)(g) and word inserted by [2023 c. 52 s. 186\(7\)\(b\)](#)
- s. 6(1)(ea) inserted by [2023 c. 52 s. 205\(8\)\(b\)](#)
- s. 6(2C) inserted by [2023 c. 52 s. 186\(8\)](#)
- s. 6(2AA) inserted by [2023 c. 52 s. 205\(9\)](#)
- s. 6(6E) inserted by [2023 c. 52 s. 205\(10\)](#)
- s. 7(3GA) inserted by [2023 c. 52 s. 186\(17\)](#)
- s. 7A(11B) inserted by [2023 c. 52 s. 186\(18\)](#)
- s. 8A(1C) inserted by [2023 c. 52 s. 206\(6\)](#)
- s. 10NA inserted by [2023 c. 52 s. 207\(2\)](#)
- s. 11E(2)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(b\)\(iii\)](#)
- s. 15(2)(aa) inserted by [S.I. 2019/93](#), Sch. 1 para. 3(2)(b) (as substituted) by [S.I. 2019/1245 reg. 19](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 25(8A) inserted by [2023 c. 52 Sch. 14 para. 7\(3\)](#)
- s. 44A inserted by [1992 c. 43 s. 23](#)
- s. 44A(6)(b)(i) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 44B(1)(a)(iiia) inserted by [2023 c. 52 Sch. 17 para. 8](#)
- s. 44B(1)(vi) and word inserted by [S.I. 2024/706 reg. 3\(11\)\(b\)](#)
- s. 56C(6)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(d\)\(ii\)](#)
- Sch. 6A para. 9ZA and cross-heading inserted by [2023 c. 52 Sch. 14 para. 8](#)
- Sch. 6A para. 4A and cross-heading inserted by [S.I. 2024/706 reg. 3\(14\)\(b\)](#)