

Changes to legislation: Energy Act 2004, Cross Heading: Making of energy transfer schemes is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 21

ENERGY TRANSFER SCHEMES

Modifications etc. (not altering text)

- C1 Sch. 21 modified (1.10.2005) by [Energy Administration Rules 2005 \(S.I. 2005/2483\)](#), rules 1, **184** (with rules 3, 187)
- C1 Sch. 21 applied (with modifications) (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), ss. **96(1)-(4)**, 121(3)
- C1 Sch. 21 modified (7.6.2013) by [The Energy Supply Company Administration Rules 2013 \(S.I. 2013/1046\)](#), rules 1, **205(2)-(4)** (with rules 3, 208)
- C1 Sch. 21 applied (with modifications) (23.7.2018) by [Smart Meters Act 2018 \(c. 14\)](#), ss. **4(1)-(4)**, 14(5)
- C1 Schs. 20, 21 modified (E.W.) (1.8.2020) by [The Smart Meter Communication Licensee Administration \(England and Wales\) Rules 2020 \(S.I. 2020/629\)](#), rules 1, **3(2)-(4)** (with rule 4(1))
- C1 Sch. 21 applied (with modifications) (31.3.2022 for specified purposes, 1.6.2022 in so far as not already in force) by [Nuclear Energy \(Financing\) Act 2022 \(c. 15\)](#), ss. **33(1)-(5)**, 44(1)(c)(2)(c)
- C1 [Sch. 21](#) power to apply (with modifications) conferred (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(2)(1), [Sch. 18 para. 50](#)
- C1 [Sch. 21](#) applied (with modifications) (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), ss. **44**, 334(3)(a)

Making of energy transfer schemes

- 3 (1) The old energy company may—
- (a) with the consent of the new energy company, and
 - (b) for the purpose of giving effect to the proposed transfer,
- make a scheme under this Schedule for the transfer of property, rights and liabilities from the old energy company to the new energy company (an “energy transfer scheme”).
- (2) Such a scheme may be made only at a time when the energy administration order is in force in relation to the old energy company.
- (3) An energy transfer scheme may set out the property, rights and liabilities to be transferred in one or more of the following ways—
- (a) by specifying or describing them in particular;
 - (b) by identifying them generally by reference to, or to a specified part of, the undertaking of the old energy company; or
 - (c) by specifying the manner in which they are to be determined.
- (4) An energy transfer scheme shall take effect in accordance with paragraph 8 at the time appointed by the court.
- (5) But the court must not appoint a time for a scheme to take effect unless that scheme has been approved by the Secretary of State.

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- (6) The Secretary of State may modify an energy transfer scheme before approving it, but only modifications to which both the old energy company and the new energy company have consented may be made.
- (7) In deciding whether to approve an energy transfer scheme, the Secretary of State must have regard, in particular, to—
 - (a) the public interest; and
 - (b) the effect the scheme is likely to have (if any) upon the interests of third parties.
- (8) Before approving an energy transfer scheme, the Secretary of State must consult GEMA.
- (9) The old energy company and the new energy company each have a duty to provide the Secretary of State with all information and other assistance that he may reasonably require for the purposes of, or in connection with, the exercise of the powers conferred on him by this paragraph.

Commencement Information

II Sch. 21 para. 3 in force at 5.10.2004 by [S.I. 2004/2575](#), art. 2(1), [Sch. 1](#)

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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. 88(1)(a) words substituted by [S.I. 2024/706 reg. 7\(a\)](#)
- s. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)