

*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 18

Section 219

#### HEAT NETWORKS REGULATION

#### PART 1

##### INTERPRETATION

- 1 In this Schedule—
- “code manager licence” has the meaning given by [paragraph 25](#);
  - “consumer redress order” has the meaning given by [paragraph 37](#);
  - “designated document” has the meaning given by [paragraph 22](#);
  - “emissions” has the same meaning as in the Climate Change Act 2008 (see section 97 of that Act);
  - “enforcement undertaking” has the meaning given by [paragraph 38\(2\)](#);
  - “heat network authorisation” has the meaning given by [paragraph 13](#);
  - “heat network consumer” has the meaning given by the regulations;
  - “installation and maintenance licence” has the meaning given by [paragraph 31](#);
  - “licensed code manager”, in relation to a designated document, has the meaning given by [paragraph 25](#);
  - “regulated activity” has the meaning given by [paragraph 12](#);
  - “the regulations” means regulations under [section 219](#);
  - “relevant condition” has the meaning given by [paragraph 37](#);
  - “relevant person” has the meaning given by [paragraph 37](#);
  - “relevant requirement” has the meaning given by [paragraph 37](#);
  - “targeted greenhouse gas” has the same meaning as in Part 1 of the Climate Change Act 2008 (see section 24 of that Act).

#### Commencement Information

- II** Sch. 18 para. 1 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

#### PART 2

##### GENERAL PROVISION AS TO THE REGULATOR

##### *Objectives*

- 2 (1) The regulations may make provision about the objectives of the Regulator in carrying out its functions under the regulations.

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- (2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, provide that the principal objective of the Regulator is to protect the interests of existing and future heat network consumers.
- (3) The regulations may specify particular interests of existing and future heat network consumers that are to be protected.
- (4) The interests specified may, in particular, include—
  - (a) their interests in the reliability of the supply of heating, cooling or hot water by means of relevant heat networks;
  - (b) their interests in the reduction of emissions of targeted greenhouse gases generated by relevant heat networks;
  - (c) their interests in charges for the supply of heating, cooling or hot water by means of relevant heat networks being proportionate;
  - (d) their interests in information about services and charges being communicated plainly.

#### Commencement Information

**I2** Sch. 18 para. 2 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

#### General duties

- 3 (1) The regulations may make provision about the duties of the Regulator in carrying out its functions under the regulations.
- (2) The duties may, in particular, include—
  - (a) a duty to carry out its functions in a manner best calculated to further its objectives;
  - (b) a duty to consider, when carrying out its functions, the need to ensure that persons carrying out activities under a heat network authorisation or under an installation and maintenance licence are able to finance obligations imposed by or under the regulations;
  - (c) a duty to have regard to the interests of heat network consumers who are in vulnerable circumstances when performing duties imposed by regulations made by virtue of [paragraph \(a\)](#) or [\(b\)](#).
- (3) Regulations made by virtue of [sub-paragraph \(2\)\(a\)](#) may require that the Regulator promote effective competition between persons engaged in, or in commercial activities connected with, the supply of heating, cooling or hot water by means of relevant heat networks.

#### Commencement Information

**I3** Sch. 18 para. 3 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 4 (1) The regulations may provide for the Regulator to have regard, in carrying out a function under the regulations, to—
  - (a) the interests of existing and future consumers in relation to electricity conveyed by distribution systems or transmission systems (within the meaning of the Electricity Act 1989);

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- (b) the interests of existing and future consumers in relation to gas conveyed through pipes (within the meaning of the Gas Act 1986);
  - (c) any interests of existing and future consumers in relation to—
    - (i) communications services and electronic communications apparatus, or
    - (ii) water services or sewerage services (within the meaning of the Water Industry Act 1991),which are affected by the carrying out of that function.
- (2) The regulations may provide for persons or bodies exercising regulatory functions in those fields to have regard, in carrying out a regulatory function, to the interests of existing or future consumers in relation to the supply of heating, cooling or hot water by means of relevant heat networks.

**Commencement Information**

**I4** Sch. 18 para. 4 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**Commencement Information**

**I3** Sch. 18 para. 3 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**I4** Sch. 18 para. 4 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Delegation of functions*

- 5
- (1) The regulations may provide for the Regulator to delegate functions conferred on the Regulator by the regulations.
  - (2) The regulations may specify functions which may be delegated only with the consent of the Secretary of State or, as the case may be, the Department.

**Commencement Information**

**I5** Sch. 18 para. 5 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Monitoring, records and information*

- 6
- (1) The regulations may require the Regulator to keep under review the carrying on of activities connected with heat networks in the part or parts of the United Kingdom in relation to which the Regulator has functions under the regulations.
  - (2) The regulations may require the Regulator to monitor such matters relating to the activities regulated by the regulations or the persons who carry on those activities as the regulations may specify.
  - (3) The regulations may, for the purposes of enabling the Regulator to perform a duty imposed by regulations made by virtue of [sub-paragraph \(2\)](#), make provision enabling the Regulator to require information to be supplied.

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**Commencement Information**

**I6** Sch. 18 para. 6 in force at Royal Assent, see [s. 334\(2\)\(I\)](#)

- 7 (1) The regulations may require the Regulator to collect information with respect to activities connected with heat networks and the persons who carry on those activities for such purposes as are specified in the regulations.
- (2) The regulations may, in particular, require the Regulator to collect information relating to standards of performance achieved by—
- (a) persons who hold a heat network authorisation;
  - (b) licensed code managers;
  - (c) persons who hold an installation and maintenance licence.

**Commencement Information**

**I7** Sch. 18 para. 7 in force at Royal Assent, see [s. 334\(2\)\(I\)](#)

- 8 (1) The regulations may make provision requiring the Regulator to maintain records.
- (2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, make provision requiring the Regulator to maintain records relating to—
- (a) persons whose application for a heat network authorisation, a code manager licence or an installation and maintenance licence has been refused;
  - (b) persons whose heat network authorisation, code manager licence or installation and maintenance licence has been revoked.
- (3) The regulations may make provision enabling or requiring the Regulator to provide information from its records to—
- (a) the Secretary of State or a person specified by the Secretary of State,
  - (b) the Department or a person specified by the Department, or
  - (c) the Scottish Ministers or a person specified by the Scottish Ministers.

**Commencement Information**

**I8** Sch. 18 para. 8 in force at Royal Assent, see [s. 334\(2\)\(I\)](#)

- 9 (1) The regulations may make provision restricting the disclosure of information obtained by the Regulator under or by virtue of the regulations, subject to exceptions specified in the regulations.
- (2) The regulations may make provision about the disclosure to the Regulator of information held by other persons or bodies.

**Commencement Information**

**I9** Sch. 18 para. 9 in force at Royal Assent, see [s. 334\(2\)\(I\)](#)

- 10 (1) The regulations may make provision for the purpose of securing that a disclosure of information which is authorised or required by the regulations does not contravene the data protection legislation.

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- (2) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).

**Commencement Information**

**I10** Sch. 18 para. 10 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**Commencement Information**

**I6** Sch. 18 para. 6 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**I7** Sch. 18 para. 7 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**I8** Sch. 18 para. 8 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**I9** Sch. 18 para. 9 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**I10** Sch. 18 para. 10 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Other general provision*

- 11 (1) The regulations may make other general provision about the Regulator.
- (2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, make provision about—
- (a) preparing and publishing documents about—
    - (i) strategy and policies;
    - (ii) plans for future work;
  - (b) publishing reports annually;
  - (c) publishing financial information in annual accounts;
  - (d) preparing and publishing impact assessments.
- (3) Regulations made by virtue of [sub-paragraph \(1\)](#) may make provision about preparing, issuing, reviewing and revising guidance.
- (4) Regulations made by virtue of [sub-paragraph \(1\)](#) may provide for the publication of information and advice for the purpose of promoting the interests of existing and future heat network consumers.

**Commencement Information**

**I11** Sch. 18 para. 11 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**PART 3**

HEAT NETWORK AUTHORISATIONS

*Prohibition from carrying on regulated activity*

- 12 (1) The regulations may prohibit a person from carrying on a regulated activity, except as permitted by virtue of an authorisation conferred under regulations made by virtue of [paragraph 13](#).

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- (2) In this paragraph, “regulated activity” means an activity relating to a relevant heat network of such description as may be specified in the regulations.

**Commencement Information**

**I12** Sch. 18 para. 12 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Heat network authorisations*

- 13 (1) The regulations may provide for the Regulator to confer authorisations (“heat network authorisations”) to carry on one or more regulated activities specified in the authorisation in relation to a particular relevant heat network.
- (2) The regulations may require a person who applies for a heat network authorisation—
- (a) to satisfy such conditions relating to the person, the regulated activity or activities in question or the relevant heat network in question as the regulations may specify, and
  - (b) to provide such information as the regulations may specify.
- (3) The regulations may provide for the Regulator—
- (a) to confer a heat network authorisation;
  - (b) to confer a heat network authorisation on a temporary basis;
  - (c) to refuse to confer a heat network authorisation.
- (4) The regulations may make provision about the procedure for applying for a heat network authorisation, including provision about—
- (a) the form and content of an application,
  - (b) the manner in which the application and any accompanying documents are to be submitted to the Regulator;
  - (c) the payment of a fee.
- (5) Regulations made in relation to England and Wales and Scotland by virtue of [sub-paragraph \(2\)\(b\)](#) or [\(4\)](#) may provide for the Regulator to make provision by regulations about the matters referred to in that sub-paragraph.
- (6) Regulations made by the Regulator by virtue of [sub-paragraph \(5\)](#) are to be made by statutory instrument.
- (7) The regulations may make provision as to the period for which an authorisation may be in force.

**Commencement Information**

**I13** Sch. 18 para. 13 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 14 (1) The regulations may make provision about the conditions to be included in heat network authorisations.
- (2) The regulations may, in particular—
- (a) provide for the Regulator to determine and publish conditions to be included in each heat network authorisation or in each heat network authorisation of a particular description;

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- (b) provide for the Secretary of State or, in relation to Northern Ireland, the Department to determine and publish conditions to be included in each heat network authorisation or in each heat network authorisation of a particular description;
  - (c) provide for consultation on, and publication of, the conditions proposed to be so determined;
  - (d) make provision about the inclusion in a heat network authorisation of conditions that are special to that authorisation;
  - (e) make provision about including conditions that meet objectives or other criteria specified in the regulations.
- (3) The regulations may, in particular, provide for conditions to be included in a heat network authorisation requiring the person who holds the authorisation—
- (a) to comply with the provisions of a particular designated document;
  - (b) to enter into governance arrangements with the person who is from time to time the licensed code manager for that designated document and to comply with those arrangements;
  - (c) to provide funding for the person who is from time to time the licensed code manager for that designated document.
- (4) The regulations may, in particular, provide for the following sorts of conditions to be included in a heat network authorisation—
- (a) conditions about the terms on which premises are connected to a relevant heat network (whether for the purpose of supplying heating, cooling or hot water to premises, or supplying thermal energy to a relevant heat network);
  - (b) conditions about installing and maintaining equipment for measuring, displaying, recording and regulating consumption of heating, cooling and hot water supplied by means of relevant heat networks;
  - (c) conditions about—
    - (i) the charges payable by heat network consumers or a description of heat network consumers specified in the regulations,
    - (ii) the billing of heat network consumers;
    - (iii) service standards, or
    - (iv) the communication of information about the heat network, the services provided or the terms on which the services are provided;
  - (d) conditions relating to price regulation (including by means of regulation of charges or profits);
  - (e) conditions about complying with technical standards (including, in relation to England and Wales and Scotland, technical standards for which provision is made in a designated document);
  - (f) conditions about ensuring the continuity of the supply of heating, cooling and hot water to heat network consumers;
  - (g) conditions about limiting emissions of targeted greenhouse gases in relation to relevant heat networks in England or Northern Ireland;
  - (h) conditions about providing information to the Regulator;
  - (i) conditions about the payment of fees to the Regulator, including conditions about the payment of fees—
    - (i) in connection with the conferring of an authorisation;
    - (ii) while an authorisation continues to be in force in relation to a person;

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- (j) conditions about making payments to the Regulator of sums relating to the costs of the Regulator under regulations made by virtue of [paragraph 46\(2\)](#).
- (5) Conditions of the sort referred to in [sub-paragraph \(4\)\(c\)\(i\)](#) may, in particular—
  - (a) provide for charges imposed on heat network consumers to be subject to a price cap;
  - (b) require a person who holds a heat network authorisation not to impose on heat network consumers charges that are disproportionate (see [paragraph 42](#)).
- (6) Conditions of the sort referred to in [sub-paragraph \(4\)\(c\)\(ii\)](#) may, in particular—
  - (a) impose requirements about the bills given to heat network consumers (including requirements about their frequency, accuracy and the use of estimates);
  - (b) impose requirements about the information and explanatory material to be provided to heat network consumers;
  - (c) make provision about the charges that may be made in respect of the costs of providing bills and such information and explanatory material.
- (7) The regulations may, in particular, provide for conditions to be included in a heat network authorisation that—
  - (a) in relation to England and Wales or Scotland, impose on the person who holds the authorisation a requirement of a kind that may be imposed under section 7(3) of the Electricity Act 1989 on the holder of a licence under section 6(1) of that Act;
  - (b) in relation to Northern Ireland, impose on the person who holds the authorisation a requirement of a kind that may be imposed under Article 11(3) of the Electricity (Northern Ireland) Order 1992 ([S.I. 1992/231 \(N.I. 1\)](#)) on the holder of a licence under Article 10(1) of that Order.

**Commencement Information**

**I14** Sch. 18 para. 14 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**Commencement Information**

**I13** Sch. 18 para. 13 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**I14** Sch. 18 para. 14 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Conditions about technical standards: further provision*

- 15 The technical standards for which regulations made by virtue of [paragraph 14\(4\)\(e\)](#) may make provision include technical standards relating to—
- (a) the design, construction, commissioning, operation or maintenance of a heat network;
  - (b) the decommissioning of a heat network;
  - (c) equipment or materials used in the construction, operation or maintenance of a heat network;
  - (d) the competence of persons engaged in the design, construction, commissioning, operation or maintenance of a heat network.

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**Commencement Information**

**I15** Sch. 18 para. 15 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Conditions about continuity of supply: further provision*

- 16 Conditions of the sort referred to in [paragraph 14\(4\)\(f\)](#) may, in particular, require the holder of a heat network authorisation to enter into and maintain contractual arrangements under which, in circumstances of a description specified in the conditions, one or more other persons are under an obligation to secure the continuity of the supply of heating, cooling or hot water.

**Commencement Information**

**I16** Sch. 18 para. 16 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 17 Conditions of the sort referred to in [paragraph 14\(4\)\(f\)](#) may, in particular, require the holder of a heat network authorisation, when directed to do so by the Regulator in circumstances of a description specified in the conditions, to carry on a regulated activity in relation to a relevant heat network in the place of another person (see [paragraph 44](#)).

**Commencement Information**

**I17** Sch. 18 para. 17 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**Commencement Information**

**I16** Sch. 18 para. 16 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**I17** Sch. 18 para. 17 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Modification of heat network authorisations*

- 18 (1) The regulations may provide for the modification by the Regulator of—
- (a) the conditions of a particular heat network authorisation;
  - (b) conditions that are included in two or more heat network authorisations.
- (2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular—
- (a) provide for the procedure to be followed by the Regulator when it proposes to make a modification;
  - (b) provide for the communication of any modification;
  - (c) provide for the time when any modification takes effect;
  - (d) provide for the Regulator to comply with a direction of the Secretary of State or, in relation to Northern Ireland, the Department not to make a particular modification.
- (3) In sub-paragraphs (1) and (2), a reference to the modification of a condition includes a reference to the revocation of a condition.
- (4) The regulations may provide for the conditions of a heat network authorisation—

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- (a) to have effect or cease to have effect at such times and in such circumstances as may be determined by or under the conditions;
- (b) to be modified in such manner as may be specified in the conditions at such times and in such circumstances as may be so determined.

**Commencement Information**

**I18** Sch. 18 para. 18 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Review and revocation of heat network authorisations*

- 19 The regulations may provide for the conditions of, or the activities carried out by virtue of, a heat network authorisation to be reviewed by the Regulator at any time while it is in force.

**Commencement Information**

**I19** Sch. 18 para. 19 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 20 (1) The regulations may provide—
- (a) for the revocation of a heat network authorisation by the Regulator;
  - (b) for a heat network authorisation to cease to have effect in circumstances specified in or determined under the authorisation.
- (2) Regulations made by virtue of [sub-paragraph \(1\)\(a\)](#) may, in particular, provide for the procedure to be followed by the Regulator when it proposes to revoke the authorisation.

**Commencement Information**

**I20** Sch. 18 para. 20 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**Commencement Information**

**I19** Sch. 18 para. 19 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**I20** Sch. 18 para. 20 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Initial period*

- 21 (1) The regulations may make provision with respect to persons carrying on a regulated activity in relation to a relevant heat network during a period that—
- (a) begins with the day on which any regulations made by virtue of [paragraph 12](#) come into force, and
  - (b) ends with a day specified in the regulations.
- (2) The regulations may—
- (a) provide for the period to be prolonged, or to be prolonged as it relates to a description of heat network authorisations, by the Regulator;

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- (b) require the consent of the Secretary of State or the Department (as the case may be) to such an alteration.
- (3) Regulations made by virtue of [sub-paragraph \(1\)](#) may—
  - (a) provide for a person carrying on a regulated activity in relation to a relevant heat network to be treated as holding a heat network authorisation in relation to that activity and that relevant heat network during the period described in [sub-paragraph \(1\)](#) (or, if applicable, during that period as prolonged by virtue of [sub-paragraph \(2\)](#));
  - (b) make provision as to the conditions of the heat network authorisation treated as conferred on such a person (including provision similar to the provision described in [paragraph 14\(2\)](#));
  - (c) require a person carrying on a regulated activity in relation to a relevant heat network to apply to the Regulator for a heat network authorisation to be conferred on the person by a time specified in or determined under the regulations.
- (4) Regulations made by virtue of [sub-paragraph \(3\)\(c\)](#) may provide for different times for different descriptions of case.

#### Commencement Information

**I21** Sch. 18 para. 21 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

## PART 4

### CODE GOVERNANCE

#### *Designated documents*

- 22 (1) In [this Part](#), “designated document” means a document that—
- (a) is maintained in accordance with the conditions of a code manager licence, and
  - (b) is designated for the purposes of [this Part](#) by or in accordance with the regulations.
- (2) The regulations may—
- (a) designate or provide for the designation of different documents for different purposes;
  - (b) provide for the time from which a designation has effect;
  - (c) provide for the modification of a designated document and its reissuing in its modified form;
  - (d) revoke or provide for the revocation of a designated document;
  - (e) provide for a designated document otherwise ceasing to be a designated document.
- (3) The regulations may provide for a document that is designated to make provision by reference to material (including standards, specifications or requirements) contained in other documents that are published from time to time.

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- (4) The regulations may, in particular, make provision about the cases in which the designated document may be modified by the Regulator.

**Commencement Information**

**I22** Sch. 18 para. 22 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Prohibition on performing the function of a code manager*

- 23 (1) The regulations may, in relation to England and Wales and Scotland, prohibit a person from performing the function of code manager in relation to a designated document, except as permitted by virtue of a code manager licence (see [paragraph 25](#)).
- (2) A reference in [this Part](#) to a person performing the function of code manager in relation to a designated document is a reference to a person making arrangements, with persons to whom [sub-paragraph \(3\)](#) applies, under which the person is responsible for the governance of the designated document.
- (3) This sub-paragraph applies to the person who holds a heat network authorisation where a condition of the authorisation requires the person to comply with the designated document in question.

**Commencement Information**

**I23** Sch. 18 para. 23 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Licensed code managers*

- 24 (1) The regulations may, in relation to England and Wales and Scotland, make provision about selecting a person to be a code manager in relation to a designated document.
- (2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, make provision about the procedure for selecting a person, including provision for determining which procedure to apply in a particular case.
- (3) Regulations made by virtue of [sub-paragraph \(2\)](#) may include provision for the payment of a fee by a person seeking to be selected to be a code manager.
- (4) Regulations made by virtue of [sub-paragraph \(2\)](#) may provide for the Regulator to make provision by regulations about those matters.
- (5) Regulations made by the Regulator by virtue of [sub-paragraph \(4\)](#) are to be made by statutory instrument.

**Commencement Information**

**I24** Sch. 18 para. 24 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 25 (1) The regulations may, in relation to England and Wales and Scotland, provide for the Regulator, where a person is selected to be the code manager in relation to a designated document, to issue a licence (a “code manager licence”) to the person

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which authorises the person to perform the function of code manager in relation to the designated document.

- (2) The regulations may make provision as to the period for which a licence may be in force.
- (3) In [this Part](#), references to the licensed code manager, in relation to a designated document, are references to the person who is authorised by a code manager licence to perform the function of code manager in relation to the designated document.

#### Commencement Information

**I25** Sch. 18 para. 25 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 26 (1) The regulations may make provision about the contents of a code manager licence.
- (2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular—
  - (a) provide for the Regulator to determine and publish conditions to be included in each code manager licence or in each code manager licence of a particular description;
  - (b) provide for the Secretary of State to determine and publish conditions to be included in each code manager licence or in each code manager licence of a particular description;
  - (c) provide for consultation on, and publication of, the conditions proposed to be so determined;
  - (d) make provision about the inclusion in a code manager licence of conditions that are special to that licence;
  - (e) make provision about including conditions that meet objectives or other criteria specified in the regulations.
- (3) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, provide for the following sorts of conditions to be included in a code manager licence—
  - (a) conditions about the nature of the governance arrangements that the licensed code manager may enter into with persons who hold a heat network authorisation (see [paragraph 14\(3\)\(b\)](#));
  - (b) conditions about the content of those governance arrangements, which may include provision about the licensed code manager—
    - (i) modifying the designated document,
    - (ii) monitoring or enforcing compliance with the provisions of the designated document, or
    - (iii) developing guidance relating to the designated document;
  - (c) conditions about functions of the Regulator in connection with the modification of a designated document;
  - (d) conditions about providing information to the Regulator;
  - (e) conditions about complying with directions of the Regulator as to matters specified or of a description specified in the code manager licence;
  - (f) conditions about the payment of fees to the Regulator, including conditions about the payment of fees—
    - (i) when a code manager licence is first issued;
    - (ii) while a code manager licence continues to be in force in relation to a person.

*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

- (4) The regulations may, in particular, provide for conditions to be included in a code manager licence that—
- (a) in relation to England and Wales or Scotland, impose on the person who holds the licence a requirement of a kind that may be imposed under section 7(3) of the Electricity Act 1989 on the holder of a licence under section 6(1) of that Act;
  - (b) in relation to Northern Ireland, impose on the person who holds the licence a requirement of a kind that may be imposed under Article 11(3) of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)) on the holder of a licence under Article 10(1) of that Order.

**Commencement Information**

**I26** Sch. 18 para. 26 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

- 27 The regulations may provide for the Regulator to make payments to licensed code managers in respect of their costs.

**Commencement Information**

**I27** Sch. 18 para. 27 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

- 28 (1) The regulations may provide for the modification by the Regulator of—
- (a) the conditions of a particular code manager licence;
  - (b) conditions that are included in two or more code manager licences.
- (2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular—
- (a) provide for the procedure to be followed by the Regulator when it proposes to make a modification;
  - (b) provide for the communication of any modification;
  - (c) provide for the time when any modification takes effect;
  - (d) provide for the Regulator to comply with a direction of the Secretary of State not to make a particular modification.
- (3) In sub-paragraphs (1) and (2), a reference to the modification of a condition includes a reference to the revocation of a condition.
- (4) The regulations may provide for the conditions of a code manager licence—
- (a) to have effect or cease to have effect at such times and in such circumstances as may be determined by or under the conditions;
  - (b) to be modified in such manner as may be specified in the conditions at such times and in such circumstances as may be so determined.

**Commencement Information**

**I28** Sch. 18 para. 28 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**Commencement Information**

**I24** Sch. 18 para. 24 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

- I25** Sch. 18 para. 25 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)
- I26** Sch. 18 para. 26 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)
- I27** Sch. 18 para. 27 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)
- I28** Sch. 18 para. 28 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

### *Review and revocation of code manager licences*

- 29 The regulations may provide for a code manager licence, or the activities carried out by virtue of a code manager licence, to be reviewed by the Regulator at any time while it is in force.

#### **Commencement Information**

- I29** Sch. 18 para. 29 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

- 30 (1) The regulations may provide—
- (a) for the revocation of a code manager licence by the Regulator;
  - (b) for a code manager licence to cease to have effect in circumstances specified in or determined under the licence.
- (2) Regulations made by virtue of [sub-paragraph \(1\)\(a\)](#) may provide for the procedure to be followed by the Regulator when it proposes to revoke the licence.

#### **Commencement Information**

- I30** Sch. 18 para. 30 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

#### **Commencement Information**

- I29** Sch. 18 para. 29 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)  
**I30** Sch. 18 para. 30 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

## **PART 5**

### **INSTALLATION AND MAINTENANCE LICENCES**

#### *Installation and maintenance licences*

- 31 (1) The regulations may provide for the issuing of licences (“installation and maintenance licences”) which authorise the holder of a licence to exercise the rights specified in the licence for purposes relating to the installation or maintenance of relevant heat networks—
- (a) in England and Wales, or
  - (b) in Northern Ireland.
- (2) The regulations may require the Regulator to be satisfied before issuing an installation and maintenance licence to a person that the person is an appropriate person to hold such a licence.

*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

- (3) The regulations may require the Regulator, in deciding whether a person is an appropriate person to hold an installation and maintenance licence, to consider such matters as may be specified.
- (4) The matters specified may, in particular, relate to the abilities or financial resources of the person applying for a licence or the nature of the business carried on by the person.
- (5) The regulations may specify other conditions that are to be satisfied before a licence may be issued.
- (6) The regulations may make provision about the procedure for applying for a licence, including provision about—
  - (a) the form and content of an application,
  - (b) the manner in which the application and any accompanying documents are to be submitted to the Regulator, and
  - (c) the payment of a fee.
- (7) Regulations made by virtue of [sub-paragraph \(6\)](#) may provide for the Regulator to make provision by regulations about the matters referred to in [sub-paragraph \(6\)](#) (including provision about the information that must be provided to the Regulator by a person applying for a licence), so far as relating to England and Wales.
- (8) Regulations made by the Regulator by virtue of [sub-paragraph \(7\)](#) are to be made by statutory instrument.
- (9) The regulations may make provision as to the period for which a licence may be in force.
- (10) The regulations may make provision about the transfer of a licence.

#### **Commencement Information**

**I31** Sch. 18 para. 31 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

#### *Rights that may be conferred*

- 32
- (1) The regulations must set out the rights relating to land that are capable of being conferred on a person by an installation and maintenance licence.
  - (2) Regulations made by virtue of [sub-paragraph \(1\)](#) setting out a right may include provision about the restrictions, exceptions or conditions subject to which the right may be exercised.
  - (3) The rights set out by regulations made by virtue of [sub-paragraph \(1\)](#) may include—
    - (a) a right to apply to the Secretary of State or, in relation to Northern Ireland, the Department for authority to make a compulsory acquisition of an easement or other right over land by the creation of a new right for the purpose of installing or maintaining works and apparatus relating to a heat network;
    - (b) a right—
      - (i) to install and keep works and apparatus relating to a heat network in, under or over a street,

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*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

- (ii) to inspect, maintain, adjust, alter, repair, upgrade, operate or remove such works and apparatus, and
  - (iii) to carry out such other works as are required for or incidental to those works,
- subject to such requirements as to notification, manner of working and compensation as may be specified in the regulations;
- (c) a right—
    - (i) to install and keep works and apparatus relating to a heat network in, under or over transport land,
    - (ii) to inspect, maintain, alter, repair, replace and remove such works and apparatus,
    - (iii) to carry out any works on the transport land for or in connection with the exercise of a right described in [sub-paragraph \(i\)](#) or [\(ii\)](#), and
    - (iv) to enter the transport land to inspect, maintain, adjust, alter, repair, upgrade, operate or remove the works or apparatus,subject to such requirements as to notification, compensation, arbitration and alteration of the works and apparatus as may be specified in the regulations;
  - (d) a right to undertake works of a specified description without being required to obtain planning permission.

(4) In this paragraph—

“street” means a street in England, Wales or Northern Ireland and—

- (a) in relation to England and Wales, has the same meaning as in Part 3 of the New Roads and Street Works Act 1991;
- (b) in relation to Northern Ireland, has the same meaning as in the Street Works (Northern Ireland) Order 1995 ([S.I. 1995/3210 \(N.I. 19\)](#));

“transport land” means land which is used wholly or mainly—

- (a) as a railway, tramway or waterway, or
- (b) in connection with a railway, tramway or waterway on the land.

#### **Commencement Information**

**I32** Sch. 18 para. 32 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

#### *Further provision about installation and maintenance licences*

- 33 (1) The regulations may make provision about the contents of installation and maintenance licences.
- (2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular—
- (a) provide for the Regulator to determine and publish conditions to be included in each installation and maintenance licence or in each installation and maintenance licence of a particular description;
  - (b) provide for the Secretary of State or, in relation to Northern Ireland, the Department to determine and publish conditions to be included in each installation and maintenance licence or in each installation and maintenance licence of a particular description;
  - (c) provide for consultation on, and publication of, the conditions proposed to be so determined;

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*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

- (d) make provision about the inclusion in an installation and maintenance licence of conditions that are special to that licence;
  - (e) make provision about including conditions that meet objectives or other criteria specified in the regulations.
- (3) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, provide for the following sorts of conditions to be included in a licence—
- (a) conditions about providing information to the Regulator;
  - (b) conditions about the payment of fees to the Regulator, including conditions about the payment of fees—
    - (i) when a licence is first issued;
    - (ii) while a licence continues to be in force in relation to a person.
- (4) The regulations may, in particular, provide for conditions to be included in an installation and maintenance licence that—
- (a) in relation to England and Wales, impose on the person who holds the licence a requirement of a kind that may be imposed under section 7(3) of the Electricity Act 1989 on the holder of a licence under section 6(1) of that Act;
  - (b) in relation to Northern Ireland, impose on the person who holds the licence a requirement of a kind that may be imposed under Article 11(3) of the Electricity (Northern Ireland) Order 1992 ([S.I. 1992/231 \(N.I. 1\)](#)) on the holder of a licence under Article 10(1) of that Order.

#### Commencement Information

**I33** Sch. 18 para. 33 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 34 (1) The regulations may provide for the modification by the Regulator of—
- (a) the conditions of a particular installation and maintenance licence;
  - (b) conditions that are included in two or more installation and maintenance licences.
- (2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular—
- (a) provide for the procedure to be followed by the Regulator when it proposes to make a modification;
  - (b) provide for the communication of any modification;
  - (c) provide for the time when any modification takes effect;
  - (d) provide for the Regulator to comply with a direction of the Secretary of State or, in relation to Northern Ireland, the Department not to make a particular modification.
- (3) In sub-paragraphs [\(1\)](#) and [\(2\)](#), a reference to the modification of a condition includes a reference to the revocation of a condition.
- (4) The regulations may provide for the conditions of an installation and maintenance licence—
- (a) to have effect or cease to have effect at such times and in such circumstances as may be determined by or under the conditions;
  - (b) to be modified in such manner as may be specified in the conditions at such times and in such circumstances as may be so determined.

*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

**Commencement Information**

**I34** Sch. 18 para. 34 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**Commencement Information**

**I33** Sch. 18 para. 33 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**I34** Sch. 18 para. 34 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

*Review and revocation of installation and maintenance licences*

35 The regulations may provide for the conditions of, or the activities carried out by virtue of, an installation and maintenance licence to be reviewed by the Regulator at any time while it is in force.

**Commencement Information**

**I35** Sch. 18 para. 35 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

36 (1) The regulations may provide—  
(a) for the revocation of an installation and maintenance licence by the Regulator;  
(b) for an installation and maintenance licence to cease to have effect in circumstances specified in or determined under the licence.  
(2) Regulations made by virtue of sub-paragraph (1)(a) may, in particular, provide for the procedure to be followed by the Regulator when it proposes to revoke the licence.

**Commencement Information**

**I36** Sch. 18 para. 36 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**Commencement Information**

**I35** Sch. 18 para. 35 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**I36** Sch. 18 para. 36 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**PART 6**

ENFORCEMENT OF CONDITIONS AND REQUIREMENTS

*Methods of enforcement*

37 (1) The regulations may make provision about the enforcement of relevant conditions or relevant requirements.  
(2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, provide for the Regulator—

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*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

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- (a) in a case where the Regulator is satisfied that a relevant person is contravening or is likely to contravene a relevant condition or requirement, to make a final order requiring the person to take such steps as the Regulator considers appropriate for the purpose of securing the person’s compliance with the relevant condition or requirement;
  - (b) in a case where it appears to the Regulator that a relevant person is contravening or is likely to contravene a relevant condition or requirement, to make a provisional order requiring the person to take such steps as the Regulator considers appropriate for the purpose of securing compliance with the relevant condition or requirement;
  - (c) to impose a penalty on a relevant person for the contravention of a relevant condition or requirement;
  - (d) in relation to England and Wales and Scotland, in a case where the contravention of a relevant condition or requirement by a relevant person has caused or is causing one or more consumers to suffer loss or damage or to be caused inconvenience, to make an order (a “consumer redress order”) requiring the person to do such things as appear to the Regulator necessary for the purposes of—
    - (i) remedying the consequences of the contravention, or
    - (ii) preventing the person contravening the relevant condition or requirement again in the same or a similar way.
- (3) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, provide for—
- (a) the making of an order,
  - (b) the imposition of a penalty, or
  - (c) the making of a consumer redress order,
- to be excluded if the Regulator considers that it would be more appropriate to proceed under the Competition Act 1998 (see [paragraph 41](#)).
- (4) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, make provision about the use of more than one method of enforcement.
- (5) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, make provision about enforcement in a case where a person who holds two or more heat network authorisations has contravened or is likely to contravene a relevant condition or requirement in those, or some of those, heat network authorisations.
- (6) In this paragraph—
- “relevant condition” means a condition of—
    - (a) a heat network authorisation,
    - (b) a code manager licence, or
    - (c) an installation and maintenance licence;
  - “relevant person” means—
    - (a) a person who holds a heat network authorisation,
    - (b) a licensed code manager, or
    - (c) a person who holds an installation and maintenance licence;
  - “relevant requirement”, in relation to a relevant person, means a requirement imposed on the person by or under the regulations or by regulations made by the Regulator by virtue of any provision of this Schedule.

*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

#### Commencement Information

**I37** Sch. 18 para. 37 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

#### *Final and provisional orders*

- 38 (1) Regulations made by virtue of [paragraph 37\(2\)](#) may, in particular—
- (a) provide for the confirmation of a provisional order;
  - (b) make provision about procedure;
  - (c) provide for the grounds on which an order may be challenged in legal proceedings, the time within which it may be challenged and the remedies that may be given;
  - (d) specify how an order may be enforced (including by providing for non-compliance with an order to be a breach of duty);
  - (e) make provision enabling the Regulator to accept an enforcement undertaking from a relevant person and about the consequences of accepting such an undertaking.
- (2) An “enforcement undertaking” is an undertaking to take, within the period specified in the undertaking, such action as may be so specified to secure compliance with a relevant condition or requirement.
- (3) Except as provided by the regulations, the validity of an order made by virtue of [paragraph 37\(2\)\(a\)](#) or [\(b\)](#) is not to be questioned in any legal proceedings.

#### Commencement Information

**I38** Sch. 18 para. 38 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

#### *Penalties*

- 39 (1) Regulations made by virtue of [paragraph 37\(2\)\(c\)](#) may, in particular—
- (a) make provision about the maximum amount that may be imposed by way of penalty;
  - (b) make provision about procedure;
  - (c) make provision about the payment of interest;
  - (d) specify how a penalty (and any interest) may be recovered;
  - (e) make provision about payment of a penalty (and any interest) in instalments;
  - (f) require sums received by way of penalty (and interest) to be paid into—
    - (i) the Consolidated Fund, or
    - (ii) in relation to Northern Ireland, the Consolidated Fund of Northern Ireland;
  - (g) make provision enabling the Regulator to accept an enforcement undertaking from a relevant person and about the consequences of accepting such an undertaking.
- (2) The regulations may provide for—
- (a) publication by the Regulator of a statement of policy with respect to the imposition of penalties and the determination of their amount;

*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

- (b) revision of the statement of policy.
- (3) Where regulations make provision by virtue of [paragraph 37\(2\)\(c\)](#) for the imposition of a penalty on a relevant person, the regulations—
  - (a) must also include provision enabling the relevant person to challenge the penalty in legal proceedings;
  - (b) may, in particular, specify the grounds on which and the time within which a penalty may be challenged and the remedies that may be given.
- (4) Except as provided by the regulations, the validity of a penalty imposed by virtue of [paragraph 37](#) is not to be questioned in any legal proceedings.

#### Commencement Information

**I39** Sch. 18 para. 39 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

#### Consumer redress orders

- 40 (1) Regulations made by virtue of [paragraph 37\(2\)\(d\)](#) may, in particular—
- (a) make provision about the requirements that may be imposed by a consumer redress order, including, in particular, requirements as to—
    - (i) paying compensation to affected heat network consumers;
    - (ii) preparing and distributing a written statement about the contravention;
    - (iii) terminating or varying contracts entered into with affected heat network consumers;
  - (b) make provision about the maximum amount of compensation that a relevant person may be required to pay;
  - (c) make provision about procedure;
  - (d) make provision about challenges to a consumer redress order in legal proceedings (including, in particular, specifying the grounds on which and the time within which an order may be challenged and the remedies that may be given);
  - (e) make provision about the payment of interest;
  - (f) make provision about payment of compensation (and any interest) in instalments;
  - (g) specify how a consumer redress order may be enforced;
  - (h) make provision enabling the Regulator to accept an enforcement undertaking from a relevant person and about the consequences of accepting such an undertaking.
- (2) The regulations may provide for—
- (a) publication by the Regulator of a statement of policy with respect to the making of consumer redress orders and the determination of the requirements imposed by them;
  - (b) revision of the statement of policy.
- (3) Except as provided by the regulations, the validity of a consumer redress order is not to be questioned in any legal proceedings.

*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

#### **Commencement Information**

**I40** Sch. 18 para. 40 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

#### *Functions under Part 1 of the Competition Act 1998 and Part 4 of the Enterprise Act 2002*

- 41 (1) The regulations may make provision for the purpose of enabling the Regulator to exercise such functions of the Competition and Markets Authority under Part 1 of the Competition Act 1998, or such descriptions of those functions, as are specified in the regulations.
- (2) The regulations may make provision for the purpose of enabling the Regulator to exercise such functions of the Competition and Markets Authority under Part 4 of the Enterprise Act 2002, or such descriptions of those functions, as are specified in the regulations.
- (3) Regulations made by virtue of [sub-paragraph \(1\)](#) or [\(2\)](#) may, in particular, make provision—
- (a) about the concurrent exercise of functions by the Regulator and the Competition and Markets Authority;
  - (b) for the joint exercise of functions by the Regulator and the Competition and Markets Authority in a particular case;
  - (c) as to the procedure for determining which of the Regulator and the Competition and Markets Authority is to exercise functions in a particular case;
  - (d) as to the circumstances in which the exercise of a function by the Regulator or the Competition and Markets Authority precludes the exercise of the function by the other;
  - (e) about assistance that may be given by the Regulator to the Competition and Markets Authority.

#### **Commencement Information**

**I41** Sch. 18 para. 41 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

## **PART 7**

### INVESTIGATION

#### *Investigation of charges*

- 42 (1) The regulations may make provision about how the Regulator is to determine whether charges payable by heat network consumers for, or in relation to, heating, cooling or hot water supplied by means of a relevant heat network contravene a condition of a heat network authorisation by reason of being disproportionate (see [paragraph 14\(5\)\(b\)](#)).
- (2) The regulations may, in particular, make provision enabling the Regulator to specify from time to time the methods that are to be used by the Regulator to determine whether charges are disproportionate.

*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

#### Commencement Information

**I42** Sch. 18 para. 42 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

#### *Powers to require information etc*

- 43 (1) The regulations may make provision conferring powers on the Regulator or imposing requirements on any person, for the purposes of or in connection with enabling the Regulator—
- (a) to monitor and secure compliance with relevant conditions or requirements;
  - (b) to make an order in respect of the contravention of a relevant condition or requirement;
  - (c) to enforce relevant conditions or requirements;
  - (d) to make a determination under provision made by virtue of paragraph [42\(1\)](#).
- (2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, enable the Regulator—
- (a) to require information to be supplied;
  - (b) to require copies of documents to be provided;
  - (c) to inspect premises;
  - (d) to inspect and take copies of documents or records;
  - (e) to conduct tests or to require tests to be conducted;
  - (f) to require a person to produce any equipment, document or record and to make available information stored electronically;
  - (g) to seize and detain equipment, documents and records.
- (3) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular—
- (a) confer powers to enter premises for the purposes of exercising powers conferred by the regulations;
  - (b) make provision about the circumstances in which a warrant is required to exercise a power conferred by virtue of paragraph (a);
  - (c) make provision for the issuing of such a warrant where conditions specified in the regulations are satisfied.
- (4) The regulations may provide for the Regulator to authorise others to exercise powers conferred on it by regulations made by virtue of [sub-paragraph \(1\)](#).
- (5) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, impose requirements relating to—
- (a) the keeping of records by relevant persons;
  - (b) the provision of information by relevant persons and others;
  - (c) the audit and verification of that information.

#### Commencement Information

**I43** Sch. 18 para. 43 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

## PART 8

### STEP-IN ARRANGEMENTS

- 44 The regulations may make provision for, or in connection with, securing that the holder of a heat network authorisation (“the new entity”) is able effectively to carry on a regulated activity in relation to a relevant heat network in the place of another person (“the old entity”) when directed to do so by the Regulator under a power conferred by a condition in its heat network authorisation (see [paragraph 17](#)).

#### Commencement Information

**I44** Sch. 18 para. 44 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 45 (1) The regulations may provide for the Regulator to make one or more schemes making such provision as to property, rights and liabilities as is necessary or expedient for the purpose of enabling the new entity to carry on the regulated activity in relation to the relevant heat network in an effective manner.
- (2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, authorise a scheme to provide for—
- (a) the transfer of property, rights or liabilities;
  - (b) the creation of interests in, or rights in relation to, property;
  - (c) the creation of rights and liabilities as between the old entity and the new entity;
  - (d) the modification of interests, rights or liabilities of third parties;
  - (e) the enforcement of a right or liability for whose transfer or creation the scheme provides;
  - (f) the entering into of agreements and the execution of instruments for the purposes of, or in connection with, the transfer of property or the transfer or creation of rights or liabilities;
  - (g) the time at which a transfer, creation or modification is to take place;
  - (h) the assessment and payment of compensation.
- (3) Regulations made by virtue of [sub-paragraph \(1\)](#) may provide for the scheme—
- (a) to contain incidental, supplementary, consequential, transitional, transitory or saving provision;
  - (b) to make different provision for different purposes.
- (4) The regulations may provide for the modification of a scheme.

#### Commencement Information

**I45** Sch. 18 para. 45 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 46 (1) The regulations may—
- (a) provide for the old entity to give the Regulator such information and assistance as the Regulator may require for the purposes of, or in connection with, the making or implementation of a scheme;
  - (b) provide for the Regulator, for the purposes of, or in connection with, the making or implementation of a scheme, to direct the old entity to take, or to refrain from taking, such steps as are specified in the direction.

*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

- (2) The regulations may provide for the Regulator—
- (a) to make payments to the new entity in respect of costs incurred in connection with carrying on the regulated activity in relation to the heat network;
  - (b) to indemnify the new entity in respect of liabilities arising from, or in connection with, carrying on the regulated activity in relation to the heat network.

**Commencement Information**

**I46** Sch. 18 para. 46 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**PART 9**

SPECIAL ADMINISTRATION REGIME

- 47 The regulations may make provision for, or in connection with, a special administration regime for companies that are holders of heat network authorisations.

**Commencement Information**

**I47** Sch. 18 para. 47 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

- 48 (1) The regulations may make provision for a court to make an order (a “heat network administration order”) in relation to a company that is the holder of a heat network authorisation directing that the affairs, business and property of the company are to be managed by a person appointed by the court (referred to in [this Part](#) as the heat network administrator of the company).
- (2) The regulations may make provision about the court that has jurisdiction in a particular case.
- (3) The regulations may limit the effect of a heat network administration order applying to a non-GB company or a non-NI company to—
- (a) its affairs and business so far as carried on in Great Britain or Northern Ireland (as the case may be), and
  - (b) its property in Great Britain or Northern Ireland (as the case may be).

**Commencement Information**

**I48** Sch. 18 para. 48 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

- 49 (1) The regulations may make provision about the objectives of a heat network administration order and the means by which the objectives may be secured.
- (2) The regulations may, in particular, require the heat network administrator to exercise functions so as to achieve the objectives set out in [sub-paragraph \(3\)](#) so far as possible.
- (3) The objectives referred to in [sub-paragraph \(2\)](#) are—

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- (a) to secure that the supply of heating, cooling or hot water is continued at the lowest cost which it is reasonably practicable to incur,
  - (b) to secure that the company’s relevant heat network is and continues to be maintained and developed as an efficient and economical system, and
  - (c) to secure that it becomes unnecessary, by using such means as are allowed by the regulations, for the heat network administration order to remain in force.
- (4) The regulations may make provision about the means that may be used, including—
- (a) the rescue as a going concern of the company subject to the heat network administration order;
  - (b) a transfer as a going concern of so much of the undertaking of the company subject to the heat network administration order as is associated with the company’s relevant heat network.
- (5) Regulations made by virtue of [sub-paragraph \(4\)](#) may also provide for the heat network administrator to make arrangements for securing that heat network consumers who are supplied with heating, cooling or hot water by the company’s relevant heat network have an alternative supply of heating, cooling or hot water (as the case may be).
- (6) The regulations may make provision about—
- (a) the means by which a transfer falling within [sub-paragraph \(4\)\(b\)](#) may be effected;
  - (b) the circumstances in which the objectives set out in [sub-paragraph \(3\)](#) may or may not be achieved by means of such a transfer.
- (7) In [this paragraph](#), “the company’s relevant heat network”, in relation to a company that is the holder of a heat network authorisation, means the relevant heat network to which the authorisation relates.

#### Commencement Information

**I49** Sch. 18 para. 49 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 50 (1) The regulations may make provision for applying, with such modifications as appear to the appropriate authority to be appropriate, the provisions mentioned in [sub-paragraph \(2\)](#).
- (2) The provisions referred to in [sub-paragraph \(1\)](#) are—
- (a) sections 156 to 167 of, and Schedules 20 and 21 to, the Energy Act 2004 (special administration regime for energy licensees);
  - (b) sections 171 and 196 of the Energy Act 2004 (interpretation), so far as relating to the provisions mentioned in [paragraph \(a\)](#);
  - (c) sections 19 to 33 of, and the Schedule to, the Energy Act (Northern Ireland) 2011 ([c. 6 \(N.I.\)](#)) (special administration regime for protected energy companies);
  - (d) section 35 of the Energy Act (Northern Ireland) 2011 (interpretation), so far as relating to the provisions mentioned in [paragraph \(c\)](#).
- (3) In this paragraph, “the appropriate authority” means—
- (a) in relation to England and Wales and Scotland, the Secretary of State;
  - (b) in relation to Northern Ireland, the Department.

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#### Commencement Information

**I50** Sch. 18 para. 50 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

51 In [this Part](#)—

“company” means—

- (a) a company registered under the Companies Act 2006, or
- (b) an unregistered company;

“heat network administration order” has the meaning given by [paragraph 48](#);

“heat network administrator” has the meaning given by [paragraph 48](#);

“non-GB company” means a company incorporated outside Great Britain;

“non-NI company” means a company incorporated outside Northern Ireland;

“unregistered company” means a company that is not registered under the Companies Act 2006.

#### Commencement Information

**I51** Sch. 18 para. 51 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

## PART 10

### SUPPLY TO PREMISES

52 (1) The regulations may make provision about—

- (a) offers to connect premises to a relevant heat network, the terms of such offers and acceptance of such an offer;
- (b) the conduct of holders of heat network authorisations towards heat network consumers or in relation to premises connected or proposed to be connected to a relevant heat network.

(2) Regulations made by virtue of this paragraph may make provision relating to the connection of premises to a relevant heat network whether a connection is for the purpose of—

- (a) supplying heating, cooling or hot water to premises, or
- (b) supplying thermal energy to a relevant heat network.

(3) The following paragraphs of this Part make further provision about regulations that may be made by virtue of [this paragraph](#).

#### Commencement Information

**I52** Sch. 18 para. 52 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

53 The regulations may—

- (a) impose duties, in circumstances specified by the regulations, to make and maintain a connection between a relevant heat network and any premises;

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- (b) impose duties as to providing such equipment as may be needed to make the connection function;
- (c) provide for the procedure to be followed when seeking to have a connection made between a relevant heat network and any premises;
- (d) provide for persons seeking a connection to premises to pay an amount in respect of costs incurred in making the connection or in respect of the cost of equipment provided;
- (e) provide for the giving of security for the payment of such an amount in respect of the cost of equipment provided;
- (f) make provision about the terms upon which a connection is made (including provision for deeming a contract to have been made and for making schemes for determining the terms and conditions to be incorporated in such a contract).

**Commencement Information**

**I53** Sch. 18 para. 53 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 54 The regulations may—
- (a) make provision as to the meters and other equipment that may be installed for the purposes of making and maintaining a connection between a relevant heat network and any premises;
  - (b) impose requirements as to the operation of such meters and other equipment.

**Commencement Information**

**I54** Sch. 18 para. 54 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 55 The regulations may—
- (a) prohibit the making of a charge where, for the purpose of meeting the needs of a disabled person, a meter or other equipment is moved or replaced;
  - (b) make provision as to the steps that may be taken if payments relating to the supply of heating, cooling or hot water are not made (including provision for removing a connection to a relevant heat network or otherwise preventing the further supply of heating, cooling or hot water);
  - (c) make provision as to the arrangements that may apply, and the steps that may be taken, if—
    - (i) premises are supplied with heating, cooling or hot water without agreement as to the terms on which the supply is made, or
    - (ii) a connection is made to a relevant heat network, or restored, without authority;
  - (d) make provision in connection with securing the rights of a holder of a heat network authorisation as owner of equipment provided by it.

**Commencement Information**

**I55** Sch. 18 para. 55 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 56 The regulations may—

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- (a) confer powers to enter premises for the purposes of installing, inspecting, repairing, replacing, altering or removing meters or other equipment;
- (b) confer powers to enter premises for the purposes of reading a register on a meter or other equipment;
- (c) make provision for the issuing of warrants to enter premises for the purposes of exercising powers conferred by regulations made by virtue of this paragraph where conditions specified in the regulations are satisfied;
- (d) make provision as to the persons who may exercise powers conferred by regulations under this paragraph.

**Commencement Information**

**I56** Sch. 18 para. 56 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 57 The regulations may revoke or amend the Heat Network (Metering and Billing) Regulations 2014 ([S.I. 2014/3120](#)).

**Commencement Information**

**I57** Sch. 18 para. 57 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

## PART 11

### CONSUMER PROTECTION

#### *Standards of performance*

- 58 (1) The regulations may prescribe such standards of performance in connection with the regulated activities of holders of heat network authorisations, so far as affecting—
- (a) heat network consumers supplied by the relevant heat networks to which their authorisations relate, or
  - (b) potential heat network consumers who would be supplied by those relevant heat networks,
- as in the Regulator’s opinion ought to be achieved as regards those persons.
- (2) The regulations may—
- (a) specify the circumstances in which the holders of heat network authorisations are to inform persons of rights conferred on them under regulations made by virtue of [this paragraph](#);
  - (b) provide for exemptions from standards of performance;
  - (c) require the holders of heat network authorisations to provide information about their compliance with standards of performance.
- (3) The regulations may provide—
- (a) for compensation to be made to persons affected by a failure to meet a standard of performance;
  - (b) for the determination of the amount of compensation.
- (4) The regulations may provide for the making of compensation under regulations made by virtue of this paragraph in respect of a failure to meet a standard of performance

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not to prejudice any other remedy which may be available in respect of the act or omission which constituted the failure.

- (5) Regulations made in relation to England and Wales and Scotland by virtue of [sub-paragraphs \(1\) to \(3\)](#), may provide for the Regulator to make provision by regulations about the matters referred to in those sub-paragraphs.
- (6) The regulations may require that regulations made by the Regulator by virtue of [sub-paragraph \(5\)](#) are made with the consent of the Secretary of State.
- (7) Regulations made by the Regulator by virtue of [sub-paragraph \(5\)](#) are to be made by statutory instrument.

#### Commencement Information

**I58** Sch. 18 para. 58 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 59
- (1) The regulations may provide for the Regulator, from time to time—
    - (a) to determine such standards of overall performance in connection with regulated activities as, in the Regulator’s opinion, ought to be achieved by holders of heat network authorisations;
    - (b) to publish those standards.
  - (2) The regulations may provide for the Regulator to determine different standards for different descriptions of holders of heat network authorisations.
  - (3) The regulations may require holders of heat network authorisations to conduct their regulated activities in such a way as can reasonably be expected to lead to compliance with standards set under regulations made by virtue of [this paragraph](#).

#### Commencement Information

**I59** Sch. 18 para. 59 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 60
- (1) The regulations may make provision about the steps to be taken in connection with prescribing or determining standards of performance under [paragraph 58](#) or [59](#).
  - (2) The regulations may, in particular, make provision about—
    - (a) conducting research;
    - (b) publishing information about proposals to prescribe or determine standards;
    - (c) considering representations about proposals;
    - (d) consulting such persons or descriptions of person as are specified in the regulations.

#### Commencement Information

**I60** Sch. 18 para. 60 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

#### Commencement Information

**I58** Sch. 18 para. 58 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**I59** Sch. 18 para. 59 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

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**I60** Sch. 18 para. 60 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

### *Consumer advocacy bodies*

- 61 (1) The regulations may provide for Part 1 of the Consumers, Estate Agents and Redress Act 2007 (consumer advocacy bodies) to apply in relation to heat network consumers as it applies in relation to gas or electricity consumers, with such modifications as appear to the appropriate authority to be appropriate.
- (2) The regulations may provide for sections 24 and 25 of the Consumers, Estate Agents and Redress Act 2007 (provision of information to consumer advocacy bodies) to apply in relation to relevant persons as they apply to regulated providers within the meaning of section 25 of that Act, with such modifications as appear to the appropriate authority to be appropriate.
- (3) The regulations may also make provision extending to Northern Ireland or applying in relation to the General Consumer Council for Northern Ireland that corresponds to such provision in Part 1 of the Consumers, Estate Agents and Redress Act 2007 as does not extend to Northern Ireland or does not apply in relation to the General Consumer Council for Northern Ireland (as the case may be).
- (4) In this paragraph, “the appropriate authority” means—
- (a) in relation to England and Wales and Scotland, the Secretary of State;
  - (b) in relation to Northern Ireland, the Department.

#### **Commencement Information**

**I61** Sch. 18 para. 61 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

### *Complaints handling and redress schemes*

- 62 The regulations may provide for Part 2 of the Consumers, Estate Agents and Redress Act 2007 (complaints handling and redress schemes)—
- (a) to apply in relation to heat network consumers in England, Wales or Scotland as it applies in relation to gas or electricity consumers, with such modifications as appear to the Secretary of State to be appropriate;
  - (b) to apply in relation to relevant persons in England, Wales or Scotland as it applies in relation to regulated providers within the meaning of that Part, with such modifications as appear to the Secretary of State to be appropriate.

#### **Commencement Information**

**I62** Sch. 18 para. 62 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

### *Consumer complaints and dispute resolution arrangements: Northern Ireland*

- 63 (1) The regulations may, in relation to Northern Ireland, provide for consumer complaints legislation to apply in relation to a heat network consumer or potential heat network consumer as it applies in relation to a customer or potential customer

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of, or user of electricity or gas supplied by, an authorised supplier, with such modifications as appear to the Department to be appropriate.

- (2) In [this paragraph](#), “consumer complaints legislation” means Article 22 of the Energy (Northern Ireland) Order 2003 (S.I. 2003/419 (N.I. 6)) and such other provisions of that Order as relate to it.

**Commencement Information**

**I63** Sch. 18 para. 63 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 64 The regulations may, in relation to Northern Ireland, make provision about the resolution of disputes involving a heat network consumer or potential heat network consumer (including by providing for a scheme under which complaints may be made to, and investigated and determined by, an independent person or may be referred to arbitration).

**Commencement Information**

**I64** Sch. 18 para. 64 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**Commencement Information**

**I63** Sch. 18 para. 63 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

**I64** Sch. 18 para. 64 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

*Documents for Citizens Advice, Consumer Scotland and the General Consumer Council for Northern Ireland*

- 65 The regulations may make provision requiring the Regulator, where the Regulator publishes a document of a description specified in the regulations, to send a copy of the document to—
- (a) Citizens Advice and Consumer Scotland, or
  - (b) the General Consumer Council for Northern Ireland (as the case may be).

**Commencement Information**

**I65** Sch. 18 para. 65 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

## PART 12

### FINANCIAL ARRANGEMENTS

- 66 (1) The regulations may provide for the Regulator to include in the conditions of heat network authorisations provision requiring the payment of sums relating to the costs incurred by the Secretary of State or the Department in giving financial assistance under regulations made by virtue of [paragraph 50](#) that apply—
- (a) any provision of sections 165 to 167 of the Energy Act 2004 (grants, loans, indemnities and guarantees given by the Secretary of State), or

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- (b) any provision of sections 28 to 30 of the Energy Act (Northern Ireland) 2011 (grants, loans, indemnities and guarantees given by the Department).
- (2) The regulations may—
- (a) provide for the Secretary of State or the Department to give directions to the Regulator for the purpose of securing that sums relating to those costs are included in the sums payable by virtue of conditions in heat network authorisations;
  - (b) provide for the Regulator to comply with any such direction.

**Commencement Information**

**I66** Sch. 18 para. 66 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 67 (1) The regulations may provide for the Regulator to include in—
- (a) the conditions of a heat network authorisation, or
  - (b) the conditions of an installation and maintenance licence,
- provision requiring the payment of sums relating to the costs incurred by a person or body in providing, or arranging for the provision of, consumer advocacy and advice in relation to heat network consumers.
- (2) The regulations may—
- (a) provide for the Secretary of State or the Department to give directions to the Regulator for the purpose of securing that sums relating to those costs are included in the sums payable by virtue of conditions in heat network authorisations or installation and maintenance licences;
  - (b) provide for the Regulator to comply with any such direction.

**Commencement Information**

**I67** Sch. 18 para. 67 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

- 68 The regulations may make provision for the Regulator to pay into the Consolidated Fund or the Consolidated Fund of Northern Ireland sums received in consequence of—
- (a) provision made by or under the regulations, or
  - (b) a condition of a heat network authorisation, code manager licence or installation and maintenance licence.

**Commencement Information**

**I68** Sch. 18 para. 68 in force at Royal Assent, see [s. 334\(2\)\(l\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 18. (See end of Document for details)*

## PART 13

### MISCELLANEOUS AND GENERAL

#### *Consultation and cooperation*

- 69 The regulations may—
- (a) make provision about consultation and cooperation with such persons or descriptions of person as are specified in the regulations;
  - (b) make provision as to the purposes of such cooperation.

#### **Commencement Information**

**I69** Sch. 18 para. 69 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

- 70 The regulations may require the Regulator to assist a public authority that carries out, in relation to Wales or Scotland, functions as regards limiting targeted greenhouse gases in relation to heat networks (including by providing information).

#### **Commencement Information**

**I70** Sch. 18 para. 70 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

#### **Commencement Information**

**I69** Sch. 18 para. 69 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**I70** Sch. 18 para. 70 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

#### *Objectives of the Secretary of State and the Department*

- 71 (1) The regulations may make provision about the objectives of the Secretary of State and the Department in carrying out functions under the regulations.
- (2) Regulations made by virtue of [sub-paragraph \(1\)](#) may, in particular, provide that the principal objective of the Secretary of State or the Department is to protect the interests of existing and future heat network consumers.
- (3) The regulations may specify particular interests of existing and future heat network consumers that are to be protected.

#### **Commencement Information**

**I71** Sch. 18 para. 71 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

#### *Offences*

- 72 (1) The regulations may provide for the creation of offences.
- (2) The regulations may deal with matters relating to such offences, including the provision of defences and evidentiary matters.

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#### Commencement Information

**I72** Sch. 18 para. 72 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

- 73 (1) The regulations may provide for an offence created by virtue of regulations made under [paragraph 72](#) to be triable—
- (a) only summarily, or
  - (b) either summarily or on indictment.
- (2) The regulations must provide for such an offence to be punishable on indictment with a fine.
- (3) The regulations must provide for such an offence to be punishable on summary conviction in England and Wales with a fine.
- (4) The regulations must provide for such an offence to be punishable on summary conviction in Scotland or Northern Ireland with a fine not exceeding an amount specified in the regulations.

#### Commencement Information

**I73** Sch. 18 para. 73 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

#### Commencement Information

**I72** Sch. 18 para. 72 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**I73** Sch. 18 para. 73 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

#### *Crown application*

- 74 (1) The regulations may make provision about application to the Crown.
- (2) The regulations may also, to the extent that they bind the Crown, restrict or modify the application of the regulations.
- (3) Regulations made by virtue of [sub-paragraph \(2\)](#) may, in particular, provide that a power exercisable in relation to land in which there is a Crown or Duchy interest is subject to a requirement to obtain consent from a person specified in the regulations.
- (4) In [this paragraph](#), “Crown or Duchy interest” means—
- (a) an interest belonging to His Majesty in right of the Crown or the Duchy of Lancaster, or to the Duchy of Cornwall;
  - (b) an interest which belongs to a government department or which is held in trust for His Majesty for the purposes of a government department;
  - (c) an interest which belongs to an office-holder in the Scottish Administration or which is held in trust for His Majesty for the purposes of the Scottish Administration by such an office-holder.
- (5) This includes, in particular—
- (a) an interest which belongs to His Majesty in right of His Majesty’s Government in Northern Ireland, and

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- (b) an interest which belongs to a Northern Ireland department or which is held in trust for His Majesty for the purposes of a Northern Ireland department.
- (6) A reference in this paragraph to an office-holder in the Scottish Administration is to be construed in accordance with section 126(7) of the Scotland Act 1998.

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**Commencement Information**

**I74** Sch. 18 para. 74 in force at Royal Assent, see [s. 334\(2\)\(1\)](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Schedule 18.