

*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 19. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 19

Section 249

#### LICENSING OF ACTIVITIES RELATING TO LOAD CONTROL

1 The Electricity Act 1989 is amended as follows.

##### Commencement Information

- I1** Sch. 19 para. 1 not in force at Royal Assent, see [s. 334\(1\)](#)  
**I2** Sch. 19 para. 1 in force at 11.1.2024 by [S.I. 2024/32](#), [reg. 2\(b\)\(iii\)](#)

2 After section 56FB insert—

#### “56FBA New licensable activities: load control of energy smart appliances

- (1) The Secretary of State may by regulations amend this Part so as—
- to provide for one or more activities within subsection (2) to be added to the activities which are licensable activities, or
  - where regulations have previously been made under paragraph (a) in relation to an activity—
    - to amend the definition of the activity, or
    - to provide for the activity to cease to be a licensable activity.
- (2) The activities within this subsection are activities connected with—
- the carrying on or facilitating of load control;
  - the provision of services or facilities related to load control;
- but not the activities mentioned in subsection (3).
- (3) The activities within this subsection are—
- the provision of relevant electronic communications networks;
  - the making, selling, importing or distributing of energy smart appliances;
  - things done by end-users of energy smart appliances (in their capacity as such).
- (4) Regulations under [subsection \(1\)\(a\)](#) may define activities which are to become licensable activities in any manner the Secretary of State considers appropriate, including—
- by reference to the purpose for which an activity is carried out; and
  - by reference to the position of an activity in a sequence of activities necessary to secure a particular outcome.
- (5) Regulations under this section may make consequential, transitional, incidental or supplementary provision, including—

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- (a) amendments (or repeals) of any provision of this Act or any other enactment, including any enactment comprised in, or an instrument made under, an Act of the Scottish Parliament;
  - (b) in the case of regulations under [subsection \(1\)\(a\)](#), provision determining the conditions which are to be standard conditions for the purposes of licences authorising the undertaking of the activities;
  - (c) provision modifying any standard conditions of licences.
- (6) Transitional provision under [subsection \(5\)](#) may in particular include provision about persons already undertaking activities that are to become licensable activities by virtue of [subsection \(1\)\(a\)](#), such as provision—
- (a) about the application to such persons of [section 4\(1\)](#);
  - (b) about the granting of licences to such persons.
- (7) Regulations under this section may, in particular, also make provision—
- (a) for licences to authorise the holder to carry out the licensable activities in any area, or only in an area specified in the licence;
  - (b) enabling the terms of the licence to be modified so as to extend or restrict the area in which the licence holder may carry on the licensable activities;
  - (c) specifying that a licence, and any modification of a licence, must be in writing;
  - (d) for a licence, if not previously revoked, to continue in force for such period as may be specified in or determined by or under the licence;
  - (e) conferring functions on the Secretary of State or the Authority.
- (8) In this section, “energy smart appliance”, “load control” and “relevant electronic communications network” have the same meaning as in Part 8 of the Energy Act 2023.

### **56FBB Regulations under [section 56FBA](#)**

- (1) Before making regulations under [section 56FBA](#), the Secretary of State must consult—
  - (a) the Authority, and
  - (b) such other persons as the Secretary of State thinks appropriate.
- (2) Subsection (1) may be satisfied by consultation before, as well as by consultation after, the passing of this Act.
- (3) The power to make such regulations may not be exercised after the end of a period of seven years beginning with the day on which the first such regulations come into force (for any purpose).
- (4) Regulations under [section 56FBA](#) may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by resolution of, each House of Parliament.”

#### **Commencement Information**

**I3** Sch. 19 para. 2 not in force at Royal Assent, see [s. 334\(1\)](#)

**I4** Sch. 19 para. 2 in force at 11.1.2024 by S.I. 2024/32, [reg. 2\(b\)\(iii\)](#)

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- 3 At the end of section 56FC(2) (competitive tenders: definition of “new licensable activities”), insert “or regulations under [section 56FBA\(1\)\(a\)](#)”.

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**Commencement Information**

- I5** Sch. 19 para. 3 not in force at Royal Assent, see [s. 334\(1\)](#)  
**I6** Sch. 19 para. 3 in force at 11.1.2024 by [S.I. 2024/32](#), [reg. 2\(b\)\(iii\)](#)

- 4 In section 106(2)(a) (regulations and orders), after “State” insert “(other than regulations under [section 56FBA](#))”.

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**Commencement Information**

- I7** Sch. 19 para. 4 not in force at Royal Assent, see [s. 334\(1\)](#)  
**I8** Sch. 19 para. 4 in force at 11.1.2024 by [S.I. 2024/32](#), [reg. 2\(b\)\(iii\)](#)

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