

Status: Point in time view as at 11/01/2024.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 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 54

AMENDMENTS RELATED TO PART 1

Utilities Act 2000

1 The Utilities Act 2000 is amended as follows.

Commencement Information

11 Sch. 5 para. 1 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

2 In section 4 (forward work programmes), at the end insert—

“(7) In this section—

- (a) references to functions do not include functions under [Part 1](#) of the Energy Act 2023, and
- (b) references to projects do not include projects with regard to the exercise of such functions.”

Commencement Information

12 Sch. 5 para. 2 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

3 In section 5 (annual and other reports of Authority), after subsection (10) insert—

“(11) In this section—

- (a) references to functions of the Authority do not include functions under [Part 1](#) of the Energy Act 2023;
- (b) references to activities of the Authority do not include activities in the exercise of such functions;
- (c) the reference in subsection (1) to “references made by the Authority” does not include references made by virtue of [section 36\(1\)](#) of the Energy Act 2023.”

Commencement Information

13 Sch. 5 para. 3 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

4 In section 5XA (laying of accounts before Scottish Parliament and Welsh Assembly)

- (a) in the heading, for “and Welsh Assembly” substitute “, Senedd Cymru or the Northern Ireland Assembly”;
- (b) after subsection (2) insert—

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- “(2A) The Authority must send to the Department for the Economy in Northern Ireland, in respect of each of its accounting years, a copy of the certified accounts and report of the Authority no later than 31 January of the financial year following that to which the accounts relate.”;
- (c) after subsection (3A) insert—
- “(3B) The Department for the Economy in Northern Ireland must lay a copy of whatever is sent to it under subsection (2A) before the Northern Ireland Assembly.”;
- (d) for subsection (4) substitute—
- “(4) In subsections (1) to (3) “certified accounts and report” means those accounts certified under sections 5 and 7 of the Government Resources and Accounts Act 2000, and the report issued by the Comptroller and Auditor General under section 6(3)(a) of that Act.”

Commencement Information

I4 Sch. 5 para. 4 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

- 5 In section 105 (general restrictions on disclosure of information)—
- (a) in subsection (1)(a), after “Energy Prices Act 2022” insert “or [Part 1](#) of the Energy Act 2023”;
- (b) in subsection (3), after paragraph (azc) insert—
- “(azd) it is made for the purpose of facilitating the performance of any functions of the Authority under or by virtue of Part 1 of the Energy Act 2023.”;
- (c) in subsection (6), at the end insert—
- “(z1) [Part 1](#) of the Energy Act 2023.”

Commencement Information

I5 Sch. 5 para. 5 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

Commencement Information

I1 Sch. 5 para. 1 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)
I2 Sch. 5 para. 2 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)
I3 Sch. 5 para. 3 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)
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Enterprise Act 2002

- 6 The Enterprise Act 2002 is amended as follows.

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Commencement Information

I6 Sch. 5 para. 6 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

- 7 In section 136 (investigations and reports on market investigation references), in subsection (7)(b), for the words from “or” to the end substitute “, section 43 of the Electricity Act 1989 or (as the case may be) [section 36](#) of the Energy Act 2023;”.

Commencement Information

I7 Sch. 5 para. 7 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

- 8 (1) Section 168 (regulated markets) is amended as follows.
- (2) In subsection (3) (meaning of “relevant action”)—
- (a) omit “or” at the end of paragraph (p);
 - (b) after paragraph (q) insert “; or
 - (r) modifying the conditions of a licence granted under [section 7](#) of the Energy Act 2023.”
- (3) In subsection (4) (meaning of “relevant statutory functions”)—
- (a) omit “and” at the end of paragraph (r);
 - (b) after paragraph (s) insert “, and
 - (t) in relation to a licence granted under [section 7](#) of the Energy Act 2023, the objectives and duties of the Gas and Electricity Markets Authority under [section 1](#) of that Act.”
- (4) In subsection (6)—
- (a) for “or section 6” substitute “, section 6”;
 - (b) before “would” insert “or [section 7](#) of the Energy Act 2023”.

Commencement Information

I8 Sch. 5 para. 8 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

Commencement Information

I6 Sch. 5 para. 6 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

I7 Sch. 5 para. 7 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

I8 Sch. 5 para. 8 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

Enterprise and Regulatory Reform Act 2013

- 9 In Schedule 4 to the Enterprise and Regulatory Reform Act 2013, in paragraph 35(3) (membership of CMA panel), in the definition of “specialist utility functions”, after paragraph (b) insert—
- “(ba) an appeal under [section 20](#) of the Energy Act 2023;”.

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Commencement Information

19 Sch. 5 para. 9 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

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