



# Energy Act 2023

## 2023 CHAPTER 52

### PART 5

#### INDEPENDENT SYSTEM OPERATOR AND PLANNER

##### *Licences*

#### **168 Licensing of gas system planning activity**

- (1) The Gas Act 1986 is amended as follows.
- (2) In section 5 (prohibition on unlicensed activities), in subsection (1)—
  - (a) omit the “or” at the end of paragraph (c);
  - (b) after that paragraph insert—
    - “(ca) carries out planning and forecasting functions of the Independent System Operator and Planner;”;
  - (c) after subsection (10) insert—
    - “(10A) In subsection (5)(1)(ca), “planning and forecasting functions of the Independent System Operator and Planner” means functions that—
      - (a) are conferred by or by virtue of an enactment on a person who is designated under [section 162\(1\)](#) of the Energy Act 2023, and
      - (b) relate to strategic planning and forecasting in connection with the development of pipe-line systems operated by gas transporters for the conveyance of gas.”
- (3) After section 7A insert—

*Status: Point in time view as at 31/01/2024.*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, Section 168. (See end of Document for details)*

### **“7AA Licensing of a person carrying out gas system planner functions**

- (1) Subject to subsections (3) and (4), the Authority may grant a licence authorising a person to carry out planning and forecasting functions of the Independent System Operator and Planner (“a gas system planner licence”).
- (2) Subject to subsection (4), the Secretary of State may grant a gas system planner licence.
- (3) The first gas system planner licence may only be granted by the Secretary of State.
- (4) A person may not be granted a gas system planner licence unless either of the following paragraphs applies to the person—
  - (a) the person—
    - (i) already holds an electricity system operator licence, or
    - (ii) is treated as holding such a licence by virtue of a direction under section 167 of the Energy Act 2023;
  - (b) the person is granted an electricity system operator licence, or is treated by virtue of a direction under section 167 of the Energy Act 2023 as having been granted such a licence, at the same time as the person is granted a gas system planner licence.

- (5) In this section—

“electricity system operator licence” means a licence under section 6(1)(da) of the Electricity Act 1989;

“planning and forecasting functions of the Independent System Operator and Planner” has the meaning given by section 5(10A).”

- (4) In section 7B (licences: general)—

- (a) in subsection (3), after “contained in it” insert “and subject to subsection (3A)”;
- (b) after subsection (3) insert—

“(3A) If a person who holds a gas system planner licence ceases at any time to hold a licence under section 6(1)(da) of the Electricity Act 1989, the person is to be treated as ceasing to hold the gas system planner licence at the same time.”

- (5) In section 8AA (transfer of licences), after subsection (11) insert—

“(11ZA) A gas system planner licence may not be transferred to a person unless a licence granted under section 6(1)(da) of the Electricity Act 1989 is also transferred to the same person at the same time.”

#### **Commencement Information**

**I1** S. 168 not in force at Royal Assent, see **s. 334(1)**

**I2** S. 168(1), (3)-(5) in force at 31.1.2024 by S.I. 2024/32, **reg. 3(a)(v)**

**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, Section 168.