



Energy Act 2023

2023 CHAPTER 52

PART 6

GOVERNANCE OF GAS AND ELECTRICITY INDUSTRY CODES

Licensing and selection of code manager

185 Licence under Gas Act 1986 for performance of code management function

- (1) Part 1 of the Gas Act 1986 is amended as follows.
- (2) Section 5 (prohibition on unlicensed activities) is amended as follows.
- (3) After subsection (1)(d) insert “; or
 - (e) performs the function of code manager in relation to a designated gas licence document (see further subsections (11A) and (11B)),”.
- (4) After subsection (11) insert—
 - “(11A) A reference in this Part to a person (“P”) performing the function of code manager in relation to a designated gas licence document is a reference to making arrangements, with the persons to whom subsection (11B) applies, under which P is responsible for the governance of the document.
 - (11B) This subsection applies to the holder of a licence for the purposes of section 5 where a condition of the licence—
 - (a) requires the holder to comply with, or to enter into arrangements that conform with, the designated gas licence document in question, or
 - (b) imposes obligations on the holder that do not apply to the holder where the holder complies with that document.”
- (5) In subsection (12)—
 - (a) omit the “and” after the definition of “relevant information”;
 - (b) at the appropriate place insert—

““designated gas licence document” means a document that is—

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- (a) maintained in accordance with the conditions of a licence for the purposes of section 5, and
- (b) designated under section 182 of the Energy Act 2023;”.

(6) After section 7AB insert—

“7AC Licensing of a person performing code manager function

- (1) The Authority may grant a licence (“a code manager licence”) authorising a person to perform the function of code manager in respect of a designated gas licence document.
- (2) Where a designated gas licence document is also a designated electricity licence document, a person may not be granted a code manager licence in respect of the document unless the same person is at the same time granted a licence under section 6(1)(g) of the Electricity Act 1989.
- (3) In this section—
 - “designated electricity licence document” has the same meaning as in section 4 of the Electricity Act 1989;
 - “designated gas licence document” has the same meaning as in section 5.”

(7) Section 7B (licences: general) is amended as follows.

(8) In subsection (5A)—

- (a) after “smart meter communication licence” (in the first place it occurs) insert “or in a code manager licence”;
- (b) for “smart meter communication licence” (in the second place it occurs) substitute “a licence of the same type”.

(9) In subsection (5B)—

- (a) for “Secretary of State or the Authority” substitute “relevant authority”;
- (b) in paragraph (b)(ii), after “licence” insert “or (in the case of an application for a code manager licence) apply for a licence otherwise than as part of a competition”.

(10) In subsection (5C), after “smart meter communication licence” insert “or in a code manager licence”.

(11) In subsection (5D), for “the Secretary of State or the Authority” substitute “the relevant authority”.

(12) In subsection (5E)—

- (a) in paragraph (a), for “Secretary of State or the Authority (as appropriate)” substitute “relevant authority”;
- (b) in paragraph (b), for “Secretary of State or the Authority (as appropriate)” substitute “relevant authority”.

(13) After subsection (5F) insert—

“(5FA) In subsections (5B) to (5E), “the relevant authority” means—

- (a) in relation to a smart meter communication licence, the Secretary of State or the Authority;

Status: This is the original version (as it was originally enacted).

(b) in relation to a code manager licence, the Authority.”

(14) In section 8AA (transfer of licences), after subsection (11A) insert—

“(11B) Where the holder of a code manager licence is also the holder of a licence under section 6(1)(g) of the Electricity Act 1989, the code manager licence may not be transferred to a person unless the licence under section 6(1)(g) of that Act is transferred to the same person at the same time.”