

2023 No. 1228

ELECTRICITY

**The Electricity (Designation of Delivery Bodies) (Transmission)
Regulations 2023**

<i>Made</i> - - - -	<i>15th November 2023</i>
<i>Laid before Parliament</i>	<i>20th November 2023</i>
<i>Coming into force</i> - -	<i>11th December 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 6BB(1) to (4) of the Electricity Act 1989(a).

Citation and commencement

1.—(1) These Regulations may be cited as the Electricity (Designation of Delivery Bodies) (Transmission) Regulations 2023 and come into force on 11th December 2023.

(2) These Regulations extend to England and Wales and Scotland.

Interpretation

2. In these Regulations—

“the Act” means the Electricity Act 1989;

“national system operator” means the person who co-ordinates, and directs, the flow of electricity onto and over the transmission system for Great Britain and offshore waters.

Designation of a delivery body in respect of transmission

3. Subject to the designation in regulation 4, the national system operator is designated for the purposes of section 6BB(1) of the Act as delivery body in respect of transmission.

Designation of delivery body in respect of offshore transmission licences

4. The Authority is designated for the purposes of section 6BB(1) of the Act as delivery body in respect of determination on a competitive basis of the person to whom an offshore transmission licence is to be granted.

(a) 1989 c. 29; section 6BB(1) was inserted by section 203 of, and paragraph 2 of Schedule 15 to, the Energy Act 2023 (c. 52).

Condition of designation

5. The designation made under regulation 3 has effect subject to the condition that the national system operator, in the exercise of its functions as a delivery body, must have regard to the principal objective conferred, and the duties imposed, on the Authority by sections 3A to 3C of the Act (to the same extent that those sections apply to the Authority).

15th November 2023

Andrew Bowie
Parliamentary Under Secretary of State
Department for Energy Security and Net Zero

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations designate delivery bodies for the purposes of section 6BB of the Electricity Act 1989 (c. 29) (“the Act”). Section 6C of the Act enables the Authority to make regulations (“tender regulations”) in respect of competitive tenders for relevant electricity projects (which relate to the transmission system). A delivery body will decide whether to hold a tender exercise in relation to such a project, deliver the tender process, determine by whom the project should be carried out, and administer other practicalities relating to the operation and award of the tender.

Regulation 3 designates the national system operator as the delivery body for competitive tenders for relevant electricity projects relating to transmission (other than in respect of offshore transmission licences), with its functions set out in separate tender regulations to be made under section 6C of the Act.

Regulation 4 designates the Authority as the delivery body for competitive tenders for relevant electricity projects relating to the grant of offshore transmission licences, with its functions set out in the Electricity (Competitive Tenders for Offshore Transmission Licences) Regulations 2015 (S.I 2015/1555) which were made under section 6C of the Act. The Authority already exercises these functions and the designation in regulation 4 ensures continuity for those tenders.

Regulation 5 imposes a condition on the national system operator when exercising its functions as the delivery body, so that in the exercise of those functions it must have regard to the same principal objective and duties imposed on the Authority by the Act.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Energy Security and Next Zero at 3-8 Whitehall Place, London, S1A 2EG and is published with the Explanatory Memorandum alongside the instrument on legislation.gov.uk.

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