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STATUTORY INSTRUMENTS

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**2024 No. 706**

**The Energy Act 2023 (Consequential Amendments) Regulations 2024**

**Part 2**

**Amendment of Primary Energy Legislation**

**Amendments to the Gas Act 1986**

- 2.—(1) The Gas Act 1986(1) is amended as follows.
- (2) In section 4AA (the principal objective and general duties of the Secretary of State and the Authority)(2)—
- (a) in subsection (2)(b)(3), after “Energy Act 2010, or” insert “Chapter 1 of Part 2, Chapters 2 and 3 of Part 4 and”;
  - (b) in subsection (8)(4), in the definition of “licence”, for “or 7AB” substitute “, 7AA, 7AB or 7AC”.
- (3) In section 7B (licences: general)(5), after subsection (2B)(6) insert—
- “(2C) Subsections (1) to (2A) do not apply to an application for a code manager licence.”.
- (4) In section 8(1) (standard conditions of licences)(7)—
- (a) omit “or” after paragraph (b);
  - (b) after paragraph (c), insert “or
- “(d) licences under section 7AC.”.
- (5) In section 23 (modification of conditions of licences)(8), in subsection (1)(b), for “or 7A(1) or (2)” substitute “7A(1) or (2) or 7AC”.
- (6) In section 23B(2)(b) (appeal to the CMA)(9), for “or 7AB” substitute “, 7AA, 7AB or 7AC”.
- (7) In section 27 (modification by order under other enactments)(10), in subsection (1)(b), after “subsection (2) of that section” insert “or licences under section 7AC above”.
- (8) In section 27B(1)(a) (meaning of “section 27B dispute”)(11)—

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- (1) 1986 c. 44.
- (2) Section 4AA was substituted for section 4 by the Utilities Act 2000 (c. 27), section 9.
- (3) Subsection (2)(b) was amended by the Energy Act 2008 (c. 32), section 102(3), by the Energy Act 2010 (c. 27), section 16(4) (b) and by the Energy Act 2023 (c. 52), section 248(3).
- (4) The definition of “licence” in subsection (8) was amended by the Energy Act 2004 (c. 20), section 149(8)(a) and by S.I. 2012/2400, article 18(3).
- (5) Section 7B was inserted by the Gas Act 1995 (c. 45), section 7.
- (6) Subsection (2B) was inserted by S.I. 2012/2400.
- (7) Section 8(1) was amended by the Utilities Act 2000 (c. 27), section 81(3) and by the Energy Act 2004 (c. 20) section 150(6).
- (8) Section 23(1) and the rest of the section were substituted by the Gas Act 1995 (c. 45), paragraph 21 of Schedule 3 and by S.I. 2011/2704.
- (9) Section 23B was inserted by S.I. 2011/2704 and section 23B(2)(b) was amended by S.I. 2012/2400.
- (10) Section 27(1)(b) was amended by the Energy Act 2004 (c. 20), section 150(8).
- (11) Section 27B(1) was inserted by S.I. 2009/1349 and was amended by S.I. 2011/2704 and S.I. 2019/530.

- (a) omit “or” after sub-paragraph (v);
- (b) after sub-paragraph (vi), insert “or  
“(vii) made against the holder of a gas system planner licence;”.
- (9) In section 36 (keeping of register)(**12**)—
  - (a) in subsection (1), for “or 7AB” substitute “, 7AA, 7AB or 7AC”;
  - (b) in subsection (2)(d), for “or 7AB” substitute “, 7AA, 7AB or 7AC”.
- (10) In section 48(1) (interpretation of Part I and savings)(**13**)—
  - (a) after the definition of “the CMA”, insert—  
““code manager licence” means a licence under section 7AC;”;
  - (b) after the definition of “gas supplier”, insert—  
““gas system planner licence” means a licence under section 7AA;”;
  - (c) in the definition of “licence”(14), for “or 7AB” substitute “, 7AA, 7AB or 7AC”.
- (11) In Schedule 4B (provisions imposing obligations enforceable as relevant requirements)(**15**)—
  - (a) in paragraph 1, after “communication licence” insert “or code manager licence”;
  - (b) after paragraph 3, insert—  
“*Gas system planner*  
**3A.** Sections 163 to 165, 171 and 173 of the Energy Act 2023 (ISOP objectives, duties and related functions) are relevant provisions in relation to a person who holds a licence under section 7AA.”;
  - (c) for the heading immediately before paragraph 9A, substitute “Holders of smart meter communication licences or code manager licences”;
  - (d) in paragraph 9A, after “licence” insert “or a code manager licence”.

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(12) Section 36 has been amended on a number of occasions but only the following amendments are relevant: subsections (1) and (2) were substituted by the Gas (Exempt Supplies) Act 1993 (c.1), section 3 and amended in respect of new licence activities by the Gas Act 1995 (c. 45), paragraph 42 of Schedule 3, by the Energy Act 2004 (c. 20), sections 149(8)(b), 183(2) and by S.I. 2012/2400.

(13) To which there are amendments not relevant to these Regulations.

(14) The definition of “licence” was substituted by the Utilities Act 2000 (c. 27), paragraph 19(d) of Schedule 6 and amended by the Energy Act 2004 (c. 20), section 198(2) and by S.I. 2012/2400.

(15) Schedule 4B was inserted by S.I. 2011/2704 and by S.I. 2012/2400. There are other amendments to Schedule 4B which are not relevant to these Regulations.