
STATUTORY INSTRUMENTS

2024 No. 706

The Energy Act 2023 (Consequential Amendments) Regulations 2024

Part 2

Amendment of Primary Energy Legislation

Amendments to the Electricity Act 1989

- 3.**—(1) The Electricity Act 1989(1) is amended as follows.
- (2) In section 3A (the principal objective and general duties of the Secretary of State and the Authority)(2)—
- (a) in subsection (2)(b)(3), after “the Nuclear Energy (Financing) Act 2022 or” insert “Chapter 1 of Part 2, Chapters 2 and 3 of Part 4 and”;
 - (b) in subsection (5)(a)(4), after “distribute, supply or participate in the transmission of electricity,” insert “to co-ordinate and direct the flow of electricity onto or over transmission systems by means of which the transmission of electricity takes place,”.
- (3) In section 6A (procedure for licence applications)(5)—
- (a) in subsection (1)(a), for “subsection (1A)” substitute “subsections (1A) and (1B)”;
 - (b) after subsection (1A) insert—
“(1B) This section does not apply to an application for a code manager licence.”.
- (4) In section 6BA (meaning of “relevant electricity project” etc.)(6)—
- (a) in subsection (3)(a), omit from “that does” to the end;
 - (b) in subsection (4), for “a system operator electricity licence” substitute “an electricity system operator licence”.
- (5) In section 6CC(8) (competitive tenders: supplementary)(7), for “a transmission licence” substitute “a licence”.
- (6) In section 6G(6) (section 6F: meaning of “commissioning period”)(8), for “a transmission licence” substitute “a licence”.

(1) 1989 c. 29.

(2) Section 3A was substituted for section 3 by the Utilities Act 2000 (c. 27), section 13.

(3) Subsection (2)(b) was amended by the Energy Act 2023 (c. 52), section 248(6). There are other amendments to this subsection which are not relevant to these Regulations.

(4) In subsection (5)(a), the words “distribute, supply or participate in the transmission of electricity” were substituted by the Energy Act 2004 (c. 20) paragraph 4 of Schedule 19.

(5) Section 6A was substituted by the Utilities Act 2000 (c. 27), section 30.

(6) Section 6BA was inserted by the Energy Act 2023 (c. 52) paragraph 2 of Schedule 15.

(7) Section 6CC was substituted for the existing section by the Energy Act 2023 (c. 52) paragraph 3 of Schedule 15.

(8) Section 6G was amended, and subsection (6) was substituted for the existing subsection, by the Energy Act 2023 (c. 52) paragraph 6 of Schedule 15.

(7) In section 6H (sections 6C, 6F and 6G: modification of codes or agreements), in subsection (1)(a)(9), for “a relevant licence” substitute “a licence under section 6(1)”.

(8) In section 8A(1) (standard conditions of licences)(10)—

(a) for “or (d)” substitute “, (d) or (g)”;

(b) for “or supply licences” substitute “, supply licences or code manager licences”.

(9) In section 35 (provisions supplementary to section 34)—

(a) in subsection (1)(11), after “licence” insert “or an electricity system operator licence”;

(b) in subsection (2)(12), for “is authorised by a licence to participate in the transmission of electricity” substitute “holds a transmission licence or an electricity system operator licence”.

(10) In section 43 (functions with respect to competition), in the words after subsection (3)(c)(13), for “or the use of electricity interconnectors” substitute “, the use of electricity interconnectors or the performance of the function of a code manager in relation to a designated electricity licence document.”.

(11) In section 44B(1)(14) (meaning of a section 44B dispute)—

(a) omit “or” after sub-paragraph (iv);

(b) after sub-paragraph (v), insert, “or

“(vi) made against the holder of an electricity system operator licence;”.

(12) In section 47 (general functions)(15), in the words after subsection (1)(b), after “heated by such heat,” insert “, to the performance of the function of code manager in relation to a designated electricity licence document”.

(13) In section 58(1) (directions restricting the use of certain information)(16), after “transmission licence”, insert “, an electricity system operator licence or a code manager licence”.

(14) In Schedule 6A (provisions imposing obligations enforceable as relevant requirements)(17)—

(a) in paragraph 1, in the opening words, after “communication licence” insert “or a code manager licence”;

(b) after paragraph 4, insert—

“Electricity System Operator

4A. The following are relevant provisions in relation to the holder of an electricity system operator licence—

(a) each of the provisions mentioned in sub-paragraphs (ca) to (h) of paragraph 4 above;

(b) sections 26 to 29 of the Energy Act 2010 (adjustment of charges);

(c) sections 163 to 165, 171 and 173 of the Energy Act 2023 (ISOP objectives, duties and related functions).”;

(9) Subsection (1) was amended by the Energy Act 2023 (c. 52) paragraph 7(2) of Schedule 15.

(10) Section 8A was inserted by the Utilities Act 2000 (c. 27); subsection (1) was substituted by the Energy Act 2004 (c. 20).

(11) Section 35(1) was amended by the Energy Act 2004 (c. 20), paragraph 12(2) of Schedule 19.

(12) Section 35(2) was substituted by the Energy Act 2004 (c. 20), paragraph 12(3) of Schedule 19.

(13) Section 43(3)(c) was amended by the Energy Act 2004 (c. 20), sections 147(5) and 198(2).

(14) Section 44B(1) was amended by S.I. 2019/530.

(15) Section 47(1) was amended by S.I. 2012/2400.

(16) Section 58(1) was amended by the Energy Act 2004 (c. 20), paragraph 14 of Schedule 19.

(17) Schedule 6A was inserted by S.I. 2011/2704 and amended by S.I. 2012/2400, S.I. 2019/530 and S.I. 2020/96. There are other amendments to Schedule 6A which are not relevant to these Regulations.

- (c) in the heading immediately before paragraph 9A, after “holders” insert “and code manager licence holders”;
- (d) in paragraph 9A, in the opening words, after “licence” insert “or the holder of a code manager licence”.