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STATUTORY INSTRUMENTS

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**2009 No. 45 (C. 4)**

**ENERGY**

**The Energy Act 2008 (Commencement  
No. 1 and Savings) Order 2009**

*Made - - - - 15th January 2009*

The Secretary of State makes the following Order in exercise of the powers conferred by section 110(2) and (3) of the Energy Act 2008<sup>(1)</sup>.

**Citation and interpretation**

1.—(1) This Order may be cited as the Energy Act 2008 (Commencement No. 1 and Savings) Order 2009.

(2) In this Order, “the Act” means the Energy Act 2008.

**Provisions coming into force on 26th January 2009**

2. The following provisions of the Act come into force on 26th January 2009—

- (a) in Part 2 (electricity from renewable sources)—
  - (i) section 38(2) (section 37: supplemental provision);
  - (ii) section 39 (existing savings relating to section 32 of the Electricity Act 1989);
  - (iii) section 40 (the Northern Ireland renewables obligation); and
  - (iv) sections 41 to 43 (feed-in tariffs for small-scale generation of electricity);
- (b) in Part 3 (decommissioning of energy installations)—
  - (i) sections 72 to 74 (oil and gas installations); and
  - (ii) section 75 (wells);
- (c) in Part 4 (provisions relating to oil and gas)—
  - (i) section 76 (transfers without the consent of the Secretary of State); and
  - (ii) section 77 (model clauses of petroleum licences) and Schedule 3 (petroleum licences: amendments to model clauses);
- (d) in Part 5 (miscellaneous)—
  - (i) section 83 (duties of the Gas and Electricity Markets Authority);

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(1) 2008 c.32.

- (ii) section 87 (energy reports);
- (iii) section 94 (power to amend licence conditions: gas);
- (iv) section 97 (power to amend licence conditions: electricity);
- (v) section 98 (connection offer expenses);
- (vi) section 100 (renewable heat incentives); and
- (vii) section 101 (security of sensitive nuclear information);
- (e) in Part 6 (general)—
  - (i) section 103 (offences by bodies corporate etc);
  - (ii) for all remaining purposes, section 104 (subordinate legislation);
  - (iii) for all remaining purposes, section 105 (parliamentary control of subordinate legislation);
  - (iv) paragraphs 2, 4, 6, 9 to 14, 15(a) and 15(b), 16 and 21 of Schedule 5 (minor and consequential amendments) and section 107(1) so far as it relates to those paragraphs;
  - (v) section 107(2) and (3)(minor and consequential amendments);
  - (vi) section 108 and Schedule 6 (repeals) so far as they repeal—
    - (aa) section 4AA(5)(ba) of the Gas Act 1986<sup>(2)</sup>;
    - (bb) section 3A(5)(ba) of the Electricity Act 1989<sup>(3)</sup>;
    - (cc) in section 31(1) of the Petroleum Act 1998<sup>(4)</sup>, “(d) or”;
    - (dd) in section 34(3) of the Petroleum Act 1998, “(d) or”;
    - (ee) in section 33(1) of the Utilities Act 2000<sup>(5)</sup> “or” at the end of paragraph (b);
    - (ff) in section 1 of the Sustainable Energy Act 2003<sup>(6)</sup>, subsection (1A)(a), (b) and (c), and subsections (1B) and (1C);
    - (gg) section 81(3) of the Energy Act 2004<sup>(7)</sup>;
    - (hh) in section 5 of the Climate Change and Sustainable Energy Act 2006<sup>(8)</sup>, in subsection (2) “and as if” to the end;
    - (ii) section 18 of the Climate Change and Sustainable Energy Act 2006; and
    - (jj) section 22(b) of the Climate Change and Sustainable Energy Act 2006 and “and” immediately preceding it; and
  - (vii) section 109 (transitional provision etc).

### Provisions coming into force on 1st April 2009

3. The following provisions of the Act come into force on 1st April 2009—
  - (a) in Part 2 (electricity from renewable sources), for all remaining purposes, section 37 (the renewables obligation);
  - (b) in Part 5 (miscellaneous)—

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(2) 1986 c.44.  
 (3) 1989 c.29.  
 (4) 1998 c.17.  
 (5) 2000 c.27.  
 (6) 2003 c.30.  
 (7) 2004 c.20.  
 (8) 2006 c.19.

- (i) sections 92 and 93 (gas meters); and
- (ii) sections 95 and 96 (electricity meters); and
- (c) in Part 6 (general)—
  - (i) paragraphs 3, 15(c), 19 and 20 of Schedule 5 (minor and consequential amendments) and section 107(1) so far as it relates to those paragraphs; and
  - (ii) section 108 and Schedule 6 (repeals) so far as they repeal—
    - (aa) section 116 of the Energy Act 2004; and
    - (bb) sections 23 and 24 of the Climate Change and Sustainable Energy Act 2006.

#### **Provisions coming into force on 6th April 2009**

4. The following provisions of the Act come into force on 6th April 2009—
- (a) in Part 1 (gas importation and storage)—
    - (i) Chapter 1 (gas importation and storage zones);
    - (ii) Chapter 3 (storage of carbon dioxide); and
    - (iii) paragraphs 1 to 3, 6, 7 (except for paragraph 7(d), and for paragraph 7(h) so far as it relates to paragraph (a) of the definition of “gas”), 8, 12 and 13 of Schedule 1 (amendments relating to Chapters 2 and 3 of Part 1), and section 36 (chapters 2 and 3: consequential amendments) so far as it relates to those paragraphs;
  - (b) in Part 3 (decommissioning of energy installations)—
    - (i) Chapter 1 (nuclear sites: decommissioning and clean-up); and
    - (ii) Chapter 2 (offshore renewables installations);
  - (c) in Part 4 (provisions relating to oil and gas), sections 78 to 82 (third party access);
  - (d) In Part 6 (general)—
    - (i) paragraphs 1, 7, 8, 17 and 18 of Schedule 5 (minor and consequential amendments) and section 107(1) so far as it relate to those paragraphs; and
    - (ii) section 108 and Schedule 6 (repeals) so far as they repeal—
      - (aa) in section 66(1) of the Pipe-lines Act 1962<sup>(9)</sup>, in the definition of “gas processing operation”, “and” after paragraph (b); and in the definition of “terminal”, “and” after paragraph (b);
      - (bb) in section 12(6) of the Gas Act 1995<sup>(10)</sup>, in the definition of “gas processing operation”, “and” at the end of paragraph (b);
      - (cc) section 26(2) of the Petroleum Act 1998;
      - (dd) in section 28(1) of the Petroleum Act 1998, in the definition of “gas processing operation”, “and” after paragraph (b); and
      - (ee) sections 105(9) and 107(5) to (7) of the Energy Act 2004.

#### **Savings**

5. Notwithstanding Article 3, sections 32 to 32C of the Electricity Act 1989 as they had effect immediately before the commencement of section 37 (the renewables obligation), continue to have effect in relation to orders made under those provisions until such time as all obligations

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<sup>(9)</sup> 1962 c.58.

<sup>(10)</sup> 1995 c.45.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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and requirements imposed on any person under those orders, and anything falling to be done or determined in relation to any such obligations and requirements, have been fully discharged.

15th January 2009

*Mike O'Brien*  
Minister of State  
Department of Energy and Climate Change

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force all the provisions of the Energy Act 2008 excepting sections 2 to 16 (which concern importation and storage of combustible gas) and the provisions of Schedule 1 relating to those sections; section 44 and Schedule 2 (which concern offshore electricity transmission) together with the related repeal of section 180(2) of the Energy Act 2004; sections 84 to 86 (which concern transmission systems); and section 99 (which concerns electricity safety).

Article 5 provides that sections 32 to 32C of the Electricity Act 1989 shall continue to have effect in relation to the Renewables Obligation Order 2006 ([SI. 2006/1004](#)), as amended by the Renewables Obligation Order 2006 (Amendment) Order 2007 ([SI. 2007/1078](#)), until such time as all obligations and requirements under those orders have been discharged.