

**Changes to legislation:** Electricity Act 1989, Paragraph 38 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## <sup>F 1</sup> SCHEDULES

### <sup>F1</sup>SCHEDULE 2A

#### PROPERTY SCHEMES

##### Textual Amendments

**F1** Sch. 2A inserted (20.5.2009) by [Energy Act 2008 \(c. 32\)](#), ss. 44(4), 110(2), [Sch. 2](#); S.I. 2009/1270, art. 2

##### *Interpretation*

38 (1) In this Schedule—

“the asset owner”—

- (a) in relation to an application for a property scheme, means the owner of the property, rights and liabilities in relation to which provision of a kind mentioned in paragraph 1(2) is proposed to be included in the scheme;
- (b) in relation to a property scheme, means the owner of the property, rights and liabilities in relation to which provision of such a kind is included in the scheme;

<sup>F2</sup>“construction, commissioning or operational purposes” means the purposes of performing any functions which the successful bidder has, or may in future have under or by virtue of—

- (a) a relevant licence which has been, or is to be, granted as a result of the tender exercise,
- (b) a relevant contract which has been, or is to be, awarded as a result of the tender exercise, or
- (c) any enactment, in the successful bidder’s capacity as holder of the relevant licence or party to the relevant contract;]

<sup>F3</sup>

...

“functions” includes powers and duties;

“modification notice” is to be construed in accordance with paragraph 9;

“non-applicant party” means—

- (a) in the case of an application made by the preferred bidder or the successful bidder, the asset owner, and
- (b) in the case of an application made by the asset owner, the successful bidder or, if a notice has not yet been published under paragraph 36, the preferred bidder;

<sup>F4</sup>

...

“preferred bidder”, in relation to a tender exercise, is to be construed in accordance with paragraph 35;

“property scheme” is to be construed in accordance with paragraph 1;

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F3

...

[<sup>F5</sup>“successful bidder”, in relation to a tender exercise, has the meaning given by section 6CD(6);]

[<sup>F6</sup>“tender exercise” has the meaning given by section 6CD(3);]

“third party”, in relation to a property scheme or proposed property scheme in connection with a tender exercise, means a person other than the preferred bidder, the successful bidder, or the asset owner.

- (2) For the purposes of this Schedule, a provision of a property scheme affects a third party if that party's consent or concurrence would be required to the making of the provision otherwise than by means of the scheme.]

#### Textual Amendments

- F2** Words in Sch. 2A para. 38(1) inserted (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2)(i), **Sch. 15 para. 24(a)**
- F3** Words in Sch. 2A para. 38(1) omitted (26.10.2023) by virtue of Energy Act 2023 (c. 52), s. 334(2)(i), **Sch. 15 para. 24(b)**
- F4** Words in Sch. 2A para. 38(1) omitted (26.10.2023) by virtue of Energy Act 2023 (c. 52), s. 334(2)(i), **Sch. 15 para. 24(c)**
- F5** Words in Sch. 2A para. 38(1) substituted (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2)(i), **Sch. 15 para. 24(d)**
- F6** Words in Sch. 2A para. 38(1) substituted (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2)(i), **Sch. 15 para. 24(e)**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1)(f) and word inserted by [2023 c. 52 s. 186\(3\)\(b\)](#)
- s. 4(1)(ca) inserted by [2023 c. 52 s. 166\(2\)](#)
- s. 4(1)(da) inserted by [2023 c. 52 s. 205\(2\)\(b\)](#)
- s. 4(3H)(3I) inserted by [2023 c. 52 s. 186\(4\)](#)
- s. 4(3CA) inserted by [2023 c. 52 s. 205\(3\)](#)
- s. 4(3EA) inserted by [2023 c. 52 s. 205\(5\)](#)
- s. 6(1)(g) and word inserted by [2023 c. 52 s. 186\(7\)\(b\)](#)
- s. 6(1)(ea) inserted by [2023 c. 52 s. 205\(8\)\(b\)](#)
- s. 6(2C) inserted by [2023 c. 52 s. 186\(8\)](#)
- s. 6(2AA) inserted by [2023 c. 52 s. 205\(9\)](#)
- s. 6(6E) inserted by [2023 c. 52 s. 205\(10\)](#)
- s. 7(3GA) inserted by [2023 c. 52 s. 186\(17\)](#)
- s. 7A(11B) inserted by [2023 c. 52 s. 186\(18\)](#)
- s. 8A(1C) inserted by [2023 c. 52 s. 206\(6\)](#)
- s. 10NA inserted by [2023 c. 52 s. 207\(2\)](#)
- s. 11E(2)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(b\)\(iii\)](#)
- s. 11AA inserted by [2018 c. 14 s. 13\(3\)](#)
- s. 15(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3(2)(b) (as substituted) by [S.I. 2019/1245 reg. 19](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 25(8A) inserted by [2023 c. 52 Sch. 14 para. 7\(3\)](#)
- s. 44A inserted by [1992 c. 43 s. 23](#)
- s. 44A(6)(b)(i) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 44B(1)(a)(iia) inserted by [2023 c. 52 Sch. 17 para. 8](#)
- s. 56C(6)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(d\)\(ii\)](#)
- Sch. 5A para. 2(1A) inserted by [2018 c. 14 s. 13\(4\)](#)
- Sch. 6A para. 9ZA and cross-heading inserted by [2023 c. 52 Sch. 14 para. 8](#)