



Electricity Act 1989

1989 CHAPTER 29

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

106 Regulations and orders.

- (1) Any power under this Act to make regulations, and any power of the Secretary of State under this Act to make orders (other than the powers conferred by [^{F1}section 23,] paragraph 9(6) of Schedule 4 and paragraph 2 of Schedule 5), shall be exercisable by statutory instrument.
- [^{F2}(1ZA) Subsection (1) does not apply to the power conferred on the Scottish Ministers by section 36C.]
- [^{F3}(1A) Any power of the Scottish Ministers to make orders under section 32 is exercisable by statutory instrument.]
- [^{F4}(1B) Any power of the Welsh Ministers to make orders under section 36 or 36C or paragraph 1(4) of Schedule 9 is exercisable by statutory instrument.]
- (2) Any statutory instrument containing—
- (a) regulations under this Act made by the Secretary of State [^{F5}(other than regulations under section 56FBA)]; or
 - (b) an order under this Act (other than an order appointing a day or nominating a company [^{F6}, an order under section 11A, [^{F7}27O], 32, [^{F8}32LA,][^{F9}32N, 32R(4),] 41A, ^{F10}... [^{F11}56A or 56FA]] or an order under paragraph 4 of Schedule 12 to this Act),
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Changes to legislation: Electricity Act 1989, Section 106 is up to date with all changes known to be in force on or before 19 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

[^{F12}(2A) Any statutory instrument containing regulations or an order made by the Welsh Ministers under section 36 or 36C or paragraph 1(4) of Schedule 9 shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

[^{F13}(3) Regulations made by the Scottish Ministers under section 36C are subject to the negative procedure.]

Textual Amendments

- F1** Words in s. 106(1) inserted (1.4.2009) by [Energy Act 2008 \(c. 32\)](#), **ss. 96(2)**, 110(2); S.I. 2009/45, art. 3(b)(ii)
- F2** S. 106(1ZA) inserted (19.6.2013 for specified purposes, 31.7.2013 in relation to E.W. so far as it is not already in force, 1.12.2013 in relation to S. so far as it is not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 20(3)(a)**, 35(1); S.I. 2013/1488, arts. 2, 5(a), 7
- F3** S. 106(1A) inserted (26.11.2008) by [Energy Act 2008 \(c. 32\)](#), s. 110(1)(e), **Sch. 5 para. 5**
- F4** S. 106(1B) inserted (1.4.2019) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 49(a)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 5(b)
- F5** Words in s. 106(2)(a) inserted (11.1.2024) by [Energy Act 2023 \(c. 52\)](#), s. 334(1), **Sch. 19 para. 4**; S.I. 2024/32, reg. 2(b)(iii)
- F6** Words in s. 106(2)(b) inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 39**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F7** Word in s. 106(2)(b) substituted (18.2.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(2)(h), **Sch. 14 para. 2(6)**
- F8** Word in s. 106(2)(b) inserted (18.12.2013) by [Energy Act 2013 \(c. 32\)](#), **ss. 55(3)**, 156(3)
- F9** Words in s. 106(2)(b) inserted (18.2.2014) by [Energy Act 2013 \(c. 32\)](#), **ss. 56(3)**, 156(2)
- F10** Word in s. 106(2) omitted (8.6.2010) by virtue of [Energy Act 2010 \(c. 27\)](#), s. 38(3), **Sch. para. 10**
- F11** Words in s. 106(2)(b) substituted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), **Sch. 5 para. 6**; S.I. 2009/45, art. 2(e)(iv)
- F12** S. 106(2A) inserted (1.4.2019) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 49(b)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 5(b)
- F13** S. 106(3) inserted (19.6.2013 for specified purposes, 31.7.2013 in relation to E.W. so far as it is not already in force, 1.12.2013 in relation to S. so far as it is not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 20(3)(b)**, 35(1); S.I. 2013/1488, arts. 2, 5(a), 7

Changes to legislation:

Electricity Act 1989, Section 106 is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

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](#)