Electricity Act 1989

1989 CHAPTER 29

PART I

ELECTRICITY SUPPLY

Supplemental

64 Interpretation etc. of Part I.

(1) In this Part, unless the context otherwise requires—

"the 1973 Act" means the [M1] Fair Trading Act 1973;

"the 1980 Act" means the [M2] Competition Act 1980;

[F1] …

[F2] …

[[F3]"the Agency" means the Agency for the Cooperation of Energy Regulators established under the Agency Regulation;**]**

[[F4]"the Agency Regulation" means Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (recast), and "predecessor", in relation to that Regulation, means Regulation (EC) 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators;**]**

[[F5]"authorised distributor" means a person who is authorised by a licence or exemption to distribute electricity;**]**

[[F6]"authorised supplier" means a person who is authorised by a licence or exemption to supply electricity;**]**

[F7] …

"**[**[F8]the CMA "means the Competition and Markets Authority;**]**

[[F9]"construct" and "construction", in relation to so much of a generating station as comprises or is to comprise renewable energy installations, has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004;**]**

[[F10]"contract counterparty" has the meaning given by section 6BA;**]**

Changes to legislation: *Electricity Act 1989, Section 64 is up to date with all changes known to be in force on or before 07 October 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*

F11 …

F12 …

[F10"delivery body" has the meaning given by section 6BB;**]**

[F13"designated regulatory function" means—

(a) a function of the Authority conferred by—

(i) a provision of **[**F14assimilated**]** law, or

(ii) a condition in a licence under section 6 as that condition is modified from time to time after IP completion day,

where that function was, immediately before IP completion day, one of its functions as a regulatory authority designated in accordance with Article 35 of the Electricity Directive;

(b) a function of the Northern Ireland Authority as a regulatory authority designated in accordance with Article 35 of the Electricity Directive;**]**

[F5"distribute" in relation to electricity, has the meaning given by section 4(4), and cognate expressions shall be construed accordingly;**]**

[F3"distribution exemption holder" means a person who—

(a) is distributing electricity for the purpose mentioned in section 4(1)(bb); and

(b) is authorised to do so by an exemption;**]**

"electrical plant" means any plant equipment, apparatus or appliance used for, or for purposes connected with the generation, transmission**[**F15, distribution**]** or supply of electricity, other than—

(a) an electric line;

(b) a meter used for ascertaining the quantity of electricity supplied to any premises; or

(c) an electrical appliance under the control of a consumer;

"electric line" means any line which is used for carrying electricity for any purpose and includes, unless the context otherwise requires—

(a) any support of any such line, that is to say, any structure, pole or other thing in, on, by or from which any such line is or may be supported, carried or suspended;

(b) any apparatus connected to any such line for the purpose of carrying electricity; and

(c) any wire, cable, tube, pipe or other similar thing (including its casing or coating) which surrounds or supports, or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, any such line;

[F3"the Electricity Directive" means Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC;**]**

[F16"electricity distributor"F17... and "electricity supplier" have the meanings given by section 6(9);**]**

[F18"electricity interconnector" has the meaning given by section 4(3E);**]**

[F19"the Electricity Regulation" means Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast), and "predecessor", in relation to that Regulation, means Regulation (EC) 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity;**]**

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[[F3]"electricity undertaking" has the meaning given by section 10O;**]**

[[F3]"exempt distribution system" means a distribution system operated or controlled by a distribution exemption holder who is covered by an exemption granted to it in relation to that system;**]**

"exemption" means an exemption under section 5 above;

"extension", in relation to a generating station, has the meaning given by section 36(8) above and "extend" shall be construed accordingly;

"final order" and "provisional order" have the meanings given by section 25(8) above;

[[F20]"generate", in relation to electricity, has the meaning given by section 4(4) above, and cognate expressions shall be construed accordingly;**]**

"generating station", in relation to a generating station wholly or mainly driven by water, includes all structures and works for holding or channelling water for a purpose directly related to the generation of electricity by that station;

[[F21]"high voltage line" means an electric line which—

(a) if it is in Scotland or is a relevant offshore line (as defined in subsection (1A)), is of a nominal voltage of 132 kilovolts or more; and

(b) in any other case, is of a nominal voltage of more than 132 kilovolts,

and "low voltage line" shall be construed accordingly;**]**

"information" includes accounts, estimates and returns;

"licence" means a licence under section 6 above and "licence holder" shall be construed accordingly;

[[F22]"licensable activity" means an activity which, if carried on without the authority of a licence or exemption, constitutes an offence under section 4(1);**]**

"line" means any wire, cable, tube, pipe or any other similar thing (including its casing or coating) which is designed or adapted for use in carrying electricity;

[F23]…

[F24]. . . . . .

[[F25]"Northern Ireland Authority" means the Northern Ireland Authority for Utility Regulation;**]**

"notice" means notice in writing;

[[F10]"offshore transmission" and "offshore transmission licence" have the meaning given by section 6F(8);**]**

[[F10]"offshore waters" means—

(a) waters in or adjacent to Great Britain which are between the mean low water mark and the seaward limits of the territorial sea, and

(b) waters within an area designated under section 1(7) of the Continental Shelf Act 1964;**]**

"premises" includes any land, building or structure;

"prescribed", **[**[F26]means prescribed by regulations made, unless the context otherwise requires,**]** by the Secretary of State;

[F27]…

[F27]…

[[F28]"providing a smart meter communication service" has the meaning given in section 4(3G) above, and cognate expressions shall be construed accordingly;**]**

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[[F3]"regulated person" has the meaning given by section 25(8);**]**

"relevant condition"and "relevant requirement" have the meanings given by section 25(8) above;

[[F10]"relevant contract" and "relevant licence" have the meaning given by section 6BA;**]**

[[F10]"relevant electricity project" has the meaning given by section 6BA;**]**

[[F10]"relevant licence" has the meaning given by section 6BA;**]**

[[F3]"relevant producer or supplier" has the meaning given by section 10O;**]**

[[F29]"renewable energy installation" and "Renewable Energy Zone" have the same meanings as in Chapter 2 of Part 2 of the Energy Act 2004;**]**

[[F3]"senior officer" means—

(a) in relation to a company, a director;

(b) in relation to a partnership, a partner;

(c) in any other case, a person holding a position equivalent to that of a director or partner;**]**

[[F30]"special connection agreement" means a special agreement under section 22;**]**

"supply", in relation to electricity, has the meaning given by section 4(4) above, and cognate expressions shall be construed accordingly;

[[F3]"supply exemption holder" means a person who—

(a) is carrying on the activity mentioned in section 4(1)(c); and

(b) is authorised to do so by an exemption;**]**

[F27]...

[[F31]"transmission", in relation to electricity, has the meaning given by section 4(4) above;

"transmission system" has the same meaning given by section 4(4) above;**]**

"working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the [M3] Banking and Financial Dealings Act 1971.

[[F32](1A) An electric line is a relevant offshore line for the purposes of the definition in subsection (1) of "high voltage line" if—

(a) it is wholly or partly in an area of GB internal waters, an area of the territorial sea adjacent to the United Kingdom or an area designated under section 1(7) of the Continental Shelf Act 1964, and

(b) it is—

(i) used to convey electricity to a place in Scotland, or

(ii) constructed wholly or mainly for the purpose of conveying, to any other place, electricity generated by a generating station situated in an area mentioned in paragraph (a).

(1AA) In subsection (1A)(a) "GB internal waters" means waters in or adjacent to Great Britain which are between the mean low water mark and the seaward limits of the territorial sea adjacent to Great Britain, but do not form part of that territorial sea.**]**

[[F33](1B) In this Part, references to participation, in relation to the transmission of electricity, are to be construed in accordance with section 4(3A) and (3B) above **[**[F34] and section 6F**].]**

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(2) The provision of section 3 of the [M4] Administration of Justice (Scotland) Act 1972 (power of arbiter to state case to Court of Session) shall not apply in relation to any determination under this Part made by an arbiter.

Textual Amendments

F1 Words in s. 64(1) omitted (25.2.2020) by virtue of The Electricity and Gas (Internal Markets) Regulations 2020 (S.I. 2020/96), regs. 1, **3(8)(a)**

F2 Words in s. 64(1) repealed (1.9.2004) by Energy Act 2004 (c. 20), s. 198(2), **Sch. 23 Pt. 1**; S.I. 2004/2184, art. 2(2), Sch. 2

F3 Words in s. 64(1) inserted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **48**

F4 Words in s. 64(1) substituted (25.2.2020) by The Electricity and Gas (Internal Markets) Regulations 2020 (S.I. 2020/96), regs. 1, **3(8)(b)**

F5 S. 64(1): definitions of "authorised distributor" and "distribute" inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 38(2)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

F6 S. 64(1): definition of "authorised supplier" inserted (7.11.2000 for specified purposes and otherwise 1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 38(2)**; S.I. 2000/2974, art. 2, **Sch.** (subject to transitional provisions in arts. 3-12); S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

F7 Words in s. 64(1) omitted (31.12.2020) by virtue of The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **60(2)**; 2020 c. 1, Sch. 5 para. 1(1)

F8 Words in s. 64(1) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 43**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

F9 Words in s. 64(1) inserted (5.10.2004) by Energy Act 2004 (c. 20), **ss. 102(4)(a)**, 198(2); S.I. 2004/2575, art. 2(1), Sch. 1

F10 Words in s. 64(1) inserted (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2)(i), **Sch. 15 para. 9**

F11 Words in s. 64(1) omitted (31.12.2020) by virtue of The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **60(3)**; 2020 c. 1, Sch. 5 para. 1(1)

F12 Words in s. 64(1) omitted (31.12.2020) by virtue of The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **60(4)**; 2020 c. 1, Sch. 5 para. 1(1)

F13 Words in s. 64(1) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **60(6)** (as amended by The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016), regs. 1(2), **3(24)**); 2020 c. 1, Sch. 5 para. 1(1)

F14 Word in s. 64(1) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 26(2)(c)**

F15 S. 64(1): words in definition of "electrical plant" inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 38(3)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

F16 S. 64(1): definitions of "electricity distributor" and "electricity supplier" inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 38(4)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

F17 Words in s. 64(1) omitted (6.4.2014) by virtue of Energy Act 2011 (c. 16), s. 121(5)(c), **Sch. 1 para. 6**

F18 Words in s. 64(1) inserted (1.12.2004) by Energy Act 2004 (c. 20), **ss. 147(7)**, 198(2); S.I. 2004/2575, art. 2(2), Sch. 2

F19 Words in s. 64(1) substituted (25.2.2020) by The Electricity and Gas (Internal Markets) Regulations 2020 (S.I. 2020/96), regs. 1, **3(8)(c)**

F20 Words in s. 64(1) inserted (1.3.2005 for specified purposes, 29.7.2010 for specified purposes, 10.6.2014 in so far as not already in force) by Energy Act 2004 (c. 20), **ss. 89(4)**, 198(2); S.I. 2005/442, art. 2(1), Sch. 1; S.I. 2010/1889, art. 2; S.I. 2014/1460, art. 2

F21 Words in s. 64(1) substituted (29.7.2010 for specified purposes, 10.6.2014 in so far as not already in force) by Energy Act 2004 (c. 20), **ss. 180(1)**, 198(2); S.I. 2010/1889, art. 2; S.I. 2014/1460, art. 2

F22 S. 64(1): definition of "licensable activity" inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 38(5)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

F23 Words in s. 64(1) omitted (31.12.2020) by virtue of The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **60(5)**; 2020 c. 1, Sch. 5 para. 1(1)

F24 S. 64(1): definition of "Monopolies Commission" repealed (1.4.1999) by S.I. 1999/506, **art. 24(c)**

F25 Words in s. 64(1) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **60(7)**; 2020 c. 1, Sch. 5 para. 1(1)

F26 S. 64(1): words in definition of "prescribed" substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 38(6)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

F27 S. 64(1): definitions of "private electricity supplier", "public electricity supplier" and "tariff customer" repealed (1.10.2001) by 2000 c. 27, s. 108, Sch. 6 Pt. II para. 38(8), **Sch. 8**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

F28 Words in s. 64(1) inserted (19.9.2012) by The Electricity and Gas (Smart Meters Licensable Activity) Order 2012 (S.I. 2012/2400), arts. 1, **13**

F29 Words in s. 64(1) inserted (5.10.2004) by Energy Act 2004 (c. 20), **ss. 102(4)(b)**, 198(2); S.I. 2004/2575, art. 2(1), Sch. 1

F30 S. 64(1): definition of "special connection agreement" inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 38(7)**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

F31 Words in s. 64(1) substituted (1.9.2004) by Energy Act 2004 (c. 20), s. 198(2), **Sch. 19 para. 15(2)**; S.I. 2004/2184, art. 2(2), Sch. 2

F32 S. 64(1A)(1AA) inserted (29.7.2010 for specified purposes, 10.6.2014 in so far as not already in force) by Energy Act 2008 (c. 32), **ss. 44(3)**, 110(2); S.I. 2010/1888, art. 2(1); S.I. 2014/1461, art. 2(a)

F33 S. 64(1B) inserted (1.9.2004) by Energy Act 2004 (c. 20), s. 198(2), **Sch. 19 para. 15(3)**; S.I. 2004/2184, art. 2(2), Sch. 2

F34 Words in s. 64(1B) inserted (18.2.2014) by Energy Act 2013 (c. 32), **ss. 147(4)**, 156(2)

Modifications etc. (not altering text)

C1 S. 64: definitions applied by Heathrow Express Railway Act 1991 (c. vii), **s. 37(1)(a)**

Marginal Citations

M1 1973 c. 41.

M2 1980 c. 21.

M3 1971 c. 80.

M4 1972 c. 59

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Changes and effects yet to be applied to :

- s. 64(1) words inserted by 2023 c. 52 s. 205(11)
- s. 64(1A) inserted by 2004 c. 20 s. 180(2)

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)(da) inserted by 2023 c. 52 s. 205(2)(b)
- 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)(ea) inserted by 2023 c. 52 s. 205(8)(b)
- s. 6(2AA) inserted by 2023 c. 52 s. 205(9)
- s. 6(6E) inserted by 2023 c. 52 s. 205(10)
- 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. 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. 43(8) inserted by 2024 c. 13 Sch. 29 para. 9
- 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)(iiia) inserted by 2023 c. 52 Sch. 17 para. 8
- s. 44B(1)(vi) and word inserted by S.I. 2024/706 reg. 3(11)(b)
- s. 56C(6)(d) and word inserted by 2013 c. 32 s. 138(5)(d)(ii)
- s. 56CB(7) inserted by 2024 c. 13 Sch. 30 para. 10(5)
- Sch. 6A para. 4A and cross-heading inserted by S.I. 2024/706 reg. 3(14)(b)