



# Energy Act 2004

## 2004 CHAPTER 20

### PART 4

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Supplementary provision relating to functions of Secretary of State and GEMA*

#### **190 Application of general duties to Part 3 functions etc.**

- (1) Sections 4AA to 4B of the Gas Act 1986 (c. 44) (principal objectives and general duties) apply to the carrying out as respects—
  - (a) activities required to be authorised by gas licences,
  - (b) such licences and the conditions of such licences, or
  - (c) companies holding such licences,of functions conferred on the Secretary of State or GEMA by or under Chapters 2 to 4 of Part 3 of this Act as they apply in relation to the carrying out of functions conferred on him, or on it, by or under Part 1 of that Act.
- (2) Sections 3A to 3D of the 1989 Act (principal objectives and general duties) apply to the carrying out as respects—
  - (a) activities required to be authorised by electricity licences,
  - (b) such licences and the conditions of such licences, or
  - (c) companies holding such licences,of functions conferred on the Secretary of State or GEMA by or under section 90 or 91 or Part 3 of this Act (other than section 179(4)) as they apply in relation to the carrying out of functions conferred on him, or on it, by or under Part 1 of that Act.
- (3) In section 3A(2)(b) of the 1989 Act (duty to have regard to ability of licence holders to finance obligations under Part 1 or the Utilities Act 2000), for “or the Utilities Act 2000” substitute “, the Utilities Act 2000 or Part 2 or 3 of the Energy Act 2004”.
- (4) In this section—

*Changes to legislation: Energy Act 2004, Cross Heading: Supplementary provision relating to functions of Secretary of State and GEMA is up to date with all changes known to be in force on or before 17 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*

“electricity licence” means a licence for the purposes of section 4 of the 1989 Act (prohibition on unlicensed electricity activities); and

“gas licence” means a licence for the purposes of section 5 of the Gas Act 1986 (prohibition on unlicensed gas activities).

**Modifications etc. (not altering text)**

**C1** Ss. 171-196 power to apply (with modifications) conferred (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(2)(l), [Sch. 18 para. 50](#)

**Commencement Information**

**I1** S. 190 in force at 24.8.2004 for specified purposes by [S.I. 2004/2184](#), art. 2(1), [Sch. 1](#)

**I2** S. 190 in force at 5.10.2004 in so far as not already in force by [S.I. 2004/2575](#), art. 2(1), [Sch. 1](#)

**191 Supplementary provision about licence condition powers**

(1) This section applies to—

- (a) the Secretary of State’s powers under Chapters 2 to 4 of Part 3 of this Act with respect to the conditions of gas licences; and
- (b) his powers under sections 90 and 91 and Part 3 of this Act with respect to the conditions of electricity licences;

and this section is to be disregarded in determining the generality of those or any other powers conferred on the Secretary of State by this Act or otherwise.

(2) Conditions included in a gas licence, or in an electricity licence, by virtue of a power to which this section applies need not relate to the activities authorised by the licence.

(3) Conditions included in a gas licence by virtue of a power to which this section applies may do any of the things authorised by section 7B(4A) or (5) of the Gas Act 1986 (which apply to GEMA’s power with respect to licence conditions under section 7B(4) (a)).

(4) Conditions included in an electricity licence by virtue of a power to which this section applies may do any of the things authorised by section 7(2) to (4) of the 1989 Act (which apply to GEMA’s power with respect to licence conditions under section 7(1) (a)).

(5) In this section—

“electricity licence” means a licence for the purposes of section 4 of the 1989 Act (prohibition on unlicensed electricity activities); and

“gas licence” means a licence for the purposes of section 5 of the Gas Act 1986 (c. 44) (prohibition on unlicensed gas activities).

**Modifications etc. (not altering text)**

**C1** Ss. 171-196 power to apply (with modifications) conferred (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(2)(l), [Sch. 18 para. 50](#)

**Commencement Information**

**I3** S. 191 in force at 24.8.2004 for specified purposes by [S.I. 2004/2184](#), art. 2(1), [Sch. 1](#)

**I4** S. 191 in force at 5.10.2004 in so far as not already in force by [S.I. 2004/2575](#), art. 2(1), [Sch. 1](#)

**Changes to legislation:**

Energy Act 2004, Cross Heading: Supplementary provision relating to functions of Secretary of State and GEMA is up to date with all changes known to be in force on or before 17 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. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)