
Changes to legislation: Energy Act 2004, Paragraph 9 is up to date with all changes known to be in force on or before 20 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

SCHEDULES

SCHEDULE 21

ENERGY TRANSFER SCHEMES

Modifications etc. (not altering text)

- C1 Sch. 21 modified (1.10.2005) by [Energy Administration Rules 2005 \(S.I. 2005/2483\)](#), rules 1, **184** (with rules 3, 187)
- C1 Sch. 21 applied (with modifications) (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), ss. **96(1)-(4)**, 121(3)
- C1 Sch. 21 modified (7.6.2013) by [The Energy Supply Company Administration Rules 2013 \(S.I. 2013/1046\)](#), rules 1, **205(2)-(4)** (with rules 3, 208)
- C1 Sch. 21 applied (with modifications) (23.7.2018) by [Smart Meters Act 2018 \(c. 14\)](#), ss. **4(1)-(4)**, 14(5)
- C1 Schs. 20, 21 modified (E.W.) (1.8.2020) by [The Smart Meter Communication Licensee Administration \(England and Wales\) Rules 2020 \(S.I. 2020/629\)](#), rules 1, **3(2)-(4)** (with rule 4(1))
- C1 Sch. 21 applied (with modifications) (31.3.2022 for specified purposes, 1.6.2022 in so far as not already in force) by [Nuclear Energy \(Financing\) Act 2022 \(c. 15\)](#), ss. **33(1)-(5)**, 44(1)(c)(2)(c)
- C1 [Sch. 21](#) power to apply (with modifications) conferred (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(2)(1), **Sch. 18 para. 50**
- C1 [Sch. 21](#) applied (with modifications) (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), ss. **44**, 334(3)(a)

Subsequent modification of scheme

- 9 (1) The Secretary of State may by notice to the old energy company and the new energy company modify an energy transfer scheme after it has taken effect, but only modifications to which both the old energy company and the new energy company have consented may be made.
- (2) The notice must specify the time at which it is to take effect (the “modification time”).
- (3) Where a notice is issued under this paragraph in relation to an energy transfer scheme, as from the modification time, the scheme shall for all purposes be treated as having taken effect, at the time appointed for the purposes of paragraph 3(4), with the modifications made by the notice.
- (4) Those modifications may make—
- (a) any provision that could have been included in the scheme when it took effect at the time appointed for the purposes of paragraph 3(4); and
 - (b) transitional provision in connection with provision falling within paragraph (a).
- (5) In deciding whether to modify an energy transfer scheme, the Secretary of State must have regard, in particular, to—
- (a) the public interest; and
 - (b) the effect the modification is likely to have (if any) upon the interests of third parties.

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- (6) Before modifying an energy transfer scheme that has taken effect, the Secretary of State must consult GEMA.
- (7) The old energy company and the new energy company each have a duty to provide the Secretary of State with all information and other assistance that he may reasonably require for the purposes of, or in connection with, the exercise of the powers conferred on him by this paragraph.

Commencement Information

II Sch. 21 para. 9 in force at 5.10.2004 by [S.I. 2004/2575](#), art. 2(1), [Sch. 1](#)

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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. 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\(2\)\(b\)](#)