



Energy Act 2010

2010 CHAPTER 27

PART 3

REGULATION OF GAS AND ELECTRICITY MARKETS

Exploitation of electricity trading and transmission arrangements

23 Expiry of power

- (1) The power in section 18(1) may not be exercised after—
 - (a) the end of the period of 5 years beginning with the commencement day, or
 - (b) such longer period (if any) as is specified in an order under subsection (2).
- (2) The Secretary of State may by order specify for the purposes of this section a period of—
 - (a) more than 5 years, but
 - (b) not more than 7 years,beginning with the commencement day.
- (3) No order may be made under subsection (2) after the end of the period of 5 years beginning with the commencement day.
- (4) Before making an order under subsection (2), the Secretary of State must consult—
 - (a) holders of licences under section 6(1)(a) of the Electricity Act 1989,
 - (b) the Authority, and
 - (c) such other persons as the Secretary of State thinks it is appropriate to consult.
- (5) All modifications cease to have effect after the expiry day.
- (6) But that does not—
 - (a) affect the previous operation of a modification,
 - (b) prevent the exercise of any function, power or right of any person in respect of the previous operation of a modification, or

*Changes to legislation: There are currently no known outstanding effects
for the Energy Act 2010, Section 23. (See end of Document for details)*

- (c) affect any penalty, order or other enforcement action in respect of the previous operation of a modification.
- (7) The Secretary of State may make such provision modifying a regulatory instrument as he or she considers appropriate in consequence of subsections (1) and (5).
- (8) Before making a modification under subsection (7), the Secretary of State must consult—
 - (a) holders of licences under section 6(1)(a) of the Electricity Act 1989,
 - (b) the Authority, and
 - (c) such other persons as the Secretary of State thinks it is appropriate to consult.
- (9) In this section—
 - “commencement day” means the day on which section 18 comes into force;
 - “expiry day” means the day on which the power in section 18(1) ceases to be exercisable by virtue of this section;
 - “modification” means a modification under section 18(1);
 - “regulatory instrument” means a licence, standard conditions, or a document or agreement, as mentioned in section 18(1).

Commencement Information

II S. 23 in force at 16.7.2012 by S.I. 2012/1841, art. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2010, Section 23.