
STATUTORY INSTRUMENTS

2004 No.2184 (C. 95)

**ATOMIC ENERGY AND
RADIOACTIVE SUBSTANCES
ELECTRICITY**

The Energy Act 2004 (Commencement No. 2) Order 2004

Made - - - - 23rd August 2004

The Secretary of State, in exercise of the powers conferred upon her by section 198(2) of the Energy Act 2004⁽¹⁾, hereby makes the following Order:

Citation and interpretation

- 1.—(1) This Order may be cited as the Energy Act 2004 (Commencement No. 2) Order 2004.
- (2) In this Order, “the Act” means the Energy Act 2004.

Commencement

- 2.—(1) The provisions of the Act specified in Schedule 1 shall come into force on 24th August 2004.
- (2) The provisions of the Act specified in Schedule 2 shall come into force on 1st September 2004.

23rd August 2004

Stephen Timms,
Minister of State for Energy, E-Commerce and
Postal Services,
Department of Trade and Industry

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Article 2(1)

PROVISIONS COMING INTO FORCE ON 24TH AUGUST 2004

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Section 3	Designated responsibilities for Nuclear Decommissioning Authority
Section 4	Additional responsibilities under designating directions
Section 5(1)	Supplemental provisions of designating directions
Section 6	Designations relating to Scotland
Section 9	General duties when carrying out functions
Section 13	Annual plans
Section 22	Expenditure and receipts of NDA
Sections 36 and 37 in so far as they relate to provisions in Chapter 1 of Part 1 of the Act previously commenced or commenced by this Order	Meaning of “nuclear site” etc. and “person with control” and general interpretation of Chapter 1 of Part 1 of the Act
Section 133	“New trading and transmission arrangements”
Section 134	Power to modify licence conditions
Section 135 for the purpose of defining “transmission” and “transmission system” where those terms are used in section 133	Definition of “transmission” and “transmission system”
Section 137 (1), (2), (3), (4) and (7)	New standard conditions for transmission licences
Section 138	Conversion of existing transmission licences
Section 140(2), (3) and (4)	Duties to provide information to the Secretary of State and exclusion of section 105(1) of the Utilities Act 2000(2)
Section 142	Interpretation of Chapter 1 of Part 3 of the Act
Section 144	Transition
Sections 190 to 196 in so far as they relate to Chapter 1 of Part 3 of the Act	Supplementary provisions relating to functions of the Secretary of State and the Gas and Electricity Markets Authority, and supplemental powers
Schedule 3	Procedural requirements applicable to NDA’s annual plans
Schedule 17	Conversion of existing transmission licences: licensing scheme

SCHEDULE 2

Article 2(2)

PROVISIONS COMING INTO FORCE ON 1ST SEPTEMBER 2004

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Section 135 in so far as it is not already in force	Alteration of transmission activities requiring licence
Section 136	Transmission licences
Section 137(5) and (6)	New standard conditions for transmission licences
Section 141	Property arrangements schemes
Section 143	Amendments consequential on Chapter 1 of Part 3 of the Act
Section 197(8)	Repeal of part of section 11A(10)(b) of the Electricity Act 1989(3)
Section 197(9) in so far as it relates to the provisions in Schedule 23 to the Act brought into force by this Order	Repeals set out in Schedule 23 to the Act
Schedule 18	Property arrangements schemes
Schedule 19	Amendments consequential on Chapter 1 of Part 3 of the Act
Schedule 23 in so far as it repeals part of sections 6(9), 11A(10) and 64(1) of the Electricity Act 1989, part of section 33(1) of the Utilities Act 2000 and section 53(5) of, and paragraph 31(2)(a) of Schedule 6 to, the Utilities Act 2000	Repeals

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Energy Act 2004 as follows:

- (a) the provisions in Schedule 1 come into force on 24th August 2004, and
- (b) the provisions in Schedule 2 come into force on 1st September 2004.

The remaining provisions will be brought into force by subsequent orders.

(3) 1989 c. 29

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NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order) These following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1, 2, 10, 72, 73, 74, 75 and Schedules 1 and 15	27th July 2004	2004/1973 (C.87)