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STATUTORY INSTRUMENTS

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**2009 No. 1269 (C. 67)**

**ENERGY**

**The Energy Act 2004 (Commencement No. 9) Order 2009**

*Made* - - - - *18th May 2009*

The Secretary of State makes the following Order in exercise of the powers conferred by section 198(2) of the Energy Act 2004<sup>(1)</sup>.

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Energy Act 2004 (Commencement No. 9) Order 2009.
- (2) In this Order “the Act” means the Energy Act 2004.

**Commencement**

2. Section 92 of the Act shall come into force on 20th May 2009.
3. Sections 90 and 91 of the Act shall come into force on 19th June 2009.

18th May 2009

*Ed Miliband*  
Secretary of State for Energy and Climate  
Change

**Status:** This is the original version (as it was originally made).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

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 20th May 2009 section 92 of the Energy Act 2004 (“the Act”) and, on 19th June 2009, sections 90 and 91 of the Act.

Section 92 of the Act inserts section 6C into the Electricity Act 1989 (c.29). Section 6C makes provision relating to competitive tenders for offshore transmission licences. (Further provision in connection with such tenders is made in sections 6D and 6E of, and Schedule 2A to, the Electricity Act 1989. Sections 6D and 6E and Schedule 2A are inserted by section 44(1), (2) and (4) of the Energy Act 2008 (c.32), which is being commenced at the same time as section 92 of the Act, by the Energy Act 2008 (Commencement No. 3) Order 2009(2).)

Section 90 of the Act confers on the Secretary of State powers relating to the modification of licence conditions, industry codes and agreements for offshore transmission and distribution. Section 91 of the Act confers on the Secretary of State powers relating to the extension of transmission licences offshore.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Energy Act 2004 have been brought into force by commencement orders made before the date of this Order—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1, 2, 10, 72, 73, 74 and 75 and Schedules 1 and 15	27th July 2004	2004/1973 (C.87)
Sections 3, 4, 5(1), 6, 9, 13 and 22. Sections 36 and 37 (partially). Sections 133 and 134. Section 135 (partially). Sections 137(1) to (4) and (7), 138, 140(2) to (4), 142 and 144. Sections 190 to 196 (partially). Schedules 3 and 17	24th August 2004	2004/2184 (C.95)
Section 135 in so far as it was not already in force. Sections 136, 137(5) and (6), 141, 143 and 197(8). Section 197(9) (partially). Schedules 18 and 19. Schedule 23 (partially)	1st September 2004	2004/2184 (C.95)
Sections 5(2) to (9), 7, 8, 14 to 21 and 23 to 35. Sections 36 and 37, in so far as they were not already in force. Sections 38 to 50, 76 to 88, 94, 101, 102(1) and (4), 103(2) and (4), 104, 115 to 132, 154 to 176, 178, 181 and 183 to 189. Sections 190 to 196, in so far as they were not already in force. Section 197(1) to (7). Section 197(9) and (10) (partially). Schedules 4 to 9, 20 to 22 and Part 1 of Schedule 23 (partially). Schedule 23 Part 2, paragraph 2	5th October 2004	2004/2575 (C.110)

(2) S.I. 2009/1270 (C. 68).

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 145(1), (3) and (5) to (7), 146(1) to (5) and (7), 147(1) to (4) and (6) to (8), 148, 149(1), (3), (5) to (9) and (11), 150(1) to (5) and (7) to (10) and 152. Section 197(9) (partially) and Part 1 of Schedule 23 (partially)	1st December 2004	2004/2575 (C.110)
Section 51(1). Section 51(2) (partially). Sections 52(1) and (6), 53(1), (2), (4) and (5) and 63. Section 69(1) (partially). Sections 69(2) and (3) and 71. Section 89 (partially). Section 93. Section 99 (partially). Paragraphs 1 to 5 and 10 to 18 of Schedule 10. Schedules 11 and 13. Paragraphs 1, 2, 4, 6 and 7 of Schedule 14	1st March 2005	2005/442 (C.20)
Sections 11 and 12 and Schedule 2	31st March 2005	2005/442 (C.20)
Section 51(2) (partially). Sections 52(2) to (5) and (7), 53(3), 54 to 62 and 64 to 68. Section 69(1) (partially). Sections 70, 102(5), 103(3), 146(6) and 150(6). Section 197(9) and (10) (partially). Paragraphs 6 to 9 of Schedule 10. Schedule 12. Paragraphs 3, 5 and 8 to 11 of Schedule 14. Part 1 of Schedule 23 (partially). Paragraphs 1 and 3 of Part 2 of Schedule 23	1st April 2005	2005/877 (C.38)
Section 99(1) (partially). Section 100	1st September 2005	2005/442 (C.20)
Sections 95 to 98. Section 99(1) in so far as it was not already in force. Sections 102(2) and (3) and 105 to 114. Schedule 16 (partially)	1st October 2005	2005/877 (C.38)
Section 177	1st November 2005	2005/2965 (C.127)
Section 103(1). Section 197(9) and Part 1 of Schedule 23 (partially)	1st January 2006	2005/877 (C.38)
Section 179	1st April 2006 for certain purposes; 1st April 2010 for the remaining purposes	2005/2965 (C.127)
Section 197(9) and Part 1 of Schedule 23 (partially)	1st April 2006 for certain purposes; 1st April 2010 for the remaining purposes	2005/2965 (C.127)
Sections 145(2) and (4), 147(5), 149(2), (4) and (10), 151 and 153	14th August 2006	2006/1964 (C.66)
Section 182. Paragraph 7 of Schedule 16.	6th April 2007	2007/1091 (C.47)