



Electricity Act 1989

1989 CHAPTER 29

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

106 Regulations and orders.

(1) Any power under this Act to make regulations, and any power of the Secretary of State under this Act to make orders (other than the powers conferred by ^[F1]section 23,] paragraph 9(6) of Schedule 4 and paragraph 2 of Schedule 5), shall be exercisable by statutory instrument.

^[F2](1ZA) Subsection (1) does not apply to the power conferred on the Scottish Ministers by section 36C.]

^[F3](1A) Any power of the Scottish Ministers to make orders under section 32 is exercisable by statutory instrument.]

^[F4](1B) Any power of the Welsh Ministers to make orders under section 36 or 36C or paragraph 1(4) of Schedule 9 is exercisable by statutory instrument.]

(2) Any statutory instrument containing—

- (a) regulations under this Act made by the Secretary of State; or
- (b) an order under this Act (other than an order appointing a day or nominating a company^[F5], an order under section 11A, ^[F6]27O], 32, ^[F7]32LA, ^[F8]32N, 32R(4),] 41A, ^{F9}... ^[F10]56A or 56FA]) or an order under paragraph 4 of Schedule 12 to this Act),

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

^[F11](2A) Any statutory instrument containing regulations or an order made by the Welsh Ministers under section 36 or 36C or paragraph 1(4) of Schedule 9 shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

Status: Point in time view as at 01/08/2021.

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[^{F12}(3) Regulations made by the Scottish Ministers under section 36C are subject to the negative procedure.]

Textual Amendments

- F1** Words in s. 106(1) inserted (1.4.2009) by [Energy Act 2008 \(c. 32\)](#), **ss. 96(2)**, 110(2); S.I. 2009/45, art. 3(b)(ii)
- F2** S. 106(1ZA) inserted (19.6.2013 for specified purposes, 31.7.2013 in relation to E.W. so far as it is not already in force, 1.12.2013 in relation to S. so far as it is not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 20(3)(a)**, 35(1); S.I. 2013/1488, arts. 2, 5(a), 7
- F3** S. 106(1A) inserted (26.11.2008) by [Energy Act 2008 \(c. 32\)](#), s. 110(1)(e), **Sch. 5 para. 5**
- F4** S. 106(1B) inserted (1.4.2019) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 49(a)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 5(b)
- F5** Words in s. 106(2)(b) inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 39**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F6** Word in s. 106(2)(b) substituted (18.2.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(2)(h), **Sch. 14 para. 2(6)**
- F7** Word in s. 106(2)(b) inserted (18.12.2013) by [Energy Act 2013 \(c. 32\)](#), **ss. 55(3)**, 156(3)
- F8** Words in s. 106(2)(b) inserted (18.2.2014) by [Energy Act 2013 \(c. 32\)](#), **ss. 56(3)**, 156(2)
- F9** Word in s. 106(2) omitted (8.6.2010) by virtue of [Energy Act 2010 \(c. 27\)](#), s. 38(3), **Sch. para. 10**
- F10** Words in s. 106(2)(b) substituted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), **Sch. 5 para. 6**; S.I. 2009/45, art. 2(e)(iv)
- F11** S. 106(2A) inserted (1.4.2019) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 49(b)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 5(b)
- F12** S. 106(3) inserted (19.6.2013 for specified purposes, 31.7.2013 in relation to E.W. so far as it is not already in force, 1.12.2013 in relation to S. so far as it is not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 20(3)(b)**, 35(1); S.I. 2013/1488, arts. 2, 5(a), 7

107 Directions.

- (1) It shall be the duty of any person to whom a direction is given under this Act to give effect to that direction.
- (2) Any power conferred by this Act to give a direction shall, unless the context otherwise requires, include power to vary or revoke the direction.
- (3) Any direction given under this Act shall be in writing.

108 Offences by bodies corporate.

- (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

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[^{F13}108A Extraterritorial operation of Act

- (1) Where by virtue of this Act an act or omission taking place outside Great Britain constitutes an offence, proceedings for the offence may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Great Britain.
- (2) Provision made by or under this Act in relation to places outside Great Britain—
 - (a) so far as it applies to individuals, applies to them whether or not they are British citizens; and
 - (b) so far as it applies to bodies corporate, applies to them whether or not they are incorporated under the law of a part of the United Kingdom.]

Textual Amendments

F13 S. 108A inserted (1.4.2005) by Energy Act 2004 (c. 20), ss. 102(5), 198(2); S.I. 2005/877, art. 2(1), Sch. 1

109 Service of documents.

- (1) Any document required or authorised by virtue of this Act to be served on any person may be served—
 - (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address; or
 - (b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary of that body; or
 - (c) if the person is a partnership, by serving it in accordance with paragraph (a) above on a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the ^{M1}Interpretation Act 1978 (which relates to the service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
 - (a) in the case of service on a body corporate or its secretary, it shall be the address of the registered or principal office of the body;
 - (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership;and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (3) If a person to be served by virtue of this Act with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined in pursuance of subsection (2) above) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as his proper address for the purposes of this section and for the purposes of the said section 7 in its application to this section.

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- (4) If the name or address of any owner or occupier of land on whom by virtue of this Act any document is to be served cannot after reasonable inquiry be ascertained, the document may be served by—
- (a) addressing it to him by the description of “owner” or “occupier” of the land (describing it); and
 - (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.
- [^{F14}(4A) In the case of any document required or authorised by virtue of this Act to be served on any person by the Authority or the Secretary of State, that document may also be served by electronic means if the conditions in subsection (4B) are met.
- (4B) The conditions in this subsection are that—
- (a) the person on whom the document is to be served has indicated to the Authority or the Secretary of State (as the case may be) the person’s willingness to receive by electronic means documents of that description (and has not withdrawn that indication); and
 - (b) the document is sent to the number or address most recently specified by the person for that purpose.
- (4C) An indication for the purposes of subsection (4B)—
- (a) must be given in such manner and include such information as the Authority or the Secretary of State (as the case may be) directs; and
 - (b) may be withdrawn by an indication given in such manner as the Authority or the Secretary of State (as the case may be) directs.
- (4D) Withdrawal of an indication given for the purposes of subsection (4B) takes effect at the beginning of the fifth working day after the day on which the Authority or the Secretary of State (as the case may be) receives the indication withdrawing it.
- (4E) A document which is served in accordance with subsection (4A) is to be treated as having been served on the next working day after the day on which it is sent.]
- (5) This section shall not apply to any document in relation to the service of which provision is made by rules of court.
- [^{F15}(6) In this section—
- “secretary”, in relation to a local authority within the meaning of the Local Government Act 1972 or the Local Government (Scotland) Act 1973, means the proper officer within the meaning of that Act;
- “working day” means any day other than—
- (a) Saturday or Sunday;
 - (b) Christmas Day or Good Friday;
 - (c) a day which is a bank holiday in England and Wales or Scotland under the Banking and Financial Dealings Act 1971.]

Textual Amendments

- F14** S. 109(4A)-(4E) inserted (1.8.2021) by [The Gas Act 1986 and Electricity Act 1989 \(Electronic Communications\) Order 2021 \(S.I. 2021/789\)](#), arts. 1(2), 3(2)

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F15 S. 109(6) substituted (1.8.2021) by [The Gas Act 1986 and Electricity Act 1989 \(Electronic Communications\) Order 2021 \(S.I. 2021/789\)](#), arts. 1(2), **3(3)**

Marginal Citations

M1 1978 c. 30.

110 Financial provisions.

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by the Secretary of State or the Treasury in consequence of the provisions of this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

111 General interpretation.

(1) In this Act, unless the context otherwise requires—

“Area Board” has the same meaning as in the ^{M2}Electricity Act 1947;

[^{F16}“the Authority” means the Gas and Electricity Markets Authority;]

[^{F17}“Citizens Advice” means the National Association of Citizens Advice Bureaux;

“Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux;]

“contravention”, in relation to any direction, condition, requirement, regulation or order, includes any failure to comply with it and cognate expressions shall be construed accordingly;

^{F18}

...

^{F19}

“Electricity Board” means an Area Board, the Generating Board or a Scottish Board;

“the Generating Board” means the Central Electricity Generating Board;

“modifications” includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

[^{F20}“protection of the water environment” has the same meaning as in section 1(2) of the Water Environment and Water Services (Scotland) Act 2003;]

“Scottish Board” means either the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board.

(2) For the purposes of this Act any class or description may be framed by reference to any matters or circumstances whatever.

Textual Amendments

F16 S. 111(1): definition of “the Authority” inserted (20.12.2000) by [2000 c. 27, s. 108, Sch. 6 Pt. II para. 40\(a\)](#); [S.I. 2000/3343, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-15](#)) (as amended by [S.I. 2001/1780, art. 2](#))

F17 Words in s. 111(1) inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), [Sch. 1 para. 5\(20\)\(a\)](#) (with [Sch. 1 para. 28, Sch. 2 paras. 13-15](#))

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- F18** Words in s. 111(1) omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 5(20)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F19** Words in s. 111 repealed (1.10.2000) by [Utilities Act 2000 \(c. 27\)](#), s. 108, **Sch. 8**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F20** Words in s. 111 inserted (S.) (1.4.2006) by [The Water Environment and Water Services \(Scotland\) Act 2003 \(Consequential Provisions and Modifications\) Order 2006 \(S.I. 2006/1054\)](#), art. 1(1), **Sch. 1 para. 1(3)**

Marginal Citations

- M2** 1947 c. 54.

112 Amendments, transitional provisions, savings and repeals.

- (1) The enactments mentioned in Schedule 16 to this Act shall have effect subject to the amendments there specified (being minor amendments or amendments consequential on the preceding provisions of this Act).
- (2) The Secretary of State may by order make such consequential modifications of any provision contained in any Act (whether public general or local) passed, or in subordinate legislation made, before the relevant date as appear to him necessary or expedient—
 - (a) in respect of any reference in that Act or subordinate legislation to any of the Electricity Boards or the Electricity Council;
 - (b) in respect of any reference (in whatever terms) in that Act or subordinate legislation to a person carrying on an electricity undertaking or to such an undertaking;
 - (c) in respect of any reference in that Act or subordinate legislation to any enactment repealed by this Act; or
 - (d) in the case of a provision contained in a local Act or subordinate legislation, in respect of any other inconsistency between that Act or subordinate legislation and this Act;

and in this subsection “the relevant date”, in relation to any modifications, means the date of the coming into force of the provisions of this Act on which they are consequential.
- (3) The transitional provisions and savings contained in Schedule 17 to this Act shall have effect; but those provisions are without prejudice to sections 16 and 17 of the ^{M3}Interpretation Act 1978 (effect of repeals).
- (4) The enactments mentioned in Schedule 18 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

Commencement Information

- II** S. 112 wholly in force at 9.11.2001; s. 112 not in force at Royal Assent see s. 113(2); s. 112(1)-(3) in force at 31.3.1990 and s. 112(4) in force for certain purposes at 31.3.1990 by [S.I. 1990/117](#), **art. 3**; s. 112(4) in force for remaining purposes at 9.11.2001 by [S.I. 2001/3419](#), **art. 2**

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Marginal Citations

M3 1978 c. 30.

113 Short title, commencement and extent.

- (1) This Act may be cited as the Electricity Act 1989.
- (2) This Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be so appointed for different provisions or for different purposes.
- (3) This Act, except this section and the following provisions, namely—
 ^{F21}Sections 32N to 32Z2;
 sections 65 to 70;
 section 82;
 sections 91 to 95;
 section 100;
 paragraph 8 of Schedule 1 and section 1(5) so far as relating to that paragraph;
 paragraph 10 of Schedule 2 and section 2(6) so far as relating to that paragraph;
 paragraph 11 of Schedule 16 and section 112(1) so far as relating to that paragraph; and
 Schedule 18 and section 112(4) so far as relating to enactments which extend there ^{F22} ...,
does not extend to Northern Ireland.

Textual Amendments

- F21** Words in s. 113(3) inserted (18.2.2014) by Energy Act 2013 (c. 32), ss. 56(4), 156(2)
- F22** Words in s. 113(3) repealed (20.6.2003) by The Enterprise Act 2002 (Consequential and Supplemental Provisions) Order 2003 (S.I. 2003/1398), art. 1, Sch. para. 9(3)

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