



# Electricity Act 1989

## 1989 CHAPTER 29

### PART I **U.K.**

#### ELECTRICITY SUPPLY

##### *[<sup>F1</sup> Alteration of activities requiring licence]*

##### **[<sup>F1</sup> 56FBA] New licensable activities: load control of energy smart appliances **E+W+S****

- (1) The Secretary of State may by regulations amend this Part so as—
  - (a) to provide for one or more activities within subsection (2) to be added to the activities which are licensable activities, or
  - (b) where regulations have previously been made under paragraph (a) in relation to an activity—
    - (i) to amend the definition of the activity, or
    - (ii) to provide for the activity to cease to be a licensable activity.
- (2) The activities within this subsection are activities connected with—
  - (a) the carrying on or facilitating of load control;
  - (b) the provision of services or facilities related to load control;but not the activities mentioned in subsection (3).
- (3) The activities within this subsection are—
  - (a) the provision of relevant electronic communications networks;
  - (b) the making, selling, importing or distributing of energy smart appliances;
  - (c) things done by end-users of energy smart appliances (in their capacity as such).
- (4) Regulations under subsection (1)(a) may define activities which are to become licensable activities in any manner the Secretary of State considers appropriate, including—
  - (a) by reference to the purpose for which an activity is carried out; and

---

**Changes to legislation:** Electricity Act 1989, Section 56FBA is up to date with all changes known to be in force on or before 19 June 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

---

- (b) by reference to the position of an activity in a sequence of activities necessary to secure a particular outcome.
- (5) Regulations under this section may make consequential, transitional, incidental or supplementary provision, including—
- (a) amendments (or repeals) of any provision of this Act or any other enactment, including any enactment comprised in, or an instrument made under, an Act of the Scottish Parliament;
  - (b) in the case of regulations under [subsection \(1\)\(a\)](#), provision determining the conditions which are to be standard conditions for the purposes of licences authorising the undertaking of the activities;
  - (c) provision modifying any standard conditions of licences.
- (6) Transitional provision under [subsection \(5\)](#) may in particular include provision about persons already undertaking activities that are to become licensable activities by virtue of [subsection \(1\)\(a\)](#), such as provision—
- (a) about the application to such persons of [section 4\(1\)](#);
  - (b) about the granting of licences to such persons.
- (7) Regulations under this section may, in particular, also make provision—
- (a) for licences to authorise the holder to carry out the licensable activities in any area, or only in an area specified in the licence;
  - (b) enabling the terms of the licence to be modified so as to extend or restrict the area in which the licence holder may carry on the licensable activities;
  - (c) specifying that a licence, and any modification of a licence, must be in writing;
  - (d) for a licence, if not previously revoked, to continue in force for such period as may be specified in or determined by or under the licence;
  - (e) conferring functions on the Secretary of State or the Authority.
- (8) In this section, “energy smart appliance”, “load control” and “relevant electronic communications network” have the same meaning as in Part 8 of the Energy Act 2023.]

---

#### Textual Amendments

**F1** Ss. 56FBA, 56FBB inserted (11.1.2024) by [Energy Act 2023 \(c. 52\)](#), s. 334(1), [Sch. 19 para. 2](#); S.I. 2024/32, reg. 2(b)(iii)

**Changes to legislation:**

Electricity Act 1989, Section 56FBA is up to date with all changes known to be in force on or before 19 June 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.

[View outstanding changes](#)

**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. 4(1)(f) and word inserted by [2023 c. 52 s. 186\(3\)\(b\)](#)
- s. 4(1)(ca) inserted by [2023 c. 52 s. 166\(2\)](#)
- s. 4(1)(da) inserted by [2023 c. 52 s. 205\(2\)\(b\)](#)
- s. 4(3H)(3I) inserted by [2023 c. 52 s. 186\(4\)](#)
- s. 4(3CA) inserted by [2023 c. 52 s. 205\(3\)](#)
- s. 4(3EA) inserted by [2023 c. 52 s. 205\(5\)](#)
- s. 6(1)(g) and word inserted by [2023 c. 52 s. 186\(7\)\(b\)](#)
- s. 6(1)(ea) inserted by [2023 c. 52 s. 205\(8\)\(b\)](#)
- s. 6(2C) inserted by [2023 c. 52 s. 186\(8\)](#)
- s. 6(2AA) inserted by [2023 c. 52 s. 205\(9\)](#)
- s. 6(6E) inserted by [2023 c. 52 s. 205\(10\)](#)
- s. 7(3GA) inserted by [2023 c. 52 s. 186\(17\)](#)
- s. 7A(11B) inserted by [2023 c. 52 s. 186\(18\)](#)
- s. 8A(1C) inserted by [2023 c. 52 s. 206\(6\)](#)
- s. 10NA inserted by [2023 c. 52 s. 207\(2\)](#)
- s. 11E(2)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(b\)\(iii\)](#)
- s. 15(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3(2)(b) (as substituted) by [S.I. 2019/1245 reg. 19](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 25(8A) inserted by [2023 c. 52 Sch. 14 para. 7\(3\)](#)
- s. 44A inserted by [1992 c. 43 s. 23](#)
- s. 44A(6)(b)(i) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 44B(1)(a)(iia) inserted by [2023 c. 52 Sch. 17 para. 8](#)
- s. 44B(1)(vi) and word inserted by [S.I. 2024/706 reg. 3\(11\)\(b\)](#)
- s. 56C(6)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(d\)\(ii\)](#)
- Sch. 6A para. 9ZA and cross-heading inserted by [2023 c. 52 Sch. 14 para. 8](#)
- Sch. 6A para. 4A and cross-heading inserted by [S.I. 2024/706 reg. 3\(14\)\(b\)](#)