Energy Act 2004

CHAPTER 20

ENERGY ACT 2004

PART 1

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Chargeable gains: degrouping charges
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Chargeable gains: disposal of debts
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Capital allowances: transfer of plant or machinery
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Capital allowances: transfer not to be transaction between connected persons
22 For the purposes of Part 2 of the 2001 Act...

Continuity in relation to loan relationships
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Continuity in relation to derivative contracts
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Use of additional inspectors for an inquiry
7 (1) This paragraph applies in the case of—

Combined notices
8 A notice required by or under this Schedule may be...

Parliamentary control of regulations
9 Regulations under this Schedule— (a) if made by the Secretary...

SCHEDULE 17 — Conversion of existing transmission licences: licensing scheme

Licensing scheme
1 (1) Before the commencement of section 136, the Secretary of...

Consequential amendment of related codes and agreements
2 The Secretary of State may include in a scheme under...

Effect of licensing scheme
3 (1) A scheme under paragraph 1 shall, by virtue of...

Modification of licensing scheme
4 (1) If at any time after a scheme under paragraph...

Consultation by the Secretary of State
5 (1) Before carrying out any function under this Schedule the...
“Existing transmission licence”

6 In this Schedule, references to an existing transmission licence are...

SCHEDULE 18 — Property arrangements schemes

Scheme-making power

1 (1) GEMA may, on application, make a scheme providing for—...

Applications for schemes

2 (1) An application for the making of a property arrangements...

GEMA’s functions in relation to applications

3 (1) On an application for the making of a property...
4 (1) Subject to the following provisions of this paragraph, where...
5 (1) A determination under paragraph 4, so far as relating...
6 GEMA may require any of the following persons to give...
7 GEMA may engage such consultants as it thinks fit for...

Effect of property arrangements scheme

8 A property arrangements scheme shall, by virtue of this paragraph,...
9 (1) A transaction of any description effected by or under...

Review of determinations

10 (1) Any person aggrieved by a determination of GEMA under...
11 (1) This paragraph applies where— (a) the Competition Appeal...
12 (1) This paragraph applies where— (a) the Competition Appeal...
13 (1) This paragraph applies where— (a) the Competition Appeal...
14 An order under paragraph 10(4)(b) may include provision for the...
15 Section 120(6) to (8) of the Enterprise Act 2002 (c....

Interim arrangements pending review of determination

16 (1) This paragraph applies where— (a) a person makes an...
17 (1) This paragraph applies where— (a) a person makes an...
18 In exercising its powers under paragraph 16 or 17, the...
19 Paragraphs 16 and 17 are without prejudice to any powers...
20 (1) If an order under paragraph 16 or 17 is...

Supplementary

21 The Secretary of State may by order designate the holder...
22 An application under this Schedule is not allowed to be...
23 (1) In this Schedule— “existing transmission licence” means a...

SCHEDULE 19 — Consequential amendments relating to Chapter 1 of Part 3
**Water (Scotland) Act 1980 (c. 45)**

1. In Schedule 4 to the Water (Scotland) Act 1980 (provisions...)

**Telecommunications Act 1984 (c. 38)**

2. In section 98(9) of the Telecommunications Act 1984, in the...

**Electricity Act 1989 (c. 29)**

3. The 1989 Act is amended as follows.
4. In section 3A(5)(a), for “transmit, distribute or supply” substitute “...
5. In section 6 (licences authorising supply etc.), for subsection (7)...
6. In section 6A (procedure for licence applications), in subsection (1)...
7. (1) Section 6B (applications for transmission licence) is amended as...
8. (1) Section 9 (general duties of licence holders) is amended...
9. (1) Section 10 (powers of licence holders) is amended as...
10. In section 29 (regulations relating to supply and safety), in...
11. In section 30 (electrical inspectors), in subsection (2)(a) (duty to...
12. (1) Section 35 (which supplements section 34 about fuel stocks...
13. In section 43B (supplementary provision about orders under section 43A),...
14. In section 58 (directions restricting the use of certain information)—...
15. (1) Section 64 (interpretation of Part 1) is amended as...
16. In Schedule 9 (preservation of amenity and fisheries), in paragraphs...

**Water Industry Act 1991 (c. 56)**

17. In Schedule 13 to the Water Industry Act 1991 (protective...)

**Water Resources Act 1991 (c. 57)**

18. In Schedule 22 to the Water Resources Act 1991 (protective...)

**Land Drainage Act 1991 (c. 59)**

19. In Schedule 6 to the Land Drainage Act 1991 (protective...)

**Utilities Act 2000 (c. 27)**

20. In section 33(1) of the Utilities Act 2000 (which provides...)

**SCHEDULE 20** — Conduct of energy administration

Part 1 — APPLICATION OF SCHEDULE B1 TO THE 1986 ACT

Application of Schedule B1 provisions

1. (1) The provisions of Schedule B1 to the 1986 Act...
2. Those provisions of Schedule B1 to the 1986 Act are...
   Part 2 — MODIFICATIONS OF SCHEDULE B1

Introductory

3. The modifications set out in this Part of this Schedule...
General modifications of the applicable provisions

4  In those provisions— (a) for “administration application” in each place...

Specific modifications

5  (1) In paragraph 1, for sub-paragraph (1) (which defines “administrator”)...
6  In paragraph 40 (dismissal of pending winding-up petition), omit sub-paragraphs...
7  In paragraph 42 (moratorium on insolvency proceedings), omit sub-paragraphs (4)...
8  In paragraph 44 (interim moratorium), omit sub-paragraphs (2) to (4)...
9  In paragraph 46(6) (date for notifying administrator’s appointment), for paragraphs...
10 (1) In sub-paragraph (2)(b) of paragraph 49 (administrator’s proposals) for...
11  For paragraph 54 (revision of administrator’s proposals) substitute— (1) The energy administrator of a company may on one...
12  In paragraph 60 (powers of an administrator), the existing text...
13  (1) In paragraph 68 (management duties of an administrator), for...
14  In paragraphs 71(3)(b) and 72(3)(b) (handling of secured property), for...
15  In paragraph 73(3) (which contains a reference to the administrator’s...
16  (1) In paragraph 74 (challenge to administrator’s conduct), for sub-paragraph...
17  In paragraph 75(2) (misfeasance), after paragraph (b) insert—
18  (1) In paragraph 79 (end of administration), for sub-paragraphs (1)...
19  In paragraph 83(3) (notice to registrar when moving to voluntary...
20  (1) In paragraph 84 (notice to registrar when moving to...
21  In paragraph 87 (resignation of administrator), for sub-paragraph (2)(a) to...
22  In paragraph 89 (administrator ceasing to be qualified), for sub-paragraph...
23  In paragraph 90 (filling vacancy in office of administrator), for...
24  (1) In paragraph 91 (vacancies in court appointments), for sub-paragraph...
25  In paragraph 98 (discharge from liability on vacation of office),...
26  (1) In paragraph 99 (charges and liabilities upon vacation of...
27  In paragraph 100 (joint and concurrent administrators), omit sub-paragraph (2)...
28  In paragraph 101(3) (joint administrators), after “87 to” insert “...
29  (1) In paragraph 103 (appointment of additional administrators), in sub-paragraph...
30  In paragraph 106 (penalties), omit sub-paragraph (2)(a), (b), (f), (g)...
31  In paragraph 109 (references to extended periods), omit “or 108”...
32  (1) In sub-paragraph (1) of paragraph 111 (interpretation)—

Part 3 — FURTHER SCHEDULE B1 MODIFICATIONS FOR NON-GB COMPANIES

Introductory

33 (1) Where the provisions of Schedule B1 to the 1986...
34 In paragraphs 35 to 40— (a) the provisions of Schedule...

**Modifications**

35 In the case of a non-GB company—
36 (1) The applicable provisions and Schedule 1 to the 1986...
37 (1) Paragraph 41 of Schedule B1 to the 1986 Act...
38 Paragraph 43(6A) of Schedule B1 to the 1986 Act (moratorium...
39 Paragraph 44(7) of Schedule B1 to the 1986 Act (proceedings...
40 Paragraph 64 of Schedule B1 to the 1986 Act (general...

Part 4 — OTHER MODIFICATIONS

**General modifications**

41 (1) Subject to paragraph 42, every reference falling within sub-
paragraph...
42 (1) Paragraph 41, in its application to section 1(3) of...

**Modifications of 1986 Act**

43 In section 5 of the 1986 Act (effect of approval... 
44 (1) Section 6 of that Act (challenge of decisions in...
45 In section 129(1A) of that Act (commencement of winding up),...

**Power to make further modifications**

46 (1) The Secretary of State may by order make such...

**Interpretation of Part 4 of Schedule**

47 In this Part of this Schedule— “administration order”, “administrator”,
“enters...

SCHEDULE 21 — Energy transfer schemes

**Application of Schedule**

1 This Schedule applies where— (a) the court has made an...
2 It is for the energy administrator, while the energy administration...

**Making of energy transfer schemes**

3 (1) The old energy company may— (a) with the consent...

**Provision that may be made by a scheme**

4 (1) An energy transfer scheme may contain provision—

**Transfer of licences**

5 (1) The provision that may be made by an energy...

**Powers and duties under statutory provisions**

6 (1) The provision that may be made by an energy...
Supplemental provisions relating to transfers

7  (1) An energy transfer scheme may make incidental, supplemental, consequential...

Effect of scheme

8  (1) In relation to each provision of an energy transfer...

Subsequent modification of scheme

9  (1) The Secretary of State may by notice to the...

Transfers in the case of non-GB companies

10 Where the old energy company is a non-GB company, the...

Provision relating to foreign property etc.

11 (1) Where there is a transfer in accordance with an...

Application of Schedule to transfers to subsidiaries

12 Where the proposed transfer falling within subsection (3) of section...

Interpretation

13 In this Schedule— “energy transfer scheme” has the meaning given...

SCHEDULE 22 — Procedure for appeals under section 173

Application for permission to bring appeal

1 (1) An application for permission to bring an appeal may...

Addition of parties to appeal

2  (1) This paragraph applies if— (a) before the end of...

Suspension of decision

3  (1) Where permission has been granted to bring an appeal...

Time limit for representations and observations by GEMA

4  (1) Where GEMA wishes to make representations or observations to...

Consideration and determination of appeal by group

5  (1) . . . . . . . . . . . .

Timetable for determination of appeal

6  (1) The CMA must determine an appeal before the end...

Matters to be considered on appeal

7  The CMA, if it thinks it necessary to do so...
Production of documents

8  (1) The CMA may, by notice, require a person to...

Oral hearings

9  (1) For the purposes of this Schedule an oral hearing...

Written statements

10 (1) The CMA may, by notice, require a person to...

Defaults in relation to evidence

11 (1) If a person (“the defaulter”)— (a) fails to comply...

Appeal rules

12 (1) The CMA Board may make rules regulating the conduct...

Costs

13 (1) A group that determines an appeal must make an...

The Secretary of State’s power to modify time limits

14 (1) The Secretary of State may by order modify any...

Interpretation of Schedule

15 (1) In this Schedule— “appeal” means an appeal under section...

SCHEDULE 23 — Repeals
   Part 1 — REPEALED PROVISIONS
   Part 2 — SAVINGS ETC.

1  The repeal by this Act of section 19 of the...
2  The repeal by this Act of a provision of the...
3  The repeal by this Act of section 76 of the...
### Changes to legislation:

Energy Act 2004 is up to date with all changes known to be in force on or before 16 April 2020. 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

<table>
<thead>
<tr>
<th>Changes and effects yet to be applied to:</th>
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<tbody>
<tr>
<td>– s. 137(3)(a) word omitted by 2011 c. 16 s. 117(a)</td>
</tr>
<tr>
<td>– s. 137(3)(za) omitted by S.I. 2019/530 reg. 73</td>
</tr>
<tr>
<td>– s. 146(5) words omitted by S.I. 2019/530 reg. 74</td>
</tr>
<tr>
<td>– s. 150(5) words omitted by S.I. 2019/530 reg. 75</td>
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<tr>
<td>– Sch. 21 para. 4(2)(f) words omitted by S.I. 2019/530 reg. 76</td>
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<th>Changes and effects yet to be applied to the whole Act associated Parts and Chapters:</th>
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<tbody>
<tr>
<td>Whole provisions yet to be inserted into this Act (including any effects on those provisions):</td>
</tr>
<tr>
<td>– s. 137(3)(c)-(e) inserted by 2011 c. 16 s. 117(b)</td>
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