



# Energy Prices Act 2022

## 2022 CHAPTER 44

### *Final provisions*

#### **24 Concurrent exercise of powers by the Department for the Economy**

Schedule 5 provides for certain powers of the Secretary of State under this Act to be exercisable concurrently by the Department for the Economy in Northern Ireland.

#### **25 Time limits on exercise of certain powers under this Act**

Schedule 6 provides for time limits on the exercise of certain powers conferred by this Act.

#### **26 Regulations**

- (1) Regulations made under this Act by the Secretary of State are to be made by statutory instrument.
- (2) A power to make regulations under this Act includes power to make—
  - (a) different provision for different purposes or cases;
  - (b) incidental, supplementary or consequential provision;
  - (c) transitional, transitory or saving provision.
- (3) Where regulations under this Act are subject to the negative procedure, the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Where regulations under this Act—
  - (a) are subject to the affirmative procedure, and
  - (b) are made after the initial period,they may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Where regulations under this Act—

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- (a) are subject to the affirmative procedure, and
  - (b) are made during the initial period,
- the statutory instrument containing them must be laid before Parliament after being made.
- (6) Regulations contained in a statutory instrument laid before Parliament under subsection (5) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
  - (7) In calculating the period of 28 days, no account is to be taken of any whole days that fall within a period during which—
    - (a) Parliament is dissolved or prorogued, or
    - (b) either House of Parliament is adjourned for more than four days.
  - (8) If regulations cease to have effect as a result of subsection (7), that does not—
    - (a) affect the validity of anything previously done under the regulations, or
    - (b) prevent the making of new regulations.
  - (9) Any provision that may be included in regulations under this Act subject to the negative procedure may be made by regulations subject to the affirmative procedure.
  - (10) If a draft of a statutory instrument containing regulations made under this Act by the Secretary of State would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if were not a hybrid instrument.
  - (11) In this section “initial period” means the period of six months beginning with the day on which this Act is passed.

## **27 Consequential provision etc**

- (1) The Secretary of State may, by regulations, make provision that is consequential on—
  - (a) this Act, or
  - (b) regulations under this Act.
- (2) The Secretary of State may, by regulations, make any provision which the Secretary of State considers appropriate in connection with—
  - (a) a domestic energy price reduction scheme (including its establishment, modification or revocation), or
  - (b) anything done or proposed to be done under, or given effect by, section 13, any other provision of this Act or any regulations under this Act.
- (3) The Secretary of State may, by regulations, make transitional, transitory or saving provision in connection with—
  - (a) any provision of this Act ceasing to have effect to any extent, or
  - (b) any power ceasing to be exercisable by the Secretary of State or by the Department for the Economy in Northern Ireland,

under Schedule 4, 5 or 6.
- (4) Regulations under subsection (3) may, in particular, make provision for the transfer of property, rights and liabilities (whether or not otherwise capable of being transferred), including any acquired or arising after the regulations are made.

- (5) Regulations under subsection (1) or (2) may amend or repeal provision made by primary legislation passed before, or in the same Session as, this Act.
- (6) Regulations under subsection (5) (whether alone or with other provision) are subject to the affirmative procedure.
- (7) Any other regulations under subsection (1) or (2) are subject to the negative procedure.
- (8) Schedule 7 contains amendments of legislation.
- (9) For provision about the modification of energy licences, see section 21.

## 28 Interpretation

- (1) For the purposes of this Act something is done “in response to the energy crisis” if it is done for the purpose of responding to a relevant change in the price of energy (including responding to a cause or effect, or anticipated cause or effect, of a relevant change).
- (2) A change in the price of energy is a “relevant change” if it—
  - (a) occurred on or after 1 January 2022 and before this Act came into force, or
  - (b) occurs after this Act is passed.
- (3) Subsections (1) and (2) do not prevent something from being done in response to the energy crisis that will or may produce a result that is different from the position at a time before 1 January 2022.
- (4) In this Act—
  - “affirmative procedure” is to be construed in accordance with section 26(4) to (7);
  - “domestic electricity price reduction scheme for Great Britain” has the meaning given in section 1(2);
  - “domestic electricity price reduction scheme for Northern Ireland” has the meaning given in section 5(2);
  - “domestic energy price reduction scheme” means—
    - (a) a domestic electricity price reduction scheme for Great Britain,
    - (b) a domestic electricity price reduction scheme for Northern Ireland,
    - (c) a domestic gas price reduction scheme for Great Britain, or
    - (d) a domestic gas price reduction scheme for Northern Ireland;
  - “domestic gas price reduction scheme for Great Britain” has the meaning given in section 1(4);
  - “domestic gas price reduction scheme for Northern Ireland” has the meaning given in section 5(4);
  - “energy” means—
    - (a) natural gas,
    - (b) petroleum (in any form),
    - (c) any other substance (whether solid, liquid or gaseous) used as fuel, and
    - (d) electricity;
  - “GEMA” means the Gas and Electricity Markets Authority;

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“modify” includes amend, repeal and revoke (and, in particular, a power to modify an agreement includes power to make a person a party to an agreement, or to discharge a party from the party’s obligations under the agreement);

“negative procedure” is to be construed in accordance with section 26(3);

“Northern Ireland Regulator” means the Northern Ireland Authority for Utility Regulation;

“primary legislation” means—

- (a) an Act,
- (b) an Act or Measure of Senedd Cymru,
- (c) an Act of the Scottish Parliament, or
- (d) Northern Ireland legislation;

“subordinate legislation” means an instrument made under primary legislation.

## **29 Application to the Crown**

This Act binds the Crown.

## **30 Extent, commencement and short title**

- (1) These provisions of this Act extend to England and Wales and Scotland—
  - (a) sections 1 to 4;
  - (b) sections 9 and 10 and Schedule 1;
  - (c) section 20 and Schedule 3.
- (2) These provisions of this Act extend to Northern Ireland only—
  - (a) sections 5 to 8;
  - (b) sections 11 and 12 and Schedule 2;
  - (c) section 23 and Schedule 4;
  - (d) section 24 and Schedule 5.
- (3) The amendments made by Schedule 7 have the same extent as the legislation amended.
- (4) The other provisions of this Act extend to England and Wales, Scotland and Northern Ireland.
- (5) Section 18 comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (6) The other provisions of this Act come into force on the day on which it is passed.
- (7) The Secretary of State may, by regulations, make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (8) This Act may be cited as the Energy Prices Act 2022.