



Energy Act 2023

CHAPTER 52

ENERGY ACT 2023

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Status: This is the original version (as it was originally enacted).

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Status: This is the original version (as it was originally enacted).

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- 3 In section 5 (annual and other reports of Authority), after...
- 4 In section 5XA (laying of accounts before Scottish Parliament and...
- 5 In section 105 (general restrictions on disclosure of information)—
- 6 Enterprise Act 2002
- 7 In section 136 (investigations and reports on market investigation references),...
- 8 (1) Section 168 (regulated markets) is amended as follows.
- 9 Enterprise and Regulatory Reform Act 2013

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- 2 In section 6A(1) (power to grant exemptions from prohibition), for...
- 3 (1) Section 28 (orders for securing compliance with certain provisions)...
- 4 In Schedule 4B (provisions imposing obligations enforceable as relevant requirements),...
- 5 Electricity Act 1989
- 6 In section 5(1) (power to grant exemptions from prohibition), for...
- 7 (1) Section 25 (orders for securing compliance) is amended as...
- 8 In Schedule 6A (provisions imposing obligations enforceable as relevant requirements),...
- 9 Energy Act 2004
- 10 In section 173 (appeals to the Competition and Markets Authority),...
- 11 (1) Schedule 22 (procedure for appeals under section 173) is...
- 12 Energy Act 2023

Schedule 15 — Competitive tenders for electricity projects

Part 1 — AMENDMENTS OF ELECTRICITY ACT 1989

- 1 The Electricity Act 1989 is amended as follows.
- 2 After section 6B insert— Meaning of “relevant electricity project”, “relevant...”
- 3 For sections 6C and 6D substitute— Competitive tenders (1) The Authority may by regulations (“tender regulations”) make such...

Status: This is the original version (as it was originally enacted).

- 4 In section 6E (property schemes)— (a) for “offshore transmission licences”...
- 5 (1) Section 6F (offshore transmission during commissioning period) is amended...
- 6 (1) Section 6G (meaning of “commissioning period”) is amended as...
- 7 (1) Section 6H (modification of codes or agreements) is amended...
- 8 In section 11A (modification of conditions of licences), after subsection...
- 9 In section 64(1) (interpretation etc of Part 1), at the...
- 10 Schedule 2A (property schemes) is amended in accordance with paragraphs...
- 11 For paragraph 1 substitute— Scheme-making power (1) This paragraph applies where a tender exercise is held...
- 12 In paragraph 2, at the end insert—
- 13 Omit paragraph 5.
- 14 In paragraph 12, for “operational purposes” substitute “construction, commissioning or...”
- 15 For paragraph 13 substitute— On an application for a property scheme, no scheme may...
- 16 In paragraph 14— (a) in sub-paragraph (4), for “operational purposes”...
- 17 In paragraph 15(2), for “operational purposes” substitute “construction, commissioning or...”
- 18 Omit paragraph 16(1)(d).
- 19 In paragraph 25(2), for “operational purposes” substitute “construction, commissioning or...”
- 20 In paragraph 30, for “operational purposes” substitute “construction, commissioning or...”
- 21 (1) Paragraph 35 is amended as follows.
- 22 In paragraph 36— (a) omit sub-paragraph (1);
- 23 After paragraph 36 insert— Transmission owner and distribution network owner...
- 24 In paragraph 38(1)— (a) at the appropriate place insert— “construction,...
- 25 (1) In Schedule 4 (powers of licence holders), paragraph 6...
- Part 2 — OTHER AMENDMENTS
- 26 Utilities Act 2000
- Schedule 16 — Mergers of energy network enterprises
- Part 1 — FURTHER DUTIES OF COMPETITION AND MARKETS AUTHORITY TO MAKE REFERENCES
- 1 Part 3 of the Enterprise Act 2002 (mergers) is amended...
- 2 After section 68 insert— Mergers of energy network enterprises in...
- 3 After Schedule 5 insert— Schedule 5A Energy network mergers affecting...
- Part 2 — CONSEQUENTIAL AMENDMENTS OF PART 3 OF ENTERPRISE ACT 2002
- 4 Part 3 of the Enterprise Act 2002 is amended as...
- 5 (1) Section 22 (duty to make references in relation to...
- 6 In section 33(3)(c) (circumstances in which references in relation to...
- 7 (1) Section 42 (intervention by Secretary of State in certain...
- 8 In section 56(2) (competition cases where intervention on public interest...
- 9 In section 57(1) (duties of CMA and OFCOM to inform...

- 10 In the italic heading at the beginning of Chapter 4,...
- 11 (1) Section 72 (initial enforcement orders: completed or anticipated mergers)...
- 12 (1) Section 73 (undertakings in lieu of references) is amended...
- 13 (1) Section 73A (time-limits for consideration of undertakings) is amended...
- 14 (1) Section 74 (effect of undertakings under section 73) is...
- 15 In section 77(1)(a) (restrictions on certain dealings: completed mergers), after...
- 16 In section 78(1)(a) (restrictions on certain share dealings: anticipated mergers),...
- 17 In section 79(1) and (2) (sections 77 and 78: further...
- 18 In section 80(1), (7) and (8) (interim undertakings), for “or...
- 19 In section 81(1), (7) and (8) (interim orders), for “or...
- 20 In section 82(3) and (4) (final undertakings), for “or 33”...
- 21 In section 84(5) (final orders), for “or 33” substitute “,...
- 22 (1) Section 100 (exceptions to protection given by merger notices)...
- 23 In section 104(6) (certain duties of relevant authorities to consult),...
- 24 In section 105(1) (general information duties of CMA), for “or...
- 25 (1) Section 106 (advice and information about references) is amended...
- 26 (1) Section 107 (further publicity requirements) is amended as follows....
- 27 In section 109(A1)(a) (attendance of witnesses and production of documents)...
- 28 In section 110A(5) and (6) (restriction on powers to impose...
- 29 In section 110B(1) and (2) (restriction on powers to impose...
- 30 In section 121(3)(a) (fees), for “or 33” substitute “, 33,...
- 31 In section 124(5) (orders and regulations), at the beginning insert...
- 32 In section 127(3) (associated person), for “or 62” substitute “,...
- 33 (1) The table in section 130 (index of defined expressions)...
- 34 (1) Schedule 7 (enforcement regime for public interest and special...
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- 36 Enterprise and Regulatory Reform Act 2013

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- 2 In section 3A (principal objective and general duties of Secretary...
- 3 In section 3F(2) (Gas and Electricity Markets Authority to cooperate...
- 4 In section 7 (conditions of licences: general)—
- 5 In section 29 (regulations relating to supply and safety)—
- 6 In section 30 (electrical inspectors), in subsection (2)(a), after “interconnectors”...
- 7 In section 43 (functions with respect to competition)—
- 8 In subsection 44B (meaning of “section 44B dispute”), in subsection...
- 9 In section 56A(4) (scope of power to alter activities requiring...
- 10 In section 58(2) (direction restricting the use of certain information),...
- 11 In section 98(1) (provision of statistical information), after “interconnectors” insert...
- 12 Scotland Act 1998
- 13 Utilities Act 2000
- 14 Energy Act 2004
- 15 Civil Contingencies Act 2004

Status: This is the original version (as it was originally enacted).

- 16 Consumers, Estate Agents and Redress Act 2007
- 17 Energy Act 2013
- 18 Regulation (EU) 2019/943 of the European Parliament and of the Council of 5th June 2019 on the internal market for electricity (recast)
- 19 United Kingdom Internal Market Act 2020

- Schedule 18 — Heat networks regulation
 - Part 1 — INTERPRETATION
 - 1 In this Schedule— “code manager licence” has the meaning given...
 - Part 2 — GENERAL PROVISION AS TO THE REGULATOR
 - 2 Objectives
 - 3 General duties
 - 4 (1) The regulations may provide for the Regulator to have...
 - 5 Delegation of functions
 - 6 Monitoring, records and information
 - 7 (1) The regulations may require the Regulator to collect information...
 - 8 (1) The regulations may make provision requiring the Regulator to...
 - 9 (1) The regulations may make provision restricting the disclosure of...
 - 10 (1) The regulations may make provision for the purpose of...
 - 11 Other general provision
 - Part 3 — HEAT NETWORK AUTHORISATIONS
 - 12 Prohibition from carrying on regulated activity
 - 13 Heat network authorisations
 - 14 (1) The regulations may make provision about the conditions to...
 - 15 Conditions about technical standards: further provision
 - 16 Conditions about continuity of supply: further provision
 - 17 Conditions of the sort referred to in paragraph 14(4)(f) may,...
 - 18 Modification of heat network authorisations
 - 19 Review and revocation of heat network authorisations
 - 20 (1) The regulations may provide— (a) for the revocation of...
 - 21 Initial period
 - Part 4 — CODE GOVERNANCE
 - 22 Designated documents
 - 23 Prohibition on performing the function of a code manager
 - 24 Licensed code managers
 - 25 (1) The regulations may, in relation to England and Wales...
 - 26 (1) The regulations may make provision about the contents of...
 - 27 The regulations may provide for the Regulator to make payments...
 - 28 (1) The regulations may provide for the modification by the...
 - 29 Review and revocation of code manager licences
 - 30 (1) The regulations may provide— (a) for the revocation of...
 - Part 5 — INSTALLATION AND MAINTENANCE LICENCES
 - 31 Installation and maintenance licences
 - 32 Rights that may be conferred
 - 33 Further provision about installation and maintenance licences
 - 34 (1) The regulations may provide for the modification by the...
 - 35 Review and revocation of installation and maintenance licences
 - 36 (1) The regulations may provide— (a) for the revocation of...
 - Part 6 — ENFORCEMENT OF CONDITIONS AND REQUIREMENTS
 - 37 Methods of enforcement
 - 38 Final and provisional orders
 - 39 Penalties
 - 40 Consumer redress orders

- 41 Functions under Part 1 of the Competition Act 1998 and Part 4 of the Enterprise Act 2002
Part 7 — INVESTIGATION
- 42 Investigation of charges
- 43 Powers to require information etc
Part 8 — STEP-IN ARRANGEMENTS
- 44 The regulations may make provision for, or in connection with,...
- 45 (1) The regulations may provide for the Regulator to make...
- 46 (1) The regulations may— (a) provide for the old entity...
- Part 9 — SPECIAL ADMINISTRATION REGIME
- 47 The regulations may make provision for, or in connection with,...
- 48 (1) The regulations may make provision for a court to...
- 49 (1) The regulations may make provision about the objectives of...
- 50 (1) The regulations may make provision for applying, with such...
- 51 In this Part— “company” means— a company registered under the...
- Part 10 — SUPPLY TO PREMISES
- 52 (1) The regulations may make provision about—
- 53 The regulations may— (a) impose duties, in circumstances specified by...
- 54 The regulations may— (a) make provision as to the meters...
- 55 The regulations may— (a) prohibit the making of a charge...
- 56 The regulations may— (a) confer powers to enter premises for...
- 57 The regulations may revoke or amend the Heat Network (Metering...
Part 11 — CONSUMER PROTECTION
- 58 Standards of performance
- 59 (1) The regulations may provide for the Regulator, from time...
- 60 (1) The regulations may make provision about the steps to...
- 61 Consumer advocacy bodies
- 62 Complaints handling and redress schemes
- 63 Consumer complaints and dispute resolution arrangements: Northern Ireland
- 64 The regulations may, in relation to Northern Ireland, make provision...
- 65 Documents for Citizens Advice, Consumer Scotland and the General Consumer Council for Northern Ireland
Part 12 — FINANCIAL ARRANGEMENTS
- 66 (1) The regulations may provide for the Regulator to include...
- 67 (1) The regulations may provide for the Regulator to include...
- 68 The regulations may make provision for the Regulator to pay...
- Part 13 — MISCELLANEOUS AND GENERAL
- 69 Consultation and cooperation
- 70 The regulations may require the Regulator to assist a public...
- 71 Objectives of the Secretary of State and the Department
- 72 Offences
- 73 (1) The regulations may provide for an offence created by...
- 74 Crown application
- Schedule 19 — Licensing of activities relating to load control
- 1 The Electricity Act 1989 is amended as follows.
- 2 After section 56FB insert— New licensable activities: load control of...
- 3 At the end of section 56FC(2) (competitive tenders: definition of...
- 4 In section 106(2)(a) (regulations and orders), after “State” insert “(other...

Schedule 20 — Enforcement undertakings

- 1 Procedure
- 2 Variation of terms
- 3 Compliance certificates
- 4 Inaccurate, incomplete or misleading information
- 5 Appeal against decision under paragraph 3 or 4

Schedule 21 — Petroleum licences: amendments to model clauses

Part 1 — PETROLEUM (PRODUCTION) (LANDWARD AREAS) REGULATIONS
1995

- 1 In the Petroleum (Production) (Landward Areas) Regulations 1995 (S.I. 1995/1436),...
 - 2 After clause 37 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
 - 3 (1) Clause 38 (power of revocation) is amended as follows....
 - 4 (1) Clause 38A (power of partial revocation) is amended as...
- Part 2 — PETROLEUM (CURRENT MODEL CLAUSES) ORDER 1999
- 5 Introduction
 - 6 Part 2 of Schedule 2
 - 7 After clause 38 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
 - 8 (1) Clause 39 (power of revocation) is amended as follows....
 - 9 (1) Clause 39A (power of partial revocation) is amended as...
 - 10 Part 2 of Schedule 3
 - 11 After clause 36 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
 - 12 (1) Clause 37 (power of revocation) is amended as follows....
 - 13 (1) Clause 37A (power of partial revocation) is amended as...
 - 14 Part 2 of Schedule 4
 - 15 After clause 37 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
 - 16 (1) Clause 38 (power of revocation) is amended as follows....
 - 17 (1) Clause 38A (power of partial revocation) is amended as...
 - 18 Part 2 of Schedule 5
 - 19 After clause 39 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
 - 20 (1) Clause 40 (power of revocation) is amended as follows....
 - 21 (1) Clause 40A (power of partial revocation) is amended as...
 - 22 Part 2 of Schedule 6
 - 23 After clause 38 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
 - 24 (1) Clause 39 (power of revocation) is amended as follows....
 - 25 (1) Clause 39A (power of partial revocation) is amended as...
 - 26 Part 2 of Schedule 8
 - 27 After clause 35 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
 - 28 (1) Clause 36 (power of revocation) is amended as follows....
 - 29 (1) Clause 36A (power of partial revocation) is amended as...
 - 30 Part 2 of Schedule 9
 - 31 After clause 41 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
 - 32 (1) Clause 42 (power of revocation) is amended as follows....
 - 33 (1) Clause 42A (power of partial revocation) is amended as...

- 34 Part 2 of Schedule 10
- 35 After clause 41 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
- 36 (1) Clause 42 (power of revocation) is amended as follows....
- 37 (1) Clause 42A (power of partial revocation) is amended as...
- 38 Part 2 of Schedule 13
- 39 After clause 32 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
- 40 (1) Clause 33 (power of revocation) is amended as follows....
- 41 (1) Clause 33A (power of partial revocation) is amended as...
- 42 Part 2 of Schedule 14
- 43 After clause 34 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
- 44 (1) Clause 35 (power of revocation) is amended as follows....
- 45 (1) Clause 35A (power of partial revocation) is amended as...
- Part 3 — PETROLEUM LICENSING (EXPLORATION AND PRODUCTION)
(SEAWARD AND LANDWARD AREAS) REGULATIONS 2004
- 46 Introduction
- 47 Schedule 2
- 48 After clause 37 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
- 49 (1) Clause 38 (power of revocation) is amended as follows....
- 50 (1) Clause 38A (power of partial revocation) is amended as...
- 51 Schedule 3
- 52 After clause 38 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
- 53 (1) Clause 39 (power of revocation) is amended as follows....
- 54 (1) Clause 39A (power of partial revocation) is amended as...
- 55 Schedule 4
- 56 After clause 36 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
- 57 (1) Clause 37 (power of revocation) is amended as follows....
- 58 (1) Clause 37A (power of partial revocation) is amended as...
- 59 Schedule 6
- 60 After clause 35 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
- 61 (1) Clause 36 (power of revocation) is amended as follows....
- 62 (1) Clause 36A (power of partial revocation) is amended as...
- Part 4 — PETROLEUM LICENSING (PRODUCTION) (SEAWARD AREAS)
REGULATIONS 2008
- 63 In the Petroleum Licensing (Production) (Seaward Areas) Regulations 2008 (S.I....
- 64 After clause 40 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
- 65 (1) Clause 41 (power of revocation) is amended as follows....
- 66 (1) Clause 42 (power of partial revocation) is amended as...
- Part 5 — PETROLEUM LICENSING (EXPLORATION AND PRODUCTION)
(LANDWARD AREAS) REGULATIONS 2014
- 67 In the Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations...
- 68 After clause 40 insert— Change in control of Licensee (1) This clause applies if— (a) the Licensee is a...
- 69 (1) Clause 41 (power of revocation) is amended as follows....

70 (1) Clause 42 (power of partial revocation) is amended as...

Schedule 22 — Accession to Convention on Supplementary Compensation for
Nuclear Damage

- 1 In section 13 of the Nuclear Installations Act 1965 (“the...
- 2 (1) Section 16 of the 1965 Act (satisfaction of claims)...
- 3 In section 16A of the 1965 Act (section 16: supplementary),...
- 4 After section 16A of the 1965 Act insert— Section 16:...
- 5 In section 17 of 1965 Act (jurisdiction, shared liability and...
- 6 (1) Section 18 of the 1965 Act (general cover for...
- 7 After section 25B of the 1965 Act (amounts in euros)...
- 8 (1) Section 26 of the 1965 Act (interpretation) is amended...