



# Energy Act 2023

## 2023 CHAPTER 52

### PART 15

#### GENERAL

#### **330 Power to make consequential provision**

- (1) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate in consequence of or in connection with—
  - (a) this Act, other than sections 205 to 208, or
  - (b) any provision made under this Act.
- (2) The power to make regulations under subsection (1) may (among other things) be exercised by amending, repealing or revoking—
  - (a) provision made by or under this Act or by or under primary legislation passed before, or in the same Session as, this Act;
  - (b) retained direct EU legislation.
- (3) In this section, “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.
- (4) Subject to subsection (5), regulations under subsection (1) are subject to the negative procedure.
- (5) Where regulations under subsection (1) amend or repeal provision made by primary legislation, the regulations are subject to the affirmative procedure.

#### **331 Regulations**

- (1) Regulations under this Act made by the Secretary of State, the Treasury or the GEMA are to be made by statutory instrument.

- (2) Regulations under this Act may make—
  - (a) different provision for different purposes or different areas;
  - (b) supplementary, incidental, consequential, transitional or saving provision.
- (3) Where regulations under this Act are subject to the affirmative procedure, 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.
- (4) 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.
- (5) Where regulations under this Act are subject to the made affirmative procedure, the statutory instrument containing them must be laid before Parliament after being made.
- (6) Regulations under this Act 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 \(6\)](#), 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 or the made affirmative procedure.
- (10) Any provision that may be included in regulations under this Act subject to the made affirmative procedure may be made by regulations subject to the affirmative procedure.

### **332 General definitions**

In this Act—

“the affirmative procedure” and “the negative procedure” are to be construed in accordance with [section 331\(3\)](#) and [\(4\)](#) respectively and “the made affirmative procedure” is to be construed in accordance with [section 331\(5\)](#);

“the GEMA” means the Gas and Electricity Markets Authority.

### **333 Extent**

- (1) The following provisions extend to England and Wales, Scotland and Northern Ireland, subject to [subsection \(5\)](#)—
  - (a) [Part 1](#), except [Chapter 4](#);
  - (b) [Part 2](#);
  - (c) [Chapter 1](#) of [Part 4](#);

- (d) Chapter 3 of Part 4, except sections 155 and 159;
  - (e) section 204;
  - (f) Chapter 1 of Part 8, except sections 223 and 224;
  - (g) Parts 10, 11, 12 and 13;
  - (h) Chapter 1 of Part 14;
  - (i) section 309;
  - (j) Chapter 3 of Part 14;
  - (k) this Part.
- (2) The following provisions extend to England and Wales and Scotland only, subject to subsection (5)—
- (a) Chapter 4 of Part 1;
  - (b) Part 3;
  - (c) Chapter 2 of Part 4;
  - (d) section 155;
  - (e) section 159;
  - (f) Parts 5 and 6;
  - (g) Part 7, except section 204;
  - (h) section 223;
  - (i) Part 9;
  - (j) Chapter 2 of Part 14, except section 309;
  - (k) Chapter 4 of Part 14.
- (3) Chapter 2 of Part 8 extends to England and Wales only, subject to subsection (5).
- (4) Section 224 extends to Scotland only.
- (5) Any amendment, repeal or revocation has the same extent as the provision amended, repealed or revoked, subject to subsection (6).
- (6) Paragraph 4 of Schedule 5 extends to England and Wales, Scotland and Northern Ireland.

### **334 Commencement**

- (1) The provisions of this Act come into force on such day or days as the Secretary of State may by regulations appoint, subject to subsections (2) to (4).
- (2) The following provisions come into force on the day on which this Act is passed—
- (a) in Chapter 1 of Part 2—
    - (i) section 56;
    - (ii) sections 57 and 58, so far as relating to hydrogen production revenue support contracts and a hydrogen production counterparty;
    - (iii) sections 65 and 66;
    - (iv) section 81(1) to (3), so far as relating to a designation under section 65;
    - (v) section 83, so far as relating to hydrogen production revenue support contracts and a hydrogen production counterparty;
    - (vi) sections 85 and 88, so far as relating to the exercise of any power that comes into force in accordance with this paragraph,

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

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and in this paragraph “hydrogen production revenue support contract” and “hydrogen production counterparty” have the same meaning as in that Chapter;

- (b) section 129;
  - (c) Chapter 1 of Part 4;
  - (d) section 154;
  - (e) section 157;
  - (f) section 158;
  - (g) section 159;
  - (h) in Part 5—
    - (i) sections 169 and 170;
    - (ii) section 174 (including Schedule 9) and section 175 (including Schedule 10);
    - (iii) section 178(2) and (3), so far as relating to other provisions in force by virtue of this paragraph;
    - (iv) sections 180 and 181;
  - (i) section 203 (including Schedule 15);
  - (j) section 204 (including Schedule 16);
  - (k) section 215;
  - (l) Part 8;
  - (m) Part 11, except sections 264 and 265;
  - (n) sections 307, 308 and 309;
  - (o) Chapters 3 and 4 of Part 14;
  - (p) this Part.
- (3) The following provisions come into force at the end of the period of 2 months beginning with the day on which this Act is passed—
- (a) Part 1;
  - (b) Chapters 1 to 3, 5 and 6 of Part 2, so far as not already in force by virtue of subsection (2);
  - (c) Part 3;
  - (d) section 153;
  - (e) section 155;
  - (f) section 160;
  - (f) section 202;
  - (g) sections 211 to 214;
  - (h) Part 10;
  - (i) sections 264 and 265;
  - (j) Chapter 1 of Part 13;
  - (k) section 306.
- (4) Section 305 (including Schedule 22) comes into force on the day on which the Convention on Supplementary Compensation for Nuclear Damage comes into force in respect of the United Kingdom.
- (5) The Secretary of State must publish a notice of the date of that day as soon as possible afterwards.

- (6) Regulations under subsection (1) may appoint different days for different purposes or areas.
- (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.

**335 Short title**

This Act may be cited as the Energy Act 2023.