



Energy Act 2023

2023 CHAPTER 52

PART 5

INDEPENDENT SYSTEM OPERATOR AND PLANNER

Advice, analysis and information

171 Provision of advice, analysis or information

- (1) The ISOP must, so far as reasonably practicable, comply with a request by a person within [subsection \(2\)](#) for the provision of advice, analysis or information to the person in connection with—
 - (a) any of the ISOP's functions,
 - (b) any of the objectives listed in [section 163\(1\)](#), or
 - (c) any of the matters listed in [section 164\(1\)](#).
- (2) The persons within this subsection are—
 - (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975: see [section 8\(1\)](#) of that Act);
 - (b) the GEMA.
- (3) The ISOP must, so far as reasonably practicable, comply with a request made under [subsection \(1\)](#) within such period, and in such form and manner, as the person making the request may reasonably require.

Commencement Information

- I1** S. 171 not in force at Royal Assent, see [s. 334\(1\)](#)
- I2** S. 171 in force at 31.1.2024 by [S.I. 2024/32, reg. 3\(a\)\(vi\)](#)

Status: Point in time view as at 31/01/2024.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Cross Heading: Advice, analysis and information. (See end of Document for details)

172 Power to require information from regulated persons etc

- (1) The ISOP may by notice request from a person within [subsection \(2\)](#) such information as the ISOP reasonably requires in connection with the exercise of any of its functions.
- (2) A person is within this subsection if—
 - (a) the person carries out a relevant activity, or
 - (b) the ISOP reasonably considers that the person intends to carry out a relevant activity.
- (3) A person to whom a request is made under [subsection \(1\)](#) must, so far as reasonably practicable, provide the requested information within such period, and in such form and manner, as may be specified in the notice.
- (4) Where a requirement under [subsection \(3\)](#) is imposed on a regulated person (as defined by section 25(8) of the Electricity Act 1989), it is enforceable by the GEMA as if it were a relevant requirement imposed on the person for the purposes of section 25 of that Act.
- (5) Where a requirement under [subsection \(3\)](#) is imposed on a regulated person (as defined by section 28(8) of the Gas Act 1986), it is enforceable by the GEMA as if it were a relevant requirement imposed on the person for the purposes of section 28 of that Act.
- (6) Where neither of [subsections \(4\)](#) and [\(5\)](#) applies, the duty imposed under [subsection \(3\)](#) on a person is enforceable by the ISOP in civil proceedings—
 - (a) for an injunction,
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
 - (c) for any other appropriate remedy or relief.
- (7) Nothing in this section requires a disclosure of information that would contravene the data protection legislation (within the meaning of the Data Protection Act 2018 - see section 3 of that Act).
In determining whether a disclosure would do so, the duty imposed by [subsection \(3\)](#) is to be taken into account.

Commencement Information

- I3** S. 172 not in force at Royal Assent, see [s. 334\(1\)](#)
I4 S. 172 in force at 31.1.2024 by [S.I. 2024/32, reg. 3\(a\)\(vi\)](#)

173 Duty to keep developments in energy sector under review

The ISOP must keep under review developments relating to the energy sector that may be relevant to the carrying out of any of the ISOP's functions.

Commencement Information

- I5** S. 173 not in force at Royal Assent, see [s. 334\(1\)](#)
I6 S. 173 in force at 31.1.2024 by [S.I. 2024/32, reg. 3\(a\)\(vi\)](#)

Status:

Point in time view as at 31/01/2024.

Changes to legislation:

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