



# 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.

#### **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

---

*Status: This is the original version (as it was originally enacted).*

---

- (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.

### **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.