

Status: Point in time view as at 11/01/2024.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 19. (See end of Document for details)

SCHEDULES

SCHEDULE 19

Section 249

LICENSING OF ACTIVITIES RELATING TO LOAD CONTROL

1 The Electricity Act 1989 is amended as follows.

Commencement Information

- I1** Sch. 19 para. 1 not in force at Royal Assent, see [s. 334\(1\)](#)
I2 Sch. 19 para. 1 in force at 11.1.2024 by [S.I. 2024/32](#), [reg. 2\(b\)\(iii\)](#)

2 After section 56FB insert—

“56FBA New licensable activities: load control of energy smart appliances

- (1) The Secretary of State may by regulations amend this Part so as—
- to provide for one or more activities within subsection (2) to be added to the activities which are licensable activities, or
 - where regulations have previously been made under paragraph (a) in relation to an activity—
 - to amend the definition of the activity, or
 - to provide for the activity to cease to be a licensable activity.
- (2) The activities within this subsection are activities connected with—
- the carrying on or facilitating of load control;
 - the provision of services or facilities related to load control;
- but not the activities mentioned in subsection (3).
- (3) The activities within this subsection are—
- the provision of relevant electronic communications networks;
 - the making, selling, importing or distributing of energy smart appliances;
 - things done by end-users of energy smart appliances (in their capacity as such).
- (4) Regulations under [subsection \(1\)\(a\)](#) may define activities which are to become licensable activities in any manner the Secretary of State considers appropriate, including—
- by reference to the purpose for which an activity is carried out; and
 - by reference to the position of an activity in a sequence of activities necessary to secure a particular outcome.
- (5) Regulations under this section may make consequential, transitional, incidental or supplementary provision, including—

Status: Point in time view as at 11/01/2024.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 19. (See end of Document for details)

- (a) amendments (or repeals) of any provision of this Act or any other enactment, including any enactment comprised in, or an instrument made under, an Act of the Scottish Parliament;
 - (b) in the case of regulations under [subsection \(1\)\(a\)](#), provision determining the conditions which are to be standard conditions for the purposes of licences authorising the undertaking of the activities;
 - (c) provision modifying any standard conditions of licences.
- (6) Transitional provision under [subsection \(5\)](#) may in particular include provision about persons already undertaking activities that are to become licensable activities by virtue of [subsection \(1\)\(a\)](#), such as provision—
- (a) about the application to such persons of [section 4\(1\)](#);
 - (b) about the granting of licences to such persons.
- (7) Regulations under this section may, in particular, also make provision—
- (a) for licences to authorise the holder to carry out the licensable activities in any area, or only in an area specified in the licence;
 - (b) enabling the terms of the licence to be modified so as to extend or restrict the area in which the licence holder may carry on the licensable activities;
 - (c) specifying that a licence, and any modification of a licence, must be in writing;
 - (d) for a licence, if not previously revoked, to continue in force for such period as may be specified in or determined by or under the licence;
 - (e) conferring functions on the Secretary of State or the Authority.
- (8) In this section, “energy smart appliance”, “load control” and “relevant electronic communications network” have the same meaning as in Part 8 of the Energy Act 2023.

56FBB Regulations under [section 56FBA](#)

- (1) Before making regulations under [section 56FBA](#), the Secretary of State must consult—
 - (a) the Authority, and
 - (b) such other persons as the Secretary of State thinks appropriate.
- (2) Subsection (1) may be satisfied by consultation before, as well as by consultation after, the passing of this Act.
- (3) The power to make such regulations may not be exercised after the end of a period of seven years beginning with the day on which the first such regulations come into force (for any purpose).
- (4) Regulations under [section 56FBA](#) may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by resolution of, each House of Parliament.”

Commencement Information

I3 Sch. 19 para. 2 not in force at Royal Assent, see [s. 334\(1\)](#)

I4 Sch. 19 para. 2 in force at 11.1.2024 by S.I. 2024/32, [reg. 2\(b\)\(iii\)](#)

Status: Point in time view as at 11/01/2024.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 19. (See end of Document for details)

- 3 At the end of section 56FC(2) (competitive tenders: definition of “new licensable activities”), insert “or regulations under [section 56FBA\(1\)\(a\)](#)”.

Commencement Information

- I5** Sch. 19 para. 3 not in force at Royal Assent, see [s. 334\(1\)](#)
I6 Sch. 19 para. 3 in force at 11.1.2024 by [S.I. 2024/32](#), [reg. 2\(b\)\(iii\)](#)

- 4 In section 106(2)(a) (regulations and orders), after “State” insert “(other than regulations under [section 56FBA](#))”.

Commencement Information

- I7** Sch. 19 para. 4 not in force at Royal Assent, see [s. 334\(1\)](#)
I8 Sch. 19 para. 4 in force at 11.1.2024 by [S.I. 2024/32](#), [reg. 2\(b\)\(iii\)](#)

Status:

Point in time view as at 11/01/2024.

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Schedule 19.