



Energy Act 2023

2023 CHAPTER 52

PART 5

INDEPENDENT SYSTEM OPERATOR AND PLANNER

General duties

165 Duty to have regard to strategy and policy statement

- (1) The ISOP must, when carrying out its functions, have regard to the strategic priorities set out in the current strategy and policy statement.
- (2) The ISOP must give notice to the Secretary of State if at any time the ISOP concludes that a policy outcome contained in the current strategy and policy statement is not realistically achievable.
- (3) A notice under [subsection \(2\)](#) must include—
 - (a) the grounds on which the conclusion was reached;
 - (b) what (if anything) the ISOP is doing or proposes to do for the purpose of furthering the delivery of the outcome so far as reasonably practicable.
- (4) In this section—
 - “the current strategy and policy statement” means the statement for the time being designated under section 131(1) of the Energy Act 2013;
 - “policy outcome” and “strategic priorities” have the same meaning as in Part 5 of the Energy Act 2013 (see section 131(5) of that Act).
- (5) Part 5 of the Energy Act 2013 is amended as follows.
- (6) In section 131 (designation of strategy and policy statement)—
 - (a) in subsection (2)(c), after “Authority” insert “, the Independent System Operator and Planner”;
 - (b) in subsection (5), after the definition of “the 1986 Act” insert—

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 165. (See end of Document for details)

““Independent System Operator and Planner” means the person for the time being designated under [section 162\(1\)](#) of the Energy Act 2023;”.

- (7) Section 134 (review of strategy and policy statement) is amended as follows.
- (8) In subsection (4), after paragraph (b) insert—
- “(ba) the Independent System Operator and Planner has given notice to the Secretary of State under [section 165\(2\)](#) of the Energy Act 2023 since the relevant time.”.
- (9) After subsection (5) insert—
- “(5A) The Secretary of State may also review the strategy and policy statement at any other time if the Secretary of State considers it appropriate to do so in preparation for or in connection with the designation of a person under [section 162\(1\)](#) of the Energy Act 2023 (Independent System Operator and Planner).”
- (10) In subsection (10), after paragraph (a) insert—
- “(aa) the Independent System Operator and Planner.”.
- (11) In section 135(4) (procedural requirements in relation to strategy and policy statement), after paragraph (a) insert—
- “(aa) the Independent System Operator and Planner.”.

Commencement Information

- I1** S. 165 not in force at Royal Assent, see [s. 334\(1\)](#)
- I2** S. 165 in force at 31.1.2024 by [S.I. 2024/32, reg. 3\(a\)\(ii\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Section 165.