



# Energy Act 2023

## 2023 CHAPTER 52

### PART 6

#### GOVERNANCE OF GAS AND ELECTRICITY INDUSTRY CODES

##### *Licensing and selection of code manager*

PROSPECTIVE

#### **189 Selection on a competitive basis**

- (1) The GEMA may by regulations make provision for a determination by the GEMA on a competitive basis of the person who is to be selected to be the code manager in relation to a designated document.
- (2) Regulations under this section may make provision about the procedure relating to the making of such a determination, which may include provision—
  - (a) in prescribed cases, for the publication of a proposal to select a code manager in relation to a designated document;
  - (b) for the inclusion in such a proposal of an invitation to apply for selection;
  - (c) imposing conditions in relation to the making of applications (whether in pursuance of a proposal published as mentioned in [paragraph \(a\)](#) or otherwise);
  - (d) restricting the making of applications and imposing requirements as to the period within which they must be made;
  - (e) for regulating the manner in which applications are considered or determined;
  - (f) authorising or requiring the GEMA, when determining whom to select, to have regard to the person's suitability for being selected.
- (3) Regulations under this section may make provision by reference to a determination by the GEMA or to the opinion of the GEMA as to any matter.

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 189. (See end of Document for details)*

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- (4) Regulations under this section must make provision so as to ensure that a person (“P”) may not be selected to be the code manager in relation to a designated document unless the GEMA is satisfied that P would not, if selected, have a financial or other interest likely to prejudice the discharge by P of the functions of code manager.
- (5) The approval of the Secretary of State is required for the making of regulations under this section.
- (6) In this section, “prescribed” means prescribed by or determined in accordance with regulations made by the GEMA.

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**Commencement Information**

- II** S. 189 not in force at Royal Assent, see [s. 334\(1\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Section 189.