
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Energy Act 2023 (c. 52) (“the Act”). These are the first set of commencement regulations under the Act.

Regulation 2 brings the following provisions into force on 11th January 2024:

- the sections in Chapter 4 of Part 2 along with Schedule 6 which contain amendments to provisions related to carbon dioxide storage licences issued by the Oil and Gas Authority (OGA) under the Energy Act 2008 and secondary legislation made under that Act;
- the sections of Part 9 and Schedule 19 which will enable a regulatory scheme to be established for energy smart appliances and for the licensing of those who may control the load placed on the grid by those appliances;
- the sections of Part 12 and Schedule 20 which contain provisions to remove or mitigate the effects of core fuel sector disruptions through a number of powers and enforcement mechanisms (including enforcement undertakings provided for in Schedule 20);
- sections 296 to 299 which provide for a number of powers over the oil and gas sector including powers to make regulations about pollution from those activities and to create a new charging scheme for the Secretary of State carrying out of functions under Part 4 of the Petroleum Act 1998 in relation to the abandonment of offshore installations. Only subsections (1) and (2) of section 299 are commenced by these commencement regulations;
- sections 300, 301 and Schedule 21 which make changes to certain model clauses in petroleum licences (contained in secondary legislation) to introduce requirements for consent to be obtained from the OGA for a change of control of the licence holder and to enable the OGA to obtain information in relation to a change of control;
- section 304(3), which amends the Nuclear Installations Act 1965 to add a new section 7C to that Act (excluded disposal sites) and which is brought into force to enable regulations to be made under that new section.

Regulation 3 brings the following provisions into force on 31st January 2024:

- sections 161 to 179 which relate to the designation, objectives, duties, licensing, powers and funding of the Independent System Operator and Planner (“the ISOP”);
- section 303 and the remaining subsections of section 304 which relate to the decommissioning of civil nuclear sites;
- section 310 which makes amendments to Schedule 12 of the Energy Act 2004 to provide for the publication of a three-year strategy plan by the Civil Nuclear Police Authority.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Act 2023 (Commencement No. 1) Regulations 2024.