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STATUTORY INSTRUMENTS

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**2004 No. 2575 (C.110)**

**ATOMIC ENERGY AND  
RADIOACTIVE SUBSTANCES  
ELECTRICITY  
GAS  
PETROLEUM**

The Energy Act 2004 (Commencement No. 3) Order 2004

*Made - - - - 30th September 2004*

The Secretary of State, in exercise of the powers conferred upon her by section 198(2) of the Energy Act 2004<sup>(1)</sup>, hereby makes the following Order:

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Energy Act 2004 (Commencement No. 3) Order 2004.
- (2) In this Order, “the Act” means the Energy Act 2004.

**Commencement**

- 2.—(1) The provisions of the Act specified in Schedule 1 shall come into force on 5th October 2004.
- (2) The provisions of the Act specified in Schedule 2 shall come into force on 1st December 2004.

30th September 2004

*Mike O'Brien,*  
Minister of State for Energy and E-Commerce,,  
Department of Trade and Industry

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 1

Article 2(1)

## PROVISIONS COMING INTO FORCE ON 5TH OCTOBER 2004

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Section 5(2) to (9)	Supplemental provisions of designating directions
Sections 7 and 8	Other functions of Nuclear Decommissioning Authority
Section 14	Annual Reports
Sections 15 to 20	Implementation of strategies and plans
Section 21, and sections 23 to 30	Financial provisions
Sections 31 and 32	Nuclear Decommissioning Funding Account
Sections 33 to 35	Supplementary provisions of Chapter 1 of Part 1
Sections 36 and 37 in so far as they are not already in force	Supplementary provisions of Chapter 1 of Part 1
Sections 38 to 50	Transfers relating to nuclear undertakings
Sections 76 to 80	Miscellaneous provisions relating to nuclear industry
Section 81	Reports under section 1 of the Sustainable Energy Act 2003 <sup>(2)</sup>
Section 82	Microgeneration
Section 83	Sustainable development
Sections 84 to 88	Renewable Energy Zones
Section 94	Application of regulations under Electricity Act 1989 <sup>(3)</sup> offshore
Section 101	Application of civil aviation regulations to renewable energy installations
Section 102(1) and (4)	Amendments of Electricity Act 1989 consequential on Chapter 2 of Part 2
Section 103(2) and (4)	Other amendments consequential on Chapter 2 of Part 2
Section 104	Interpretation of Chapter 2 of Part 2
Sections 115 to 123	Renewables obligations relating to electricity
Sections 124 to 132	Renewable transport fuel obligations
Sections 154 to 171	Special administration regime for energy licensees

(2) 2003 c. 30.

(3) 1989 c. 29.

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Sections 172 to 176	Further provisions about regulation
Section 178	Best practice
Section 181	Prepayment meters
Section 183	Exclusion of confidential information from registers
Section 184	Assistance for areas with high distribution costs
Section 185	Adjustment of transmission charges
Section 186	Restrictions on disclosure of information
Section 187	Payments of funds raised by fossil fuel levy
Section 188	Power to impose charges to fund energy functions
Section 189	Power to modify Petroleum Act 1998(4)
Sections 190 to 196 in so far as they are not already in force	Supplementary provisions relating to functions of the Secretary of State and the Gas and Electricity Markets Authority and supplemental powers
Section 197(1) to (7)	Repeals etc
Section 197(9) and (10) in so far as they relate to the provisions in Schedule 23 to the Act brought into force by this Order (other than the provision in that Schedule mentioned in Schedule 2 to this Order)	
Schedule 4	Supplemental taxation provisions for exempt activities
Schedule 5	Supplementary provisions about nuclear transfer schemes
Schedule 6	Structure etc of transferee companies
Schedule 7	Finances and accounts of transferee companies
Schedule 8	Pensions
Schedule 9	Taxation provisions relating to nuclear transfer schemes
Schedule 20	Conduct of energy administration
Schedule 21	Energy transfer schemes
Schedule 22	Procedure for appeals under section 173
Part 1 of Schedule 23 in so far as it relates to the repeals mentioned in the table below	Repeals
Schedule 23 Part 2 – paragraph 2	Savings etc

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(4) [1998 c. 17.](#)

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**Table**

<i>Reference</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1954 c. 32	Atomic Energy Authority Act 1954	Section 2(2)(d). In Schedule 1, paragraph 4.
1965 c. 57	Nuclear Installations Act 1965	Section 27(2), (3) and (6).
1971 c. 11	Atomic Energy Authority Act 1971	In section 4 – (a) subsections (1) and (3); and (b) in subsection (4) the words “subsection (1) or” and “the Nuclear Fuels Company, or between the Authority and”. Section 11(1) to (3). Section 20(4).
1977 c. 7	Nuclear Industry Finance Act 1977	In section 1(1), the words “or the Radiochemical Centre Limited (‘T.R.C.L.’)” and “concerned”. In section 2(1), paragraph (b) and the word “and” immediately preceding it.
1981 c. 48	Atomic Energy (Miscellaneous Provisions) Act 1981	Section 1(6).
1984 c. 60	Police and Criminal Evidence Act 1984	In section 23, the word “and” at the end of the definition of “premises”.
1995 c. 37	Atomic Energy Authority Act 1995	Sections 1 to 10. Sections 12 and 13. Schedules 1 to 4.

## SCHEDULE 2

Article 2(2)

## PROVISIONS COMING INTO FORCE ON 1ST DECEMBER 2004

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Section 145(1), (3) and (5) to (7)	Interconnectors for electricity and gas
Section 146(1) to (5) and (7)	

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Section 147(1) to (4) and (6) to (8)	
Section 148	
Section 149(1), (3), (5) to (9) and (11)	
Section 150(1) to (5) and (7) to (10)	
Section 152	
Section 197(9) in so far as it relates to the provision in Part 1 of Schedule 23 to the Act mentioned below	Repeals etc
Part 1 of Schedule 23 in so far as it repeals part of section 6(1)(c) of the Electricity Act 1989	Repealed provisions

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force provisions of the Energy Act 2004 as follows:

- (a) the provisions in Schedule 1 come into force on 5th October 2004, and
- (b) the provisions in Schedule 2 come into force on 1st December 2004.

The remaining provisions will be brought into force by subsequent orders.

### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

These following provisions of the Act have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1, 2, 10, 72, 73, 74, 75 and Schedules 1 and 15	27th July 2004	<a href="#">2004/1973 (C.87)</a>
Sections 3, 4, 5(1), 6, 9, 13 and 22. Sections 36 and 37 (partially). Section 133 and 134. Section 135 (partially). Sections 137(1) to (4) and (7), 138, 140(2) to (4), 142 and 144. Sections 190 to 196	24th August 2004	<a href="#">2004/2184 (C.95)</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
(partially) and Schedules 3 and 17		
Section 135 in so far as it was not already in force, and sections 136, 137(5) and (6), 141 and 143. Sections 197(8). Section 197(9) (partially). Schedules 18 and 19. Schedule 23 (partially)	1st September 2004	2004/2184 (C.95)