
Changes to legislation: Electricity Act 1989, Cross Heading: Enactments relating to statutory undertakers etc. is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F¹ SCHEDULES

SCHEDULE 16

MINOR AND CONSEQUENTIAL AMENDMENTS

Enactments relating to statutory undertakers etc.

- 1 (1) The holder of a licence under section 6(1) of this Act shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking for the purposes of the following enactments, namely—
- (i) section 16 of the ^{M1}Public Health Act 1925;
 - (ii) the ^{M2}Public Health Act 1936;
 - ^{F1}(iii)
 - (iv) Schedule 3 to the ^{M3}Water Act 1945;
 - (v) section 4 of the ^{M4}Requisitioned Land and War Works Act 1948;
 - ^{F2}(vi) the ^{M5}Water Act 1948;]
 - (vii) the National Parks and Access to the ^{M6}Countryside Act 1949;
 - (viii) the ^{M7}Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951;
 - (ix) the ^{M8}Landlord and Tenant Act 1954;
 - (x) the ^{M9}Opencast Coal Act 1958;
 - ^{F3}(xi)
 - (xii) section 17(10) of the ^{M10}Public Health Act 1961;
 - (xiii) the ^{M11}Pipe-lines Act 1962;
 - (xiv) Schedule 3 to the ^{M12}Harbours Act 1964;
 - (xv) Schedule 6 to the ^{M13}Gas Act 1965;
 - ^{F4}(xvi)
 - ^{F5}(xvii)
 - (xviii) section 50 of the ^{M14}Agriculture Act 1967;
 - (xix) section 38 of the ^{M15}Countryside (Scotland) Act 1967;
 - (xx) paragraph 6 of Schedule 2 to the ^{M16}Countryside Act 1968;
 - (xxi) section 22 of the ^{M17}Sewerage (Scotland) Act 1968;
 - ^{F6}(xxii)
 - ^{F7}(xxiii)
 - ^{F6}(xxiv)
 - (xxv) sections 51 . . . ^{F6}of the ^{M18}Land Compensation Act 1973;
 - (xxvi) sections 47 ^{F8}. . . of the ^{M19}Land Compensation (Scotland) Act 1973;
 - (xxvii) Part III of the ^{M20}Control of Pollution Act 1974;
 - ^{F9}(xxviii)

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- (xxix) the ^{M21}Welsh Development Agency Act 1975;
- (xxx) sections 15(3) and 26 of the ^{M22}Local Government (Miscellaneous Provisions) Act 1976;
- ^{F10}(xxxix)
- (xxxix) section 9(3) of the ^{M23}Inner Urban Areas Act 1978;
- (xxxixiii) the ^{M24}Ancient Monuments and Archaeological Areas Act 1979;
- (xxxixiv) [^{F11}Part]XVI of the ^{M25}Local Government, Planning and Land Act 1980;
- (xxxixv) section 53 of the ^{M26}Civil Aviation Act 1982;
- (xxxixvi) section 30 of the ^{M27}Local Government (Miscellaneous Provisions) Act 1982;
- (xxxixvii) section 120 of the ^{M28}Civic Government (Scotland) Act 1982;
- (xxxixviii) section 2(2)(c) of the ^{M29}Cycle Tracks Act 1984;
- (xxxixix) the ^{M30}Building Act 1984;
- ^{F12}(xli)
- (xli) paragraph 11 of Schedule 8 to the ^{M31}Housing (Scotland) Act 1987.
- [^{F13}(xlii) section 9 of the Enterprise and New Towns (Scotland) Act 1990.]
- (2) References in the ^{M32}Landlord and Tenant Act 1927 to a statutory company shall be construed as including references to the holder of a licence under section 6(1) of this Act.
- ^{F14}(3)
- (4) The references in sections 73(11)(c) and 74(11)(b) of the ^{M33}Highways Act 1980 to electricity undertakers shall be construed as references to the holder of a licence under section 6(1)(a) of this Act.
- ^{F2}[(5) The holder of a licence under section 6(1) of this Act shall be deemed to be an excepted undertaker for the purposes of section 6 of the ^{M34}Water Act 1981.]
- (6) [^{F15}Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)] (undertakers' works) shall apply to a licence holder for the purposes of any works carried out by him.
- (7) The reference in section 82(4) of the ^{M35}Building Act 1984 (provisions with respect to demolition orders) to a person authorised by an enactment to carry on an undertaking for the supply of electricity shall be construed as a reference to a licence holder.
- (8) A licence holder shall be deemed to be a public undertaker and his undertaking a public undertaking for the purposes of section 125 of, and paragraphs 9 and 10 of Schedule 8 to, the ^{M36}Housing (Scotland) Act 1987.

Textual Amendments

- F1** Sch. 16 para. 1(1)(iii) repealed (31.10.1994) by 1994 c. 21, s. 67, **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F2** Sch. 16 para. 1(1)(vi) and (5) repealed (E.W.) (01.12.1991) by **Water Consolidation (Consequential Provisions) Act 1991** (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I**.

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- F3** Sch. 16 para. 1(1)(xi) repealed (S.) (24.12.2010) by Flood Risk Management (Scotland) Act 2009 (asp 6), s. 97(1), **Sch. 3 para. 5** (with s. 91); S.S.I. 2010/401, art. 3(h)
- F4** Sch. 16 para. 1(1)(xvi) repealed by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(2), **Sch. 5 Pt. III**
- F5** Sch. 16 para. 1(1)(xvii) repealed (1.4.2019) by Forestry and Land Management (Scotland) Act 2018 (asp 8), s. 85(2), **sch. 2** (with s. 83); S.S.I. 2019/47, reg. 2 (with regs. 3-22)
- F6** Sch. 16 para. 1(1)(xxii)(xxiv) and words in para. 1(1)(xxv) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**
- F7** Sch. 16 para. 1(1)(xxiii) repealed (27.5.1997) by 1997 c. 11 ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)
- F8** Words in Sch. 16 para. 1(1)(xxvi) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)
- F9** Sch. 16 para. 1(1)(xxviii), para. 3(2)(f) repealed by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(2), **Sch. 5 Pt. I**
- F10** Sch. 16 para. 1(1)(xxxi) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F11** Words in Sch. 16 para. 1(1)(xxxiv) substituted (1.10.1998) by 1998 c. 38, s. 135(2)(b) (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F12** Sch. 16 para. 1(1)(xl) repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)
- F13** Sch. 16 para. 1(1)(xlii) added by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(1), **Sch 4 para. 17(a)**
- F14** Sch. 16 para. 1(3) repealed (14.11.2005) by Civil Contingencies Act 2004 (c. 36), s. 34(1), **Sch. 3**; S.I. 2005/2040, art. 3(r)
- F15** Words in Sch. 16 para. 1(6) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 28**; S.I. 2017/1286, reg. 2(d)

Marginal Citations

- M1** 1925 c. 71.
M2 1936 c. 49.
M3 1945 c. 42.
M4 1948 c. 17.
M5 1948 c. 22.
M6 1949 c. 97.
M7 1951 c. 65.
M8 1954 c. 56.
M9 1958 c. 69.
M10 1961 c. 64.
M11 1962 c. 58.
M12 1964 c. 40.
M13 1965 c. 36.
M14 1967 c. 22.
M15 1967 c. 86.
M16 1968 c. 41.
M17 1968 c. 47.
M18 1973 c. 26.
M19 1973 c. 56.
M20 1974 c. 40.
M21 1975 c. 70.
M22 1976 c. 57.
M23 1978 c. 50.
M24 1979 c. 46.
M25 1980 c. 65.
M26 1982 c. 16.

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M27 1982 c. 30.
M28 1982 c. 45.
M29 1984 c. 38.
M30 1984 c. 55.
M31 1987 c. 27.
M32 1927 c. 36.
M33 1980 c. 66.
M34 1981 c. 12.
M35 1984 c. 55.
M36 1987 c. 26.

- 2 (1) A licence holder who is entitled to exercise any power conferred by Schedule 3 or 4 to this Act shall be deemed to be a statutory undertaker for the purposes of section 66 of the ^{M37}Countrywide (Scotland) Act 1967 and section 11 of the ^{M38}Countrywide Act 1968.
- (2) A licence holder who is entitled to exercise any power conferred by Schedule 3 to this Act shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking for the purposes of the following enactments, namely—
- (a) the ^{M39}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;
 - (b) the ^{M40}New Towns (Scotland) Act 1968;
 - (c) ^{F16}
 - ^{F17}(d)
 - (e) section 120 of the ^{M41}Local Government, Planning and Land Act 1980;
 - (f) the ^{M42}New Towns Act 1981;
 - (g) the ^{M43}Acquisition of Land Act 1981; and
 - (h) sections 47, 48, 49 and 51 of, and Schedule 9 to, the ^{M44}Civil Aviation Act 1982.
- (3) The reference in section 48(6) of the Civil Aviation Act 1982 to an electricity undertaker shall be construed as a reference to a licence holder who is entitled to exercise any power conferred by Schedule 4 to this Act.
- (4) A licence holder who is entitled to exercise any power conferred by paragraph 1 of Schedule 4 to this Act shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking for the purposes of the following enactments, namely—
- (a) section 26 of the ^{M45}Public Health Act 1925;
 - (b) section 17(1)(b) of the ^{M46}Requisitioned Land and War Works Act 1945;
 - (c) ^{F16}
 - (d) the ^{M47}Highways Act 1980; and
 - (e) sections 296 and 611 of the ^{M48}Housing Act 1985.
- (5) References in the following enactments, namely—
- (a) section 6 of the ^{M49}Local Government (Miscellaneous Provisions) Act 1953;
 - (b) ^{F16}
 - (c) sections 176 and 185 of the ^{M50}Highways Act 1980; and
 - (d) paragraph 3 of Schedule 5 to the ^{M51}Road Traffic Regulation Act 1984;

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to electricity undertakers shall be construed as references to licence holders entitled to exercise any power conferred by paragraph 1 of Schedule 4 to this Act.

- (6) A licence holder entitled to exercise any power conferred by paragraph 1 of Schedule 4 to this Act shall be deemed to be a public utility undertaker for the purposes of the Highways Act 1980^{F18} . . .
- (7) A licence holder who is entitled to exercise any power conferred by paragraph 2 of Schedule 4 to this Act shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking for the purposes of the following enactments, namely—
- ^{F17}(a)
- (b) the^{M52}Roads (Scotland) Act 1984.
- (8) References in the^{M53}Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958^{F19} . . . to electricity undertakers shall be construed as references to licence holders entitled to exercise any power conferred by paragraph 2 of Schedule 4 to this Act.
- (9) It is immaterial for the purposes of this paragraph whether any power conferred by, or by any provision of, Schedule 3 or 4 to this Act on the holder of a licence under section 6(1)(a) or (2) of this Act is qualified by restrictions, exceptions or conditions included in the licence.

Textual Amendments

- F16** Sch. 16 para. 2(2)(c)(4)(c)(5)(b) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. 1](#)
- F17** Sch. 16 para. 2 (2)(d)(7)(a) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), [Sch. 1 Pt. 1](#) (with s. 5, Sch. 3)
- F18** Words in Sch. 16 para. 2(6) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59\), s. 168\(2\), Sch. 9](#); (E.W.) [S.I. 1992/2984, art. 2\(2\), Sch. 2](#) and (S.) [S.I. 1992/2990, art. 2\(2\), Sch. 2](#).
- F19** Words in Sch. 16 para. 2(8) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), [Sch. 1 Pt. 1](#) (with s. 5, Sch. 3)

Marginal Citations

- M37** 1967 c. 86.
- M38** 1968 c. 41.
- M39** 1947 c. 42.
- M40** 1968 c. 16.
- M41** 1980 c. 65.
- M42** 1981 c. 64.
- M43** 1981 c. 67.
- M44** 1982 c. 16.
- M45** 1925 c. 71.
- M46** 1945 c. 43.
- M47** 1980 c. 66.
- M48** 1985 c. 68.
- M49** 1953 c. 26.
- M50** 1980 c. 66.
- M51** 1984 c. 27.
- M52** 1984 c. 54.
- M53** 1958 c. 50.

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- 3 (1) In the following enactments, namely—
- ^{F20}(a) the ^{M54}Water Act 1948;
 - (b) section 39 of the ^{M55}Opencast Coal Act 1958 except in its application to Scotland;
 - (c) paragraph 2 of Schedule 6 to the ^{M56}Gas Act 1965;
 - ^{F21}(d)
 - (e) the ^{M57}Welsh Development Agency Act 1975;
 - ^{F22}(f)
 - (g) the ^{M58}New Towns Act 1981,
- “the appropriate Minister”, in relation to a a licence holder, shall mean the [^{F23}Secretary of State for Trade and Industry].
- (2) In the following enactments, namely—
- (a) section 39 of the Opencast Coal Act 1958 in its application to Scotland;
 - (b) the ^{M59}Pipe-lines Act 1962;
 - (c) Schedule 3 to the ^{M60}Harbours Act 1964;
 - (d) the ^{M61}New Towns (Scotland) Act 1968;
 - ^{F24}(e)
 - ^{F25}(f)
 - (g) section 121 of the ^{M62}Highways Act 1980;
 - (h) the ^{M63}Acquisition of Land Act 1981,
 - [^{F26}(i) section 9 of the Enterprise and New Towns (Scotland) Act 1990;]
- “the appropriate Minister”, in relation to a licence holder, shall mean the Secretary of State.

Textual Amendments

- F20** Sch. 16 para. 3(1)(a) repealed (E.W.) (01.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), **Sch. 3 Pt. I**.
- F21** Sch. 16 para. 3(1)(d) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)
- F22** Sch. 16 para. 3(1)(f) repealed (1.10.1998) by [1998 c. 38, s. 152, Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F23** Words in Sch. 16 para. 3(1) substituted (5.7.1992) by S.I. 1992/1314, art. 3(3), **Sch. para. 1(e)**.
- F24** Sch. 16 para. 3(2)(e) repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\), Sch. 1 Pt. I](#) (with s. 5, Sch. 3)
- F25** Sch. 16 para. 3(2)(f) repealed by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\), s. 38\(2\), Sch. 5 Pt. I](#)
- F26** Sch. 16 para. 3(2)(i) inserted by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\), s. 38\(1\), Sch. 4 para. 17\(b\)](#)

Modifications etc. (not altering text)

- C1** Sch. 16 para. 3(1): transfer of functions (5.3.2009) by [The Secretary of State for Energy and Climate Change Order 2009 \(S.I. 2009/229\)](#), arts. 1(2), 4, **Sch. 1(c)**

Marginal Citations

- M54** 1948 c. 42.
M55 1958 c. 69.

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- M56** 1965 c. 36.
- M57** 1975 c. 70.
- M58** 1981 c. 64.
- M59** 1962 c. 58.
- M60** 1964 c. 40.
- M61** 1968 c. 16.
- M62** 1980 c. 66.
- M63** 1981 c. 67.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1)(f) and word inserted by [2023 c. 52 s. 186\(3\)\(b\)](#)
- s. 4(1)(ca) inserted by [2023 c. 52 s. 166\(2\)](#)
- s. 4(1)(da) inserted by [2023 c. 52 s. 205\(2\)\(b\)](#)
- s. 4(3H)(3I) inserted by [2023 c. 52 s. 186\(4\)](#)
- s. 4(3CA) inserted by [2023 c. 52 s. 205\(3\)](#)
- s. 4(3EA) inserted by [2023 c. 52 s. 205\(5\)](#)
- s. 6(1)(g) and word inserted by [2023 c. 52 s. 186\(7\)\(b\)](#)
- s. 6(1)(ea) inserted by [2023 c. 52 s. 205\(8\)\(b\)](#)
- s. 6(2C) inserted by [2023 c. 52 s. 186\(8\)](#)
- s. 6(2AA) inserted by [2023 c. 52 s. 205\(9\)](#)
- s. 6(6E) inserted by [2023 c. 52 s. 205\(10\)](#)
- s. 7(3GA) inserted by [2023 c. 52 s. 186\(17\)](#)
- s. 7A(11B) inserted by [2023 c. 52 s. 186\(18\)](#)
- s. 8A(1C) inserted by [2023 c. 52 s. 206\(6\)](#)
- s. 10NA inserted by [2023 c. 52 s. 207\(2\)](#)
- s. 11E(2)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(b\)\(iii\)](#)
- s. 11AA inserted by [2018 c. 14 s. 13\(3\)](#)
- s. 15(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3(2)(b) (as substituted) by [S.I. 2019/1245 reg. 19](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 25(8A) inserted by [2023 c. 52 Sch. 14 para. 7\(3\)](#)
- s. 44A inserted by [1992 c. 43 s. 23](#)
- s. 44A(6)(b)(i) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 44B(1)(a)(iiia) inserted by [2023 c. 52 Sch. 17 para. 8](#)
- s. 56C(6)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(d\)\(ii\)](#)
- Sch. 5A para. 2(1A) inserted by [2018 c. 14 s. 13\(4\)](#)
- Sch. 6A para. 9ZA and cross-heading inserted by [2023 c. 52 Sch. 14 para. 8](#)