



Energy Act 2004

2004 CHAPTER 20

PART 3

ENERGY REGULATION

CHAPTER 2

INTERCONNECTORS FOR ELECTRICITY AND GAS

Electricity interconnectors

145 Operators of electricity interconnectors to be licensed

- (1) The 1989 Act is amended as follows.
- (2) In subsection (1) of section 4 (licensable activities), at the end of paragraph (c) insert
“or
(d) participates in the operation of an electricity interconnector,”.
- (3) Before subsection (4) of that section insert—
“(3C) A reference in this Part to participating in the operation of an electricity interconnector is a reference to—
 - (a) co-ordinating and directing the flow of electricity into or through an electricity interconnector; or
 - (b) making such an interconnector available for use for the conveyance of electricity;

and a person is not to be regarded as participating in the transmission of electricity by reason only of activities constituting participation in the operation of an electricity interconnector.

Changes to legislation: Energy Act 2004, Cross Heading: Electricity interconnectors is up to date with all changes known to be in force on or before 22 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

- (3D) For the purposes of subsection (3C)(b), a person shall not be regarded as making something available just because he consents to its being made available by another.
- (3E) In this Part “electricity interconnector” means so much of an electric line or other electrical plant as—
- (a) is situated at a place within the jurisdiction of Great Britain; and
 - (b) subsists wholly or primarily for the purposes of the conveyance of electricity (whether in both directions or in only one) between Great Britain and a place within the jurisdiction of another country or territory.
- (3F) For the purposes of this section—
- (a) a place is within the jurisdiction of Great Britain if it is in Great Britain, in the territorial sea adjacent to Great Britain or in an area designated under section 1(7) of the Continental Shelf Act 1964; and
 - (b) a place is within the jurisdiction of another country or territory if it is in that country or territory or in waters in relation to which authorities of that country or territory exercise jurisdiction.”
- (4) In section 5(1) (power of the Secretary of State to grant exemptions from licensing), for “or (c)” substitute “, (c) or (d)”.
- (5) In section 6 (power to grant licences), after subsection (1)(d) insert “or
- (e) a licence authorising a person to participate in the operation of an electricity interconnector (“an interconnector licence”).”
- (6) After subsection (2) of that section insert—
- “(2A) The same person may not be the holder of an interconnector licence and the holder of a licence falling within any of paragraphs (a) to (d) of subsection (1).”
- (7) Before subsection (7) of that section insert—
- “(6C) An interconnector licence authorising participation in the operation of an electricity interconnector—
- (a) must specify the interconnector or interconnectors in relation to which participation is authorised; and
 - (b) may limit the forms of participation in the operation of an interconnector which are authorised by the licence.”

Commencement Information

- I1** S. 145(1)(3)(5)-(7) in force at 1.12.2004 by S.I. 2004/2575, art. 2(2), Sch. 2
- I2** S. 145(2)(4) in force at 14.8.2006 by S.I. 2006/1964, art. 2, Sch.

146 Standard conditions for electricity interconnectors

- (1) The Secretary of State must, before the commencement of subsection (6), determine standard conditions for electricity interconnector licences.
- (2) Those standard conditions may contain provision—

Changes to legislation: Energy Act 2004, Cross Heading: Electricity interconnectors is up to date with all changes known to be in force on or before 22 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

- (a) for a standard condition included in an electricity interconnector licence not to have effect until brought into operation in such manner, and in such circumstances, as may be specified in or determined under the standard conditions;
 - (b) for the effect of a standard condition included in such a licence to be suspended in such manner, and in such circumstances, as may be so specified or determined; or
 - (c) for a standard condition included in such a licence the effect of which is for the time being suspended to be brought back into operation in such manner, and in such circumstances, as may be so specified or determined.
- (3) The Secretary of State must publish the standard conditions determined by him under this section.
- (4) The publication must be in such manner as the Secretary of State considers appropriate.
- (5) The standard conditions determined by the Secretary of State have effect subject to any modifications made^{F1}... under Part 1 of the 1989 Act [^{F2}, under this Act [^{F3}, under section 98 of the Energy Act 2011 or under section 37 or 45 of the Energy Act 2013.]]
- (6) Before subsection (2) of section 8A of the 1989 Act (standard conditions) insert—
- “(1B) Subject to subsection (2), each condition which by virtue of section 146 of the Energy Act 2004 is a standard condition for the purposes of interconnector licences shall be incorporated, by reference, in each interconnector licence granted on or after the commencement of subsection (6) of that section.”
- (7) In this section “electricity interconnector licence” means an interconnector licence under section 6(1)(e) of the 1989 Act.

Textual Amendments

- F1** Words in s. 146(5) omitted (31.12.2020) by virtue of [The Electricity and Gas etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/530\)](#), regs. 1(1), 74; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 146(5) substituted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), ss. 98(11), 121(3)
- F3** Words in s. 146(5) substituted (18.12.2013) by [Energy Act 2013 \(c. 32\)](#), ss. 65(4), 156(3)

Commencement Information

- I3** S. 146(1)-(5) (7) in force at 1.12.2004 by [S.I. 2004/2575](#), art. 2(2), [Sch. 2](#)
- I4** S. 146(6) in force at 1.4.2005 by [S.I. 2005/877](#), art. 2(1), [Sch. 1](#)

147 Consequential amendments of the 1989 Act

- (1) The 1989 Act is amended as follows.
- (2) In section 3A—
- (a) in subsection (1) (principal objective of GEMA in relation to electricity), at the end insert “ or the provision or use of electricity interconnectors ”; and
 - (b) in subsection (5)(a) (duty as to carrying out of functions), after “electricity”, where first occurring, insert “ or to participate in the operation of electricity interconnectors ”.
- (3) In section 29 (regulations)—

Changes to legislation: Energy Act 2004, Cross Heading: Electricity interconnectors is up to date with all changes known to be in force on or before 22 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

- (a) in subsection (1)(b), after “electricity”, where first occurring, insert “ from the use of electricity interconnectors, ”;
 - (b) in subsection (2)(b), after “electricity” insert “ or in the use of electricity interconnectors ”;
 - (c) in subsection (2)(c), after “electricity” insert “ or to participate in the operation of an electricity interconnector ”.
- (4) In section 30(2)(a) (duty of inspector to inspect apparatus belonging to licence holders), after “electricity” insert “ or to participate in the operation of electricity interconnectors ”.
- (5) In section 43 (concurrent functions of GEMA and the OFT under the Enterprise Act 2002), in each of subsections (2A) and (3), after “electricity” insert “ or the use of electricity interconnectors ”.
- (6) In section 58(2) (information protected by directions), after “electricity” insert “ or to participate in the operation of electricity interconnectors ”.
- (7) In section 64(1) (interpretation), after the definitions of “electricity distributor” and “electricity supplier” insert—
- ““electricity interconnector” has the meaning given by section 4(3E);”.
- (8) In section 98(1) (statistical information)—
- (a) after “electricity”, where first occurring, insert “ or the use of electricity interconnectors ”; and
 - (b) at the end insert “ or to participate in the operation of electricity interconnectors ”.

Commencement Information

I5 S. 147(1)-(4)(6)-(8) in force at 1.12.2004 by S.I. 2004/2575, art. 2(2), **Sch. 2**

I6 S. 147(5) in force at 14.8.2006 by S.I. 2006/1964, art. 2, **Sch.**

148 Grant of electricity interconnector licences to existing operators

- (1) This section applies where a person is participating in the operation of an electricity interconnector at the time when the power of GEMA to grant electricity interconnector licences comes into force.
- (2) The Secretary of State shall have power to grant such a licence to that person under section 6 of the 1989 Act.
- (3) Sections 6A(5), 7 and 8A of the 1989 Act (notice of licence and licence conditions) shall have effect in relation to the grant of licences by the Secretary of State by virtue of this section as if—
- (a) references in those sections to GEMA included references to the Secretary of State; and
 - (b) in section 8A, the words “the Secretary of State and” in subsection (4)(b) and subsection (5) were omitted.
- (4) Before granting a licence to a person by virtue of this section, the Secretary of State must consult—

Changes to legislation: Energy Act 2004, Cross Heading: Electricity interconnectors is up to date with all changes known to be in force on or before 22 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](#)

- (a) that person;
 - (b) GEMA; and
 - (c) such other persons as the Secretary of State considers appropriate.
- (5) Subsection (4) may be satisfied by consultation that took place wholly or partly before the commencement of this section.
- (6) In this section—
- “electricity interconnector licence” means an interconnector licence under section 6(1)(e) of the 1989 Act; and
 - “participating in the operation of an electricity interconnector” has the same meaning as in Part 1 of the 1989 Act.

Commencement Information

I7 [S. 148](#) in force at 1.12.2004 by [S.I. 2004/2575](#), art. 2(2), [Sch. 2](#)

Changes to legislation:

Energy Act 2004, Cross Heading: Electricity interconnectors is up to date with all changes known to be in force on or before 22 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.

[View outstanding changes](#)

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. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)