

Changes to legislation: Energy Act 2004, SCHEDULE 19 is up to date with all changes known to be in force on or before 14 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

SCHEDULES

SCHEDULE 19

Section 143

CONSEQUENTIAL AMENDMENTS RELATING TO CHAPTER 1 OF PART 3

Water (Scotland) Act 1980 (c. 45)

- 1 In Schedule 4 to the Water (Scotland) Act 1980 (provisions to be incorporated in orders relating to statutory undertakers), in paragraph (b) of the proviso to section 36, for “transmit” substitute “participate in the transmission of”.

Commencement Information

- I1** Sch. 19 para. 1 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

Telecommunications Act 1984 (c. 38)

- 2 In section 98(9) of the Telecommunications Act 1984, in the definition of “electricity authority”, for “transmit or supply”, where they first occur, substitute “supply or participate in the transmission of”.

Commencement Information

- I2** Sch. 19 para. 2 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

Electricity Act 1989 (c. 29)

- 3 The 1989 Act is amended as follows.

Commencement Information

- I3** Sch. 19 para. 3 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

- 4 In section 3A(5)(a), for “transmit, distribute or supply” substitute “distribute, supply or participate in the transmission of”.

Commencement Information

- I4** Sch. 19 para. 4 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

- 5 In section 6 (licences authorising supply etc.), for subsection (7) substitute—
“(7) A licence, and any modification of a licence under subsection (4), (6) or (6B), shall be in writing.”

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Commencement Information

I5 Sch. 19 para. 5 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

- 6 In section 6A (procedure for licence applications), in subsection (1) (applications to which the section applies), for paragraph (b) substitute—
 “(b) for the modification of a licence under section 6(4), (6) or (6B).”

Commencement Information

I6 Sch. 19 para. 6 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

- 7 (1) Section 6B (applications for transmission licence) is amended as follows.
 (2) For subsection (2) substitute—
 “(2) The applicant shall give notice of the application to any person who holds a transmission licence and whose interests may be affected if the licence applied for is granted.”
 (3) In subsection (5)(c) (under which there is a duty to give notice of the proposed grant of an application to the holder of a transmission licence whose authorised area is affected by the area to which the application relates), for the words from “authorised area” to “area” substitute “ interests may be affected by the grant of the licence ”.

Commencement Information

I7 Sch. 19 para. 7 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

- 8 (1) Section 9 (general duties of licence holders) is amended as follows.
 (2) In subsection (2) (duties of transmission licence holder), for “transmit” substitute “ participate in the transmission of ”.
 (3) After that subsection insert—
 “(2A) Subsection (2)(a) shall not have effect to require the holder of a transmission licence which is subject to a condition of the kind mentioned in section 7(2A) (a) to carry on an activity which he would be authorised by the licence to carry on apart from the condition.”

Commencement Information

I8 Sch. 19 para. 8 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

- 9 (1) Section 10 (powers of licence holders) is amended as follows.
 (2) In subsection (1)(a) (which applies Schedules 3 and 4 to a person authorised by a licence to transmit electricity), for the words from “a person” to “electricity” substitute “ the holder of a transmission licence ”.
 (3) For subsection (4) substitute—

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“(4) A transmission licence may provide that, where the licence is modified under section 6(6B), 11 or 11A above so as to reduce in any respect the area in which the licence holder may carry on activities, Schedule 4 to this Act shall have effect in relation to him as if any reference to the activities which he is authorised by his licence to carry on included a reference to the activities which he was previously so authorised to carry on.”

Commencement Information

I9 Sch. 19 para. 9 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

10 In section 29 (regulations relating to supply and safety), in subsection (2)(c) (power to require persons to keep maps etc.), for “transmit” substitute “ participate in the transmission of ”.

Commencement Information

I10 Sch. 19 para. 10 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

11 In section 30 (electrical inspectors), in subsection (2)(a) (duty to inspect and test equipment belonging to certain persons), for “transmit or distribute” substitute “ distribute or participate in the transmission of ”.

Commencement Information

I11 Sch. 19 para. 11 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

12 (1) Section 35 (which supplements section 34 about fuel stocks at generating stations) is amended as follows.

(2) In subsection (1) (power to require information from any person authorised by a licence to transmit electricity), for “any person authorised by a licence to transmit electricity” substitute “ the holder of a transmission licence ”.

(3) For subsection (2) substitute—

“(2) The Secretary of State may give a direction requiring any person who is authorised by a licence to participate in the transmission of electricity to carry on the activities which the licence authorises (or any of them), at any time when a direction under section 34(4) above is in force, either in a specified manner or with a view to achieving specified objectives.”

(4) In subsection (3), for the words from “and”, in the second place where it occurs, to the end substitute “ and a person subject to a direction under subsection (2) above shall give effect to it notwithstanding any other duty imposed on him by or under this Part. ”

Commencement Information

I12 Sch. 19 para. 12 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

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- 13 In section 43B (supplementary provision about orders under section 43A), in subsection (7) (definition of “authorised transmitter”), for “transmit” substitute “participate in the transmission of”.

Commencement Information

I13 Sch. 19 para. 13 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

- 14 In section 58 (directions restricting the use of certain information)—
- (a) in subsection (1), for “any person who is authorised by a licence to transmit electricity” substitute “the holder of a transmission licence”, and
 - (b) in subsection (2), for “transmit or supply” substitute “supply or participate in the transmission of”.

Commencement Information

I14 Sch. 19 para. 14 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

- 15 (1) Section 64 (interpretation of Part 1) is amended as follows.
- (2) In subsection (1), for the definition of “transmit” substitute—
- ““transmission”, in relation to electricity, has the meaning given by section 4(4) above;
- “transmission system” has the same meaning given by section 4(4) above;”.
- (3) Before subsection (2) insert—
- “(1B) In this Part, references to participation, in relation to the transmission of electricity, are to be construed in accordance with section 4(3A) and (3B) above.”

Commencement Information

I15 Sch. 19 para. 15 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

- 16 In Schedule 9 (preservation of amenity and fisheries), in paragraphs 1(1) and 3(1), for “transmit, distribute or supply” substitute “distribute, supply or participate in the transmission of”.

Commencement Information

I16 Sch. 19 para. 16 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

Water Industry Act 1991 (c. 56)

- 17 In Schedule 13 to the Water Industry Act 1991 (protective provisions), in paragraph 1(5) (undertakings protected), in paragraph (f), for “transmit or supply” substitute “supply or participate in the transmission of”.

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I17 Sch. 19 para. 17 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

Water Resources Act 1991 (c. 57)

- 18 In Schedule 22 to the Water Resources Act 1991 (protective provisions), in paragraph 1(4) (undertakings protected), in paragraph (f), for “transmit or supply” substitute “ supply or participate in the transmission of ”.

Commencement Information

I18 Sch. 19 para. 18 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

Land Drainage Act 1991 (c. 59)

- 19 In Schedule 6 to the Land Drainage Act 1991 (protective provisions), in paragraph 1(1) (undertakings protected), in paragraph (f), for “transmit or supply” substitute “ supply or participate in the transmission of ”.

Commencement Information

I19 Sch. 19 para. 19 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

Utilities Act 2000 (c. 27)

- 20 In section 33(1) of the Utilities Act 2000 (which provides that conditions determined under that provision shall be standard conditions for the purposes of any of the types of licence mentioned in section 6(1) of the 1989 Act)—
- (a) for “6(1)” substitute “ 6(1)(a), (c) and (d) ”,
 - (b) omit the words “transmission licences,”, and
 - (c) for the words from “, subject” to the end substitute “be standard conditions for the purposes of licences of that type, subject to any modifications of the standard conditions for the purposes of licences of that type made—
 - (a) under Part 1 of the 1989 Act after the determination under this section, or
 - (b) under the Energy Act 2004.”

Commencement Information

I20 Sch. 19 para. 20 in force at 1.9.2004 by S.I. 2004/2184, art. 2(2), Sch. 2

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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. 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\(2\)\(b\)](#)