



Energy Act 2008

2008 CHAPTER 32

PART 5

MISCELLANEOUS

Electricity meters

95 Electricity meters

- (1) The functions of the Gas and Electricity Markets Authority (“the Authority”) under electricity meter legislation are transferred to the Secretary of State.
- (2) References in electricity meter legislation to the Authority (including references in that legislation which, by virtue of section 3(2) of the Utilities Act 2000 (c. 27), are treated as references to the Authority) are to be treated, so far as necessary for the purposes or in consequence of the transfer, as if they were references to the Secretary of State.
- (3) Regulations made, or treated as made, by the Authority under Schedule 7 (other than paragraph 12 of that Schedule) to the Electricity Act 1989 (c. 29) (electricity meters) and in force immediately before commencement have effect on and after commencement as if they had been made by the Secretary of State.
- (4) Anything else done by the Authority under electricity meter legislation which has effect immediately before commencement is treated on and after commencement as if it had been done by the Secretary of State.
- (5) In this section—
 - “commencement” means the day on which this section comes into force;
 - “electricity meter legislation” means—
 - (a) Schedule 7 (other than paragraph 12 of that Schedule) to the Electricity Act 1989 (c. 29), and
 - (b) electricity meter regulations;
 - “electricity meter regulations” means—

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- (a) the Measuring Instruments (EC Requirements) (Electrical Energy Meters) Regulations 1995 (S.I. 1995/2607);
- (b) the Electromagnetic Compatibility Regulations 2006 (S.I. 2006/3418);
- (c) the Measuring Instruments (Active Electrical Energy Meters) Regulations 2006 (S.I. 2006/1679);
- (d) any regulations made under Schedule 7 (other than paragraph 12 of that Schedule) to the Electricity Act 1989.

96 Section 95: consequential amendments

- (1) The Electricity Act 1989 is amended as follows.
- (2) In section 106 (regulations and orders), in subsection (1) after “conferred by” insert “section 23,”.
- (3) In paragraph 1 of Schedule 7 (consumption to be monitored by appropriate meters)—
 - (a) for sub-paragraph (7) substitute—
 - “(7) In relation to a dispute arising under this paragraph between an electricity supplier and a customer, section 23 of this Act applies with the substitution, for references to the Authority (and references treated as references to the Authority) of references to the Secretary of State.”, and
 - (b) in sub-paragraphs (8) and (9), after “section 23 of this Act” insert “(as modified by sub-paragraph (7))”.
- (4) In paragraph 4 of that Schedule (appointment of meter examiners)—
 - (a) in sub-paragraph (2) after “examiners” insert “employed in the civil service of the State”,
 - (b) after that sub-paragraph insert—
 - “(2A) The Secretary of State may pay, out of money provided by Parliament, to meter examiners who are not employed in the civil service of the State or to any employer of such examiners—
 - (a) sums in connection with the performance by such examiners of functions conferred by or under this Schedule or electricity meter regulations (within the meaning of section 95 of the Energy Act 2008), and
 - (b) sums in respect of any pension payable to or in respect of such examiners.”, and
 - (c) in sub-paragraph (3) after “examiners” insert “employed in the civil service of the State”.
- (5) In paragraph 5 of that Schedule (certification of meters), in sub-paragraph (4)(b) after “paid” (in the first place) insert “to meter examiners employed in the civil service of the State”.
- (6) In paragraph 6 of that Schedule (apparatus for testing etc of meters), in sub-paragraph (2) for “their functions under” substitute “functions conferred by or under”.
- (7) In paragraph 7 of that Schedule (testing etc of meters)—
 - (a) in sub-paragraph (1) after “examiner” insert “employed in the civil service of the State”, and

- (b) in sub-paragraph (3) after “paid” (in the first place) insert “to meter examiners employed in the civil service of the State”.
- (8) For paragraph 10 of that Schedule (meters to be kept in proper order), for sub-paragraph (2A) substitute—
 - “(2A) In relation to a dispute arising under this paragraph between an electricity supplier and a customer, section 23 of this Act applies, with the substitution for references to the Authority (and references treated as references to the Authority) of references to the Secretary of State.”
- (9) In paragraph 13 of that Schedule (interpretation) for the definition of “regulations” substitute—
 - ““regulations” means—
 - (a) in paragraph 12, regulations made by the Authority with the consent of the Secretary of State, and
 - (b) in every other case, regulations made by the Secretary of State.”

97 Power to amend licence conditions: electricity

- (1) The Secretary of State may modify—
 - (a) a condition of a particular licence under section 6(1)(b) or (c) of the Electricity Act 1989 (c. 29) (transmission and distribution licences);
 - (b) the standard conditions incorporated in licences under those provisions by virtue of section 8A of that Act.
- (2) The Secretary of State may exercise the power in subsection (1) for the purpose only of enabling the Gas and Electricity Markets Authority (“the Authority”) to recover and pay into the Consolidated Fund amounts in respect of—
 - (a) payments made by the Secretary of State by virtue of paragraph 4(2) or (2A) of Schedule 7 to the Electricity Act 1989 (payments relating to meter examiners);
 - (b) other costs incurred by the Secretary of State in performing a function conferred by Schedule 7 to the Electricity Act 1989 or by electricity meter regulations (within the meaning of section 95).
- (3) The power in subsection (1) includes a power to make incidental, consequential or transitional modifications.
- (4) Before making a modification under this section the Secretary of State must consult—
 - (a) the holder of any licence being modified,
 - (b) the Authority, and
 - (c) such other persons as the Secretary of State considers appropriate.
- (5) Subsection (4) may be satisfied by consultation before, as well as by consultation after, the time when this section comes into force.
- (6) The Secretary of State must publish modifications under this section.
- (7) A modification under subsection (1)(a) of part of a standard condition of a licence does not prevent any other part of the condition from continuing to be regarded as a standard condition for the purposes of Part 1 of the Electricity Act 1989 (c. 29).
- (8) Where the Secretary of State modifies the standard conditions of licences of any type under subsection (1)(b), the Authority must—

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- (a) make the same modifications of those standard conditions for the purposes of their incorporation in licences of that type granted after that time, and
 - (b) publish the modifications.
- (9) The power under subsection (1) may not be exercised after the end of the period of 6 months beginning with the day on which that subsection comes into force.