



Energy Act 2023

2023 CHAPTER 52

PART 6

GOVERNANCE OF GAS AND ELECTRICITY INDUSTRY CODES

Licensing and selection of code manager

PROSPECTIVE

186 Licence under Electricity Act 1989 for performance of code management function

- (1) Part 1 of the Electricity Act 1989 is amended as follows.
- (2) Section 4 (prohibition on unlicensed supply, etc) is amended as follows.
- (3) In subsection (1)—
 - (a) omit the “or” after paragraph (d);
 - (b) after paragraph (e) insert “ or
 - (f) performs the function of code manager in relation to a designated electricity licence document (see further subsections (3H) and (3I)).”.
- (4) After subsection (3G) insert—

“(3H) A reference in this Part to a person (“P”) performing the function of code manager in relation to a designated electricity licence document is a reference to making arrangements, with the persons to whom subsection (3I) applies, under which P is responsible for the governance of the document.

(3I) This subsection applies to the holder of a licence for the purposes of section 4 where a condition of the licence requires the holder to comply with the designated electricity licence document in question.”

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 186. (See end of Document for details)

- (5) In subsection (6), at the appropriate place insert—
- ““designated electricity licence document” means a document that is—
- (a) maintained in accordance with the conditions of a licence for the purposes of section 4, and
- (b) designated under [section 182](#) of the Energy Act 2023;”.
- (6) Section 6 (licences authorising supply, etc) is amended as follows.
- (7) In subsection (1)—
- (a) omit the “or” after paragraph (e);
- (b) after paragraph (f) insert “, or
- (g) a licence authorising a person to perform the function of code manager in relation to a designated electricity licence document (“a code manager licence”).”
- (8) After subsection (2B) insert—
- “(2C) Where a designated electricity licence document is also a designated gas licence document, a person may not be granted a code manager licence in relation to the document unless the same person is at the same time granted a licence under section 7AC of the Gas Act 1986.”
- (9) For subsection (10) substitute—
- “(10) In this section—
- “designated electricity licence document” has the same meaning as in section 4;
- “designated gas licence document” has the same meaning as in section 5 of the Gas Act 1986;
- “premises” has the same meaning as in section 4.”
- (10) Section 7 (conditions of licences: general) is amended as follows.
- (11) In subsection (3B)—
- (a) after “smart meter communication licence” (in the first place it occurs) insert “or in a code manager licence”;
- (b) for “smart meter communication licence” (in the second place it occurs) substitute “a licence of the same type”.
- (12) In subsection (3C)—
- (a) for “Secretary of State or the Authority” substitute “relevant authority”;
- (b) in paragraph (b)(ii), after “licence” insert “or (in the case of an application for a code manager licence) apply for a licence otherwise than as part of a competition”.
- (13) In subsection (3D), after “smart meter communication licence” insert “or in a code manager licence”.
- (14) In subsection (3E), for “the Secretary of State or the Authority” substitute “the relevant authority”.
- (15) In subsection (3F)—
- (a) in paragraph (a), for “Secretary of State or the Authority (as appropriate)” substitute “relevant authority”;

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 186. (See end of Document for details)

- (b) in paragraph (b), for “Secretary of State or the Authority (as appropriate)” substitute “relevant authority”.
- (16) In subsection (3G)(a), after “licence” insert “or (as the case may be) code manager licence”.
- (17) After subsection (3G) insert—
- “(3GA) In subsections (3C) to (3F), “the relevant authority” means—
- (a) in relation to a smart meter communication licence, the Secretary of State or the Authority;
 - (b) in relation to a code manager licence, the Authority.”
- (18) In section 7A (transfer of licences), after subsection (11A) insert—
- “(11B) Where the holder of a code manager licence is also the holder of a licence under section 7AC of the Gas Act 1986, the code manager licence may not be transferred to a person unless the licence under section 7AC of that Act is transferred to the same person at the same time.”

Commencement Information

- II** S. 186 not in force at Royal Assent, see [s. 334\(1\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Section 186.