
STATUTORY INSTRUMENTS

2009 No. 45

**The Energy Act 2008 (Commencement
No. 1 and Savings) Order 2009**

Provisions coming into force on 26th January 2009

2. The following provisions of the Act come into force on 26th January 2009—
- (a) in Part 2 (electricity from renewable sources)—
 - (i) section 38(2) (section 37: supplemental provision);
 - (ii) section 39 (existing savings relating to section 32 of the Electricity Act 1989);
 - (iii) section 40 (the Northern Ireland renewables obligation); and
 - (iv) sections 41 to 43 (feed-in tariffs for small-scale generation of electricity);
 - (b) in Part 3 (decommissioning of energy installations)—
 - (i) sections 72 to 74 (oil and gas installations); and
 - (ii) section 75 (wells);
 - (c) in Part 4 (provisions relating to oil and gas)—
 - (i) section 76 (transfers without the consent of the Secretary of State); and
 - (ii) section 77 (model clauses of petroleum licences) and Schedule 3 (petroleum licences: amendments to model clauses);
 - (d) in Part 5 (miscellaneous)—
 - (i) section 83 (duties of the Gas and Electricity Markets Authority);
 - (ii) section 87 (energy reports);
 - (iii) section 94 (power to amend licence conditions: gas);
 - (iv) section 97 (power to amend licence conditions: electricity);
 - (v) section 98 (connection offer expenses);
 - (vi) section 100 (renewable heat incentives); and
 - (vii) section 101 (security of sensitive nuclear information);
 - (e) in Part 6 (general)—
 - (i) section 103 (offences by bodies corporate etc);
 - (ii) for all remaining purposes, section 104 (subordinate legislation);
 - (iii) for all remaining purposes, section 105 (parliamentary control of subordinate legislation);
 - (iv) paragraphs 2, 4, 6, 9 to 14, 15(a) and 15(b), 16 and 21 of Schedule 5 (minor and consequential amendments) and section 107(1) so far as it relates to those paragraphs;
 - (v) section 107(2) and (3)(minor and consequential amendments);
 - (vi) section 108 and Schedule 6 (repeals) so far as they repeal—

- (aa) section 4AA(5)(ba) of the Gas Act 1986⁽¹⁾;
 - (bb) section 3A(5)(ba) of the Electricity Act 1989⁽²⁾;
 - (cc) in section 31(1) of the Petroleum Act 1998⁽³⁾, “(d) or”;
 - (dd) in section 34(3) of the Petroleum Act 1998, “(d) or”;
 - (ee) in section 33(1) of the Utilities Act 2000⁽⁴⁾ “or” at the end of paragraph (b);
 - (ff) in section 1 of the Sustainable Energy Act 2003⁽⁵⁾, subsection (1A)(a), (b) and (c), and subsections (1B) and (1C);
 - (gg) section 81(3) of the Energy Act 2004⁽⁶⁾;
 - (hh) in section 5 of the Climate Change and Sustainable Energy Act 2006⁽⁷⁾, in subsection (2) “and as if” to the end;
 - (ii) section 18 of the Climate Change and Sustainable Energy Act 2006; and
 - (jj) section 22(b) of the Climate Change and Sustainable Energy Act 2006 and “and” immediately preceding it; and
- (vii) section 109 (transitional provision etc).

(1) 1986 c.44.
(2) 1989 c.29.
(3) 1998 c.17.
(4) 2000 c.27.
(5) 2003 c.30.
(6) 2004 c.20.
(7) 2006 c.19.