



Energy Act 2023

2023 CHAPTER 52

PART 5

INDEPENDENT SYSTEM OPERATOR AND PLANNER

Licences

167 Direction for transmission licence to have effect as electricity system operator licence

- (1) The Secretary of State may (instead of granting an electricity system operator licence) direct that a pre-commencement transmission licence is to have effect as an electricity system operator licence.
- (2) A direction under this section may provide that a licence that has effect by virtue of the direction includes such terms and conditions as are specified, or of a description specified, in the direction (regardless of whether or the extent to which those terms and conditions were included in the pre-commencement transmission licence).
- (3) A direction under this section may provide for the continued effect (in accordance with the direction) of rights, liabilities and obligations that have effect immediately before the relevant date in connection with—
 - (a) a pre-commencement transmission licence,
 - (b) a document maintained in accordance with the conditions of such a licence, or
 - (c) an agreement that gives effect to such a document.
- (4) In subsection (3), “the relevant date” means the date on which the direction takes effect.
- (5) A direction under [this section](#) may make—
 - (a) incidental, consequential, supplementary and transitional provision;
 - (b) such amendments relating to the revocation of a pre-commencement transmission licence as the Secretary of State considers appropriate;
 - (c) different provision for different purposes.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 167. (See end of Document for details)

- (6) Before giving a direction under this section, the Secretary of State must consult—
- (a) the GEMA, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (7) Subsection (6) may be satisfied by consultation before the passing of this Act (as well as by consultation after that time).
- (8) In [this Part](#)—
- “electricity system operator licence” means a licence under section 6(1)(da) of the Electricity Act 1989 (as inserted by [section 166](#));
- “pre-commencement transmission licence” means a licence under section 6(1)(b) of the Electricity Act 1989 that is in force immediately before [this section](#) comes into force.

Commencement Information

- I1** S. 167 not in force at Royal Assent, see [s. 334\(1\)](#)
- I2** S. 167 in force at 31.1.2024 by [S.I. 2024/32, reg. 3\(a\)\(iv\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Section 167.