



Isle of Man

Ellan Vannin

AT 2 of 2023

ENERGY ACT 2023



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Signed in Tynwald: 25 April 2023
Received Royal Assent: 25 April 2023
Announced to Tynwald: 25 April 2023

AN ACT to amend the Energy Act 1980; to amend the Gas Regulation Act 1995; and for connected purposes.

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1 Short title

The short title of this Act is the Energy Act 2023.

2 Commencement

- (1) This Act (except section 1 and this section) will come into operation on such day or days as the Council of Ministers may by order appoint.
- (2) An order under subsection (1) may make such consequential, incidental, supplemental and transitional provisions as appear to the Council of Ministers to be necessary or expedient for the purposes of the order.

3 Amendment of the Energy Act 1980

- (1) The *Energy Act 1980* is amended as follows.
- (2) In section 7 —
 - (a) number the existing text as subsection (1); and
 - (b) immediately after the existing text, insert the following —
 - (2) Without limiting subsection (1), the Council of Ministers may, in exercise of the power in that subsection, temporarily assume control of any asset of a public gas supplier for the purpose of —
 - (a) the Council of Ministers’ using the asset in the course of itself supplying gas to consumers in the Island; or

- (b) making the asset available to a third party, on such terms as the Council of Ministers agrees with the third party, for the third party's use in supplying gas to consumers in the Island as so authorised by the Council of Ministers.
 - (3) Where the Council of Ministers exercises the power in subsection (1) in the manner described in subsection (2), the Council of Ministers must —
 - (a) include in the order provision that either —
 - (i) specifies the date on which —
 - (A) control of the asset will be returned to the public gas supplier; and
 - (B) the public gas supplier will thereupon resume responsibility for supplying gas to consumers in the Island; or
 - (ii) specifies how the date referred to in subparagraph (i) is to be ascertained; and
 - (b) pay reasonable compensation to the public gas supplier for the period during which, pursuant to the order, the public gas supplier will have been divested of control of the asset.
 - (4) In this section, “**public gas supplier**” has the meaning given in section 17(1) of the *Gas Regulation Act 1995*.
 - (5) An order made under this section cannot come into operation unless it has been approved by Tynwald. **22**.
- (3) In section 10(1), for “(except an order under section 15(2))” substitute **63**(except an order under section 7 and an order under section 15(2)) **22**.

4 Amendment of Gas Regulation Act 1995

- (1) The *Gas Regulation Act 1995* is amended as follows.
- (2) In section 16(8), for “(with the exception of an order under section 20)” substitute **64**(with the exception of regulations under section 6(2) and an order under section 20) **22**.

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