

SCHEDULES

SCHEDULE 19

Section 143

CONSEQUENTIAL AMENDMENTS RELATING TO CHAPTER 1 OF PART 3

Water (Scotland) Act 1980 (c. 45)

- 1 In Schedule 4 to the Water (Scotland) Act 1980 (provisions to be incorporated in orders relating to statutory undertakers), in paragraph (b) of the proviso to section 36, for “transmit” substitute “participate in the transmission of”.

Telecommunications Act 1984 (c. 38)

- 2 In section 98(9) of the Telecommunications Act 1984, in the definition of “electricity authority”, for “transmit or supply”, where they first occur, substitute “supply or participate in the transmission of”.

Electricity Act 1989 (c. 29)

- 3 The 1989 Act is amended as follows.
- 4 In section 3A(5)(a), for “transmit, distribute or supply” substitute “distribute, supply or participate in the transmission of”.
- 5 In section 6 (licences authorising supply etc.), for subsection (7) substitute—
- “(7) A licence, and any modification of a licence under subsection (4), (6) or (6B), shall be in writing.”
- 6 In section 6A (procedure for licence applications), in subsection (1) (applications to which the section applies), for paragraph (b) substitute—
- “(b) for the modification of a licence under section 6(4), (6) or (6B).”
- 7 (1) Section 6B (applications for transmission licence) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) The applicant shall give notice of the application to any person who holds a transmission licence and whose interests may be affected if the licence applied for is granted.”
- (3) In subsection (5)(c) (under which there is a duty to give notice of the proposed grant of an application to the holder of a transmission licence whose authorised area is affected by the area to which the application relates), for the words from “authorised area” to “area” substitute “interests may be affected by the grant of the licence”.
- 8 (1) Section 9 (general duties of licence holders) is amended as follows.
- (2) In subsection (2) (duties of transmission licence holder), for “transmit” substitute “participate in the transmission of”.

Status: This is the original version (as it was originally enacted).

- (3) After that subsection insert—
- “(2A) Subsection (2)(a) shall not have effect to require the holder of a transmission licence which is subject to a condition of the kind mentioned in section 7(2A) (a) to carry on an activity which he would be authorised by the licence to carry on apart from the condition.”
- 9 (1) Section 10 (powers of licence holders) is amended as follows.
- (2) In subsection (1)(a) (which applies Schedules 3 and 4 to a person authorised by a licence to transmit electricity), for the words from “a person” to “electricity” substitute “the holder of a transmission licence”.
- (3) For subsection (4) substitute—
- “(4) A transmission licence may provide that, where the licence is modified under section 6(6B), 11 or 11A above so as to reduce in any respect the area in which the licence holder may carry on activities, Schedule 4 to this Act shall have effect in relation to him as if any reference to the activities which he is authorised by his licence to carry on included a reference to the activities which he was previously so authorised to carry on.”
- 10 In section 29 (regulations relating to supply and safety), in subsection (2)(c) (power to require persons to keep maps etc.), for “transmit” substitute “participate in the transmission of”.
- 11 In section 30 (electrical inspectors), in subsection (2)(a) (duty to inspect and test equipment belonging to certain persons), for “transmit or distribute” substitute “distribute or participate in the transmission of”.
- 12 (1) Section 35 (which supplements section 34 about fuel stocks at generating stations) is amended as follows.
- (2) In subsection (1) (power to require information from any person authorised by a licence to transmit electricity), for “any person authorised by a licence to transmit electricity” substitute “the holder of a transmission licence”.
- (3) For subsection (2) substitute—
- “(2) The Secretary of State may give a direction requiring any person who is authorised by a licence to participate in the transmission of electricity to carry on the activities which the licence authorises (or any of them), at any time when a direction under section 34(4) above is in force, either in a specified manner or with a view to achieving specified objectives.”
- (4) In subsection (3), for the words from “and”, in the second place where it occurs, to the end substitute “and a person subject to a direction under subsection (2) above shall give effect to it notwithstanding any other duty imposed on him by or under this Part.”
- 13 In section 43B (supplementary provision about orders under section 43A), in subsection (7) (definition of “authorised transmitter”), for “transmit” substitute “participate in the transmission of”.
- 14 In section 58 (directions restricting the use of certain information)—
- (a) in subsection (1), for “any person who is authorised by a licence to transmit electricity” substitute “the holder of a transmission licence”, and

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- (b) in subsection (2), for “transmit or supply” substitute “supply or participate in the transmission of”.
- 15 (1) Section 64 (interpretation of Part 1) is amended as follows.
- (2) In subsection (1), for the definition of “transmit” substitute—
- ““transmission”, in relation to electricity, has the meaning given by section 4(4) above;
- “transmission system” has the same meaning given by section 4(4) above;”.
- (3) Before subsection (2) insert—
- “(1B) In this Part, references to participation, in relation to the transmission of electricity, are to be construed in accordance with section 4(3A) and (3B) above.”
- 16 In Schedule 9 (preservation of amenity and fisheries), in paragraphs 1(1) and 3(1), for “transmit, distribute or supply” substitute “distribute, supply or participate in the transmission of”.

Water Industry Act 1991 (c. 56)

- 17 In Schedule 13 to the Water Industry Act 1991 (protective provisions), in paragraph 1(5) (undertakings protected), in paragraph (f), for “transmit or supply” substitute “supply or participate in the transmission of”.

Water Resources Act 1991 (c. 57)

- 18 In Schedule 22 to the Water Resources Act 1991 (protective provisions), in paragraph 1(4) (undertakings protected), in paragraph (f), for “transmit or supply” substitute “supply or participate in the transmission of”.

Land Drainage Act 1991 (c. 59)

- 19 In Schedule 6 to the Land Drainage Act 1991 (protective provisions), in paragraph 1(1) (undertakings protected), in paragraph (f), for “transmit or supply” substitute “supply or participate in the transmission of”.

Utilities Act 2000 (c. 27)

- 20 In section 33(1) of the Utilities Act 2000 (which provides that conditions determined under that provision shall be standard conditions for the purposes of any of the types of licence mentioned in section 6(1) of the 1989 Act)—
- (a) for “6(1)” substitute “6(1)(a), (c) and (d)”,
- (b) omit the words “transmission licences,” and
- (c) for the words from “, subject” to the end substitute “be standard conditions for the purposes of licences of that type, subject to any modifications of the standard conditions for the purposes of licences of that type made—
- (a) under Part 1 of the 1989 Act after the determination under this section, or
- (b) under the Energy Act 2004.”