

## SCHEDULES

### SCHEDULE 9

#### CERTAIN AMENDMENTS OF SECTORAL ENACTMENTS

##### PART 1

##### POWER OF ENFORCEMENT ORDERS TO AMEND LICENCE CONDITIONS ETC.

*Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))*

13 (1) Article 18 of the Gas (Northern Ireland) Order 1996 (modification of licence conditions by order) shall be amended as follows.

(2) For paragraph (1) there shall be substituted—

“(1) Where the Office of Fair Trading, the Competition Commission or (as the case may be) the Secretary of State (in this Article “the relevant authority”) makes a relevant order, the order may also provide for the modification of—

- (a) the conditions of a particular licence; or
- (b) the standard conditions of licences under sub-paragraph (a), (b) or (c) of Article 8(1),

to such extent as may appear to the relevant authority to be requisite or expedient for the purpose of giving effect to, or taking account of, any provision made by the order.

(1A) In paragraph (1) “relevant order” means—

- (a) an order under section 75, 83 or 84 of, or paragraph 5, 10 or 11 of Schedule 7 to, the Enterprise Act 2002 where—
  - (i) one or more than one of the enterprises which have, or may have, ceased to be distinct enterprises was engaged in the carrying on of activities authorised or regulated by a licence; or
  - (ii) one or more than one of the enterprises which will or may cease to be distinct enterprises is engaged in the carrying on of activities authorised or regulated by a licence; or
- (b) an order under section 160 or 161 of that Act where the feature, or combination of features, of the market in the United Kingdom for goods or services which prevents, restricts or distorts competition relates to activities authorised or regulated by a licence.”

(3) In paragraph (2)—

- (a) for the words “Secretary of State modifies under paragraph (1)(ii)” there shall be substituted “relevant authority modifies under paragraph (1)(b)”; and

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*Status: This is the original version (as it was originally enacted).*

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(b) for the word “he”, in both places where it appears, there shall be substituted “the relevant authority”.

(4) Paragraph (3) shall cease to have effect.

(5) In paragraph (4)—

(a) for the words “Secretary of State” there shall be substituted “relevant authority”; and

(b) for the word “he”, in both places where it appears, there shall be substituted “the relevant authority”.

(6) For paragraph (5) there shall be substituted—

“(5) Expressions used in paragraph (1A) above and in Part 3 or (as the case may be) Part 4 of the Enterprise Act 2002 have the same meanings in that paragraph as in that Part.”