



# Energy Act 2004

## 2004 CHAPTER 20

### PART 3

#### ENERGY REGULATION

### CHAPTER 4

#### FURTHER PROVISIONS ABOUT REGULATION

#### *Funding of appeals and references*

#### **177 Modifications of standard conditions for funding appeals and references**

- (1) Where the Secretary of State considers it appropriate to do so—
  - (a) in connection with the provision made by sections 173 to 175 and Schedule 22, or
  - (b) in relation to references to the Competition Commission under section 24 of the Gas Act 1986 (c. 44) or section 12 of the 1989 Act (modification references),he may make licence modifications falling within subsection (2).
- (2) Those licence modifications are—
  - (a) modifications of so much of the standard conditions of gas or electricity licences of any type as relates to licence charges; and
  - (b) such incidental, consequential or transitional modifications in connection with modifications falling within paragraph (a) as he thinks fit.
- (3) Where the standard conditions of gas or electricity licences contain provision authorising the imposition of licence charges in respect of costs incurred by the Competition Commission in connection with a reference mentioned in subsection (1) (b)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the Competition Commission shall have power, on such a reference, to give directions to GEMA about the manner in which the Competition Commission's costs in connection with that reference are to be recovered by means of such charges; and
  - (b) GEMA must comply with any such directions.
- (4) Before making a modification under this section that applies to licences of any type, the Secretary of State must consult—
  - (a) the holders of the licences; and
  - (b) such other persons as he considers appropriate.
- (5) Subsection (4) may be satisfied by consultation that took place wholly or partly before the commencement of this section.
- (6) The Secretary of State must publish every modification made by him under this section.
- (7) The publication must be in such manner as the Secretary of State considers appropriate.
- (8) Where the Secretary of State makes modifications under this section of the standard conditions of licences of any type, GEMA must—
  - (a) make (as nearly as may be) the same modifications of those standard conditions for the purposes of their incorporation in licences of that type granted after that time; and
  - (b) publish the modifications in such manner as it considers appropriate.
- (9) The Secretary of State's powers under this section are exercisable only during the three months beginning with the commencement of this section.
- (10) In this section—
  - “gas or electricity licence” has the same meaning as in section 173; and
  - “licence charges” means payments which—
    - (a) under the conditions of a gas or electricity licence, are required to be paid on the grant or during the currency of the licence by the licence holder; and
    - (b) are payments of amounts determined by or under the licence.