



Energy Act 2004

2004 CHAPTER 20

PART 2

SUSTAINABILITY AND RENEWABLE ENERGY SOURCES

CHAPTER 2

OFFSHORE PRODUCTION OF ENERGY

Application of 1989 Act offshore

90 Modification of licence conditions for offshore transmission and distribution

- (1) If the Secretary of State considers it appropriate to do so for purposes connected with offshore transmission or offshore distribution, he may—
 - (a) modify the standard conditions of transmission licences or distribution licences;
 - (b) modify, for purposes that in relation to modifications made under paragraph (a) are incidental, consequential or transitional purposes, the conditions of a particular transmission licence or a particular distribution licence;
 - (c) modify a code maintained in accordance with the conditions of a transmission licence or a distribution licence; and
 - (d) modify an agreement that gives effect to a code so maintained.
- (2) Before making a modification under this section, the Secretary of State must consult—
 - (a) the holder of any licence being modified; and
 - (b) such other persons as he considers appropriate.
- (3) Subsection (2) may be satisfied by consultation that took place wholly or partly before [^{F1}the passing of the Energy Act 2011].

Changes to legislation: Energy Act 2004, Section 90 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) The Secretary of State must publish every modification made by him under this section.
- (5) The publication must be in such manner as the Secretary of State considers appropriate.
- (6) Where the Secretary of State makes modifications under subsection (1)(a) 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.
- (7) A modification under subsection (1)(b) of part of a standard condition of a licence does not prevent any other part of the condition from continuing to be regarded as a standard condition for the purposes of Part 1 of the 1989 Act.
- (8) The Secretary of State’s powers under this section are exercisable only during the eighteen months beginning with [F2the passing of the Energy Act 2011].
- (9) In this section—
- “offshore distribution” means distribution within an area of offshore waters of electricity generated by a generating station in such an area;
- “offshore transmission” means transmission within an area of offshore waters of electricity generated by a generating station in such an area; and
- “offshore waters” means—
- (a) waters in or adjacent to Great Britain which are between the mean low water mark and the seaward limits of the territorial sea; and
 - (b) waters within an area designated under section 1(7) of the Continental Shelf Act 1964 (c. 29).
- (10) Expressions used in this section and in Part 1 of the 1989 Act have the same meanings in this section as in that Part.

Textual Amendments

- F1** Words in s. 90(3) substituted (18.10.2011) by [Energy Act 2011 \(c. 16\)](#), **ss. 104(1)**, 121(4)
- F2** Words in s. 90(8) substituted (18.10.2011) by [Energy Act 2011 \(c. 16\)](#), **ss. 104(1)**, 121(4)
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Commencement Information

- I1** S. 90 in force at 19.6.2009 by [S.I. 2009/1269](#), **art. 3**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)