



Energy Act 2008

2008 CHAPTER 32

PART 5

MISCELLANEOUS

Transmission systems

84 Power to amend licence conditions etc: transmission systems

- (1) The Secretary of State may modify—
 - (a) a condition of a particular licence under section 6(1)(a) to (d) of the Electricity Act 1989 (generation, transmission, distribution and supply licences);
 - (b) the standard conditions incorporated in licences under those provisions by virtue of section 8A of that Act;
 - (c) a document maintained in accordance with the conditions of licences under section 6(1)(a) to (d) of that Act, or an agreement that gives effect to a document so maintained.
- (2) The Secretary of State may exercise the power conferred by subsection (1) for the purpose only of facilitating—
 - (a) access to a transmission system in Great Britain or offshore waters;
 - (b) efficient use of a transmission system in Great Britain or offshore waters.
- (3) The power conferred by subsection (1)—
 - (a) may be exercised to make different provision in relation to different classes of customer;
 - (b) may be exercised generally, only in relation to specified cases or subject to exceptions (including provision for a case to be excepted only so long as specified conditions are satisfied);
 - (c) may be exercised differently in different cases or circumstances;
 - (d) includes a power to make incidental, supplementary, consequential or transitional modifications.

Status: This is the original version (as it was originally enacted).

- (4) The power conferred by subsection (1) may not be exercised after the end of the period of 2 years beginning with the day on which that subsection comes into force.
- (5) Provision included in a licence by virtue of that power—
- (a) need not relate to the activities authorised by the licence;
 - (b) may do any of the things authorised by section 7(2) to (4) of the Electricity Act 1989 (c. 29) (which apply to the Gas and Electricity Markets Authority’s power with respect to licence conditions under section 7(1)(a)).
- (6) In this section—
- “offshore waters” means—
 - (a) waters in or adjacent to Great Britain which are between the 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);
 - “transmission system” has the meaning given by section 4(4) of the Electricity Act 1989.

85 Section 84: procedure

- (1) Before making a modification, the Secretary of State must consult—
- (a) the holder of any licence being modified,
 - (b) the Gas and Electricity Markets Authority, and
 - (c) such other persons as the Secretary of State considers appropriate.
- (2) Subsection (1) may be satisfied by consultation before, as well as by consultation after, the passing of this Act.
- (3) The Secretary of State must publish details of any modifications as soon as reasonably practicable after they are made.
- (4) In this section “modification” means a modification under section 84.

86 Section 84: supplemental

- (1) A modification under section 84 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 Electricity Act 1989 (c. 29).
- (2) Where the Secretary of State makes modifications under section 84(1)(b) of the standard conditions of a licence of any type, the Gas and Electricity Markets Authority must—
- (a) make the same modification of those standard conditions for the purposes of their incorporation in licences of that type granted after that time, and
 - (b) publish the modification.
- (3) The Secretary of State may by order make such modifications of provisions made by or under an Act or an Act of the Scottish Parliament (whenever passed or made) as the Secretary of State considers appropriate in consequence of provision made under section 84.