



# Energy Act 2011

## 2011 CHAPTER 16

### PART 1

#### ENERGY EFFICIENCY

#### CHAPTER 5

##### INFORMATION ABOUT ENERGY CONSUMPTION, EFFICIENCY AND TARIFFS

###### *Information about tariffs*

#### **76 Power to modify energy supply licences: information about tariffs**

- (1) The Secretary of State may modify—
  - (a) a condition of a particular licence under section 7A(1) of the Gas Act 1986 (supply licences);
  - (b) the standard conditions incorporated in licences under that provision by virtue of section 8 of that Act;
  - (c) a condition of a particular licence under section 6(1)(d) of the Electricity Act 1989 (supply licences);
  - (d) the standard conditions incorporated in licences under that provision by virtue of section 8A of that Act.
- (2) The power under subsection (1) may be exercised for the purpose only of securing that a licence holder provides a customer on a domestic tariff with information about one or more of the licence holder's lowest domestic tariffs.
- (3) The information to be provided about a tariff by virtue of subsection (2) may, in particular, include information about—
  - (a) the amount of the tariff;
  - (b) the amount the customer would have paid or saved in relation to any past period if the customer had been on the tariff for that period;

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- (c) the amount the customer would be likely to pay or save in relation to any future period if the customer were on the tariff for that period;
  - (d) where to find further information about the tariff;
  - (e) how to switch to it.
- (4) Modifications under subsection (1) may, in particular, include provision regarding—
- (a) which one or more domestic tariffs of a licence holder are its lowest domestic tariffs;
  - (b) which of its lowest domestic tariffs a licence holder must provide information about;
  - (c) how and when the information must be provided;
  - (d) the form in which it must be provided.
- (5) The power under subsection (1)—
- (a) 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);
  - (b) may be exercised differently in different cases or circumstances;
  - (c) includes a power to make consequential modifications.
- (6) Provision included in licences by virtue of the power may make different provision for different cases.
- (7) The power under subsection (1) may not be exercised after 1 November 2018.
- (8) In this section—
- “domestic supply contract” means a contract for the supply of gas or electricity by a licence holder to a customer at domestic premises wholly or mainly for domestic purposes;
  - “domestic tariff” means a tariff under a domestic supply contract.

## **77 Power to modify energy supply licences: procedure and supplemental**

- (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) The Secretary of State must publish details of any modifications as soon as reasonably practicable after they are made.
- (3) A modification of part of a standard condition of a particular 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 Gas Act 1986 or Part 1 of the Electricity Act 1989.
- (4) Where the Secretary of State makes a modification of the standard conditions of a licence of any type, the Gas and Electricity Markets Authority must make the same modification of those standard conditions for the purposes of their incorporation in licences of that type granted after that time.
- (5) In section 33(1) of the Utilities Act 2000 (standard conditions of electricity licences), in paragraph (f) (as inserted by section 22(7) of this Act), after “Part 1” insert “ or section 76 ”.

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(6) In section 81(2) of the Utilities Act 2000 (standard conditions of gas licences), after “Part 1” (as inserted by section 22(8) of this Act) insert “ or section 76 ”.

(7) In this section “modification” means a modification under section 76.

## **78 General duties of the Secretary of State**

(1) Sections 4AA to 4B of the Gas Act 1986 (principal objective and general duties) apply in relation to functions of the Secretary of State under section 76 or 77 of this Act with respect to holders of licences under section 7A(1) of that Act as they apply in relation to functions of the Secretary of State under Part 1 of that Act.

(2) Sections 3A to 3D of the Electricity Act 1989 (principal objective and general duties) apply in relation to functions of the Secretary of State under section 76 or 77 of this Act with respect to holders of licences under section 6(1)(d) of that Act as they apply in relation to functions of the Secretary of State under Part 1 of that Act.

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