

SCHEDULES

SCHEDULE 3

OTHER AMENDMENTS OF PART I OF 1986 ACT

Modification by order under other enactments

25 For section 27 of the 1986 Act there shall be substituted the following section—

“27 Modification by order under other enactments

(1) Where in the circumstances mentioned in subsection (3) or (4) below the Secretary of State by order exercises any of the powers specified in Parts I and II of Schedule 8 to the Fair Trading Act 1973 or section 10(2)(a) of the Competition Act 1980, the order may also provide for the modification of—

- (a) the conditions of a particular licence; or
- (b) the standard conditions of licences under section 7 above, licences under subsection (1) of section 7A above or licences under subsection (2) of that section,

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

(2) Where at any time the Secretary of State modifies under subsection (1)(b) above the standard conditions of licences under section 7 above, licences under subsection (1) of section 7A above or licences under subsection (2) of that section, he—

- (a) shall also make (as nearly as may be) the same modifications of those conditions for the purposes of their incorporation in licences under that section or, as the case may be, that subsection granted after that time; and
- (b) may, after consultation with the Director, make such incidental or consequential modifications as he considers necessary or expedient of any conditions of licences under that provision granted before that time.

(3) Subsection (1) above shall have effect where—

- (a) the circumstances are as mentioned in section 56(1) of the said Act of 1973 (order on report on monopoly reference), or in section 10(1) of the said Act of 1980 (order on report on competition reference); and
- (b) the monopoly situation exists in relation to, or (as the case may be) the anti-competitive practice relates to—
 - (i) the carrying on of activities authorised or required by a licence; or

Status: This is the original version (as it was originally enacted).

- (ii) the storage of gas on terms which have been determined by the holder of a licence under section 7 above, or could have been determined by the holder if he had thought fit or had been required to determine them by or under a condition of the licence.
- (4) Subsection (1) above shall also have effect where—
 - (a) the circumstances are as mentioned in section 73(1) of the said Act of 1973 (order on report on merger reference); and
 - (b) at least one of the two or more enterprises—
 - (i) which ceased to be distinct enterprises; or
 - (ii) in the application of that provision as it has effect by virtue of section 75(4)(e) of that Act, which would cease to be distinct enterprises,was or, as the case may be, is engaged in the carrying on of activities authorised or required by a licence.
- (5) Where at any time the Secretary of State modifies standard conditions under subsection (2)(a) above for the purposes of their incorporation in licences granted after that time, he shall publish those modifications in such manner as he considers appropriate.
- (6) In this section expressions which are also used in the said Act of 1973 or the said Act of 1980 have the same meanings as in that Act.”