

*Status: Point in time view as at 24/08/2004.*

*Changes to legislation: Energy Act 2004, SCHEDULE 17 is up to date with all changes known to be in force on or before 26 June 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)*

## SCHEDULES

### SCHEDULE 17 **E+W+S**

Section 138

#### CONVERSION OF EXISTING TRANSMISSION LICENCES: LICENSING SCHEME

##### *Licensing scheme*

- 1 (1) Before the commencement of section 136, the Secretary of State shall make a scheme in relation to existing transmission licences.
- (2) A scheme under this paragraph shall provide for each licence to which it relates to have effect on and after such date as the scheme may provide—
  - (a) as a licence under section 6(1)(b) of the 1989 Act as amended by Chapter 1 of Part 3 of this Act, and
  - (b) with the inclusion of such provision under section 6(6A) of that Act as the scheme may provide.
- (3) Subject to sub-paragraph (4), a scheme under this paragraph shall provide that the conditions which by virtue of section 137(3) are standard conditions for the purposes of transmission licences are incorporated by reference in each licence to which the scheme relates (in place of the existing standard conditions of that licence).
- (4) A scheme under this paragraph may provide that each licence to which it relates shall have effect with such incidental, consequential and supplementary modifications as appear to the Secretary of State to be necessary or expedient.
- (5) Modifications under sub-paragraph (4) may relate to—
  - (a) the terms of a licence, or
  - (b) the conditions of a licence (including the standard conditions which would otherwise be incorporated by virtue of sub-paragraph (3)).
- (6) A scheme under this paragraph may—
  - (a) make such transitional provision as appears to the Secretary of State to be necessary or expedient;
  - (b) make different provision for different cases.
- (7) As soon as practicable after making a scheme under this paragraph, the Secretary of State shall publish the text of each licence to which the scheme relates as it has effect by virtue of the scheme.
- (8) Any text so published shall be treated as authoritative unless the contrary is shown.
- (9) The Secretary of State may change the date on which a scheme under this paragraph is to come into operation.

#### **Commencement Information**

**II** Sch. 17 para. 1 in force at 24.8.2004 by S.I. 2004/2184, art. 2(1), Sch. 1

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*Consequential amendment of related codes and agreements*

- 2 The Secretary of State may include in a scheme under paragraph 1 provision amending a code or agreement relevant to the conditions of an existing transmission licence if it appears to him to be necessary or expedient to do so in consequence of anything for which the scheme makes provision.

**Commencement Information**

**I2** Sch. 17 para. 2 in force at 24.8.2004 by S.I. 2004/2184, art. 2(1), Sch. 1

*Effect of licensing scheme*

- 3 (1) A scheme under paragraph 1 shall, by virtue of this paragraph, have effect according to its terms.
- (2) The modification under paragraph 1(4) of what would otherwise be a standard condition of a licence to which the scheme relates shall not prevent any other part of the condition which is not so modified being regarded as a standard condition for the purposes of Part 1 of the 1989 Act.

**Commencement Information**

**I3** Sch. 17 para. 3 in force at 24.8.2004 by S.I. 2004/2184, art. 2(1), Sch. 1

*Modification of licensing scheme*

- 4 (1) If at any time after a scheme under paragraph 1 has come into operation the Secretary of State considers it appropriate to do so, he may by order provide that the scheme shall for all purposes be deemed to have come into operation with such modifications as may be specified in the order.
- (2) An order under sub-paragraph (1) may make, with effect from the coming into force of the scheme, such provision as could have been made by the scheme, and in connection with giving effect to that provision from that time may contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.
- (3) An order under sub-paragraph (1) is subject to the negative resolution procedure.

**Commencement Information**

**I4** Sch. 17 para. 4 in force at 24.8.2004 by S.I. 2004/2184, art. 2(1), Sch. 1

*Consultation by the Secretary of State*

- 5 (1) Before carrying out any function under this Schedule the Secretary of State shall consult—
- (a) GEMA, and
  - (b) holders of existing transmission licences,
- in such manner as he considers appropriate.

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(2) Sub-paragraph (1) may be satisfied by consultation before, as well as by consultation after, the commencement of this paragraph.

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**Commencement Information**

**I5** Sch. 17 para. 5 in force at 24.8.2004 by S.I. 2004/2184, art. 2(1), Sch. 1

*“Existing transmission licence”*

6 In this Schedule, references to an existing transmission licence are to a transmission licence which is in force immediately before the day on which section 136 comes into force.

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**Commencement Information**

**I6** Sch. 17 para. 6 in force at 24.8.2004 by S.I. 2004/2184, art. 2(1), Sch. 1

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