



Smart Meters Act 2018

2018 CHAPTER 14

Half-hourly settlement of electricity imbalances

12 Modification under section 11

- (1) Before making a modification under section 11, the Gas and Electricity Markets Authority (“the Authority”) must—
 - (a) publish a notice about the proposed modification,
 - (b) send a copy of the notice to the persons listed in subsection (2), and
 - (c) consider any representations made within the period specified in the notice about the proposed modification or the date from which it would take effect.
- (2) The persons mentioned in subsection (1)(b) are—
 - (a) each relevant licence holder,
 - (b) the Secretary of State,
 - (c) Citizens Advice,
 - (d) [^{F1}Consumer Scotland], and
 - (e) such other persons as the Authority considers appropriate.
- (3) The period specified under subsection (1)(c) must be a period of not less than 28 days beginning with the day on which the notice is published.
- (4) A notice under subsection (1) must—
 - (a) state that the Authority proposes to make a modification,
 - (b) set out the proposed modification and its effect,
 - (c) specify the date from which the Authority proposes that the modification will have effect, and
 - (d) state the reasons why the Authority proposes to make the modification.
- (5) If, after complying with subsections (1) to (4) in relation to a modification, the Authority decides to make a modification, it must publish a notice about the decision.
- (6) A notice under subsection (5) must—
 - (a) state that the Authority has decided to make the modification,

Changes to legislation: There are currently no known outstanding effects for the Smart Meters Act 2018, Section 12. (See end of Document for details)

- (b) set out the modification and its effect,
 - (c) specify the date from which the modification has effect,
 - (d) state how the Authority has taken account of any representations made in the period specified in the notice under subsection (1), and
 - (e) state the reason for any differences between the modification set out in the notice and the proposed modification.
- (7) A notice under this section about a modification or decision must be published in such manner as the Authority considers appropriate for bringing it to the attention of those likely to be affected by the making of the modification or decision.
- (8) Sections 3A to 3D of the Electricity Act 1989 (principal objective and general duties) apply in relation to the functions of the Authority under section 11 and this section with respect to modifications of documents maintained in accordance with electricity licences, and agreements giving effect to such documents, as they apply in relation to functions of the Authority under Part 1 of that Act.
- (9) For the purposes of subsections (1) to (10) of section 5A of the Utilities Act 2000 (duty of Authority to carry out impact assessment), a function exercisable by the Authority under section 11 is to be treated as if it were a function exercisable by it under or by virtue of Part 1 of the Electricity Act 1989.
- (10) The reference in subsection (9) to the functions of the Authority under section 11 includes a reference to the Authority's functions under subsections (1) to (10) of section 5A of the Utilities Act 2000 as applied by subsection (9).
- (11) In this section—
- “electricity licence” has the meaning given in section 11;
 - “relevant licence holder” means, in relation to the modification of a document maintained under an electricity licence or an agreement that gives effect to such a document, the holder of a licence under which the document is maintained.

Textual Amendments

- F1** Words in s. 12(2)(d) substituted (13.1.2022) by [The Consumer Scotland Act 2020 \(Consequential Provisions and Modifications\) Order 2022 \(S.I. 2022/34\)](#), art. 1(1), **Sch. para. 9(2)** (with art. 5)
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Commencement Information

- I1** S. 12 in force at 30.4.2024 by [S.I. 2024/465](#), **reg. 2(b)**

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