



Energy Act 2023

2023 CHAPTER 52

PART 3

LICENSING OF HYDROGEN PIPELINE PROJECTS

Modification of gas transporter licence

137 Scope of modification powers under [section 136](#)

- (1) Modifications made under [section 136\(1\)\(a\)](#) may include, for example, provision—
- (a) about the revenue that the designated person may receive in respect of its activities (its “allowed revenue”);
 - (b) about how the designated person’s allowed revenue is to be calculated;
 - (c) about the amounts that the designated person is entitled to receive, or is required to pay, under any hydrogen transport revenue support contract (within the meaning of Chapter 1 of Part 2) to which it is a party;
 - (d) about activities that the designated person must, may or may not carry on;
 - (e) about the management of the designated person’s activities, including the manner in which they are carried out;
 - (f) conferring functions on the GEMA, including provision enabling or requiring the designated person to refer for determination, decision or approval by the GEMA matters specified, or of a description specified, in the licence;
 - (g) for the amendment of the licence for the purpose of implementing a determination or decision of the GEMA or the Competition and Markets Authority;
 - (h) requiring the designated person to comply with any direction or instruction, or to have regard to any guidance, given by the GEMA in relation to matters specified, or of a description specified, in the licence;
 - (i) requiring the designated person to co-operate with the GEMA and to provide such information and assistance to the GEMA as it may require for the purposes of carrying out any of its functions;

Status: Point in time view as at 26/12/2023.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 137. (See end of Document for details)

- (j) about the payment by the designated person, to the GEMA or to the Competition and Markets Authority, of such amounts as may be determined by or in accordance with the licence;
 - (k) about the disclosure or publication of information by the designated person.
- (2) Modifications made under [section 136\(1\)\(b\)](#) may include, for example, provision about the circumstances in which a licence may be revoked or suspended.
- (3) The powers under [section 136\(1\)](#) and (4) to “modify” include the power to amend, add to or remove; and references to modification in [section 136](#), this section and [section 138](#) are to be construed accordingly.
- (4) The powers conferred by [section 136\(1\)](#) and (4)—
- (a) may be exercised generally, only in relation to specified cases, or subject to exceptions (including by making provision for a case to be excepted only so long as specified conditions are satisfied);
 - (b) may be exercised differently for different purposes or areas;
 - (c) include power to make incidental, supplementary, consequential or transitional modifications.
- (5) Provision included in a gas transporter licence, or in a document or agreement described in [section 136\(1\)\(d\)](#), by virtue of [section 136](#)—
- (a) need not relate to the activities authorised by the licence;
 - (b) may do anything authorised for gas transporter licences by section 7B(4A), (5)(a), (6) or (7) of the Gas Act 1986.
- (6) The modification under [section 136\(1\)](#) or (4) of part of a standard condition of a gas transporter 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.
- (7) In section 81(2) of the Utilities Act 2000 (standard conditions of gas licences), after “[section 89](#)” (as inserted by section [91\(13\)](#) of this Act) insert “, [section 136\(1\)](#) or (4)”.
- (8) References in this section to a designated person’s activities are to the person’s activities for the purposes of—
- (a) the designated project to which the modification relates, and
 - (b) any other designated project authorised by the person’s gas transporter licence.

Commencement Information

II [S. 137](#) in force at 26.12.2023, see [s. 334\(3\)\(c\)](#)

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