



Energy Act 2023

2023 CHAPTER 52

PART 5

INDEPENDENT SYSTEM OPERATOR AND PLANNER

Licences

170 Procedure relating to modifications under [section 169](#)

- (1) Before making a modification under [section 169](#), a relevant 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 GEMA (where the relevant authority is the Secretary of State) or the Secretary of State (where the relevant authority is the GEMA);
 - (c) the National Association of Citizens Advice Bureaux;
 - (d) the Scottish Association of Citizens Advice Bureaux;
 - (e) Consumer Scotland;
 - (f) the General Consumer Council for Northern Ireland, unless the relevant authority does not consider it appropriate for the Council to be sent a copy of the notice in a particular case;
 - (g) where the proposed modification relates to a licence for the purposes of section 5 of the Gas Act 1986, the Health and Safety Executive;
 - (h) such other persons as the relevant authority considers appropriate.
- (3) A notice under [subsection \(1\)](#) must—
 - (a) state that the relevant authority proposes to make a modification;
 - (b) set out the proposed modification and its effect;

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- (c) specify the date from which the relevant authority proposes that the modification will have effect;
 - (d) state the reasons why the relevant authority proposes to make the modification.
- (4) If, after complying with subsections (1) to (3) in relation to a modification, the relevant authority decides to make the modification, it must publish a notice about the decision.
- (5) A notice under subsection (4) must—
 - (a) state that the relevant authority has decided to make the modification;
 - (b) set out the modification and its effect;
 - (c) specify the date from which the modification has effect;
 - (d) state how the relevant authority has taken account of any representations made in the period specified in the notice under subsection (1);
 - (e) state the reason for any differences between the modification set out in the notice and the proposed modification.
- (6) A notice under this section about a modification or decision must be published in such manner as the relevant authority considers appropriate for bringing it to the attention of those likely to be affected by the making of the modification or decision.
- (7) References in this section to the making of a modification, in relation to a relevant licence, include references to the revocation of the licence.
- (8) In this section, “relevant licence holder”—
 - (a) in relation to the modification of standard conditions of relevant licences of any type, means the holder of a licence of that type—
 - (i) that is to be modified by the inclusion of a new standard condition, or
 - (ii) that includes any standard conditions to which the modification relates that are in effect at the end of the period specified by virtue of subsection (1)(c);
 - (b) in relation to the modification of a condition of a particular relevant licence (other than a standard condition), means the holder of that licence;
 - (c) in relation to the modification of a document maintained in accordance with the conditions of a relevant licence of a particular type, means the holder of a relevant licence of that type;
 - (d) in relation to the revocation of a relevant licence, means the holder of that licence.
- (9) In this section, “relevant authority” means the Secretary of State or the GEMA.