



Energy Act 2023

2023 CHAPTER 52

PART 2

CARBON DIOXIDE CAPTURE, STORAGE ETC AND HYDROGEN PRODUCTION, TRANSPORT AND STORAGE

CHAPTER 1

REVENUE SUPPORT CONTRACTS

General

VALID FROM 26/12/2023

89 Modifications of licences etc for purposes related to levy obligations

- (1) The Secretary of State may modify—
- (a) a condition of a particular licence under section 7 of the Gas Act 1986 (licensing of gas transporters);
 - (b) the standard conditions incorporated in licences under section 7 of the Gas Act 1986 by virtue of section 8 of that Act;
 - (c) a document maintained in accordance with the conditions of licences under section 7 of the Gas Act 1986, or an agreement that gives effect to a document so maintained.
- (2) The Secretary of State may modify—
- (a) a condition of a particular licence under Article 8(1)(a) of the Gas (Northern Ireland) Order 1996 ([S.I. 1996/275 \(N.I. 2\)](#)) (licences to convey gas);
 - (b) the standard conditions of licences under Article 8(1)(a) of that Order;

Status: Point in time view as at 26/10/2023. This version of this provision is not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 89. (See end of Document for details)

- (c) a document maintained in accordance with the conditions of licences under Article 8(1)(a) of that Order, or an agreement that gives effect to a document so maintained.
- (3) The powers conferred by subsections (1) and (2) may be exercised only for the purpose of facilitating or supporting enforcement of, and administration in connection with, obligations under regulations within [section 70](#) (including facilitation and support by way of allowing or requiring the provision of services).
- (4) Provision included in a licence, or in a document or agreement relating to licences, by virtue of any power under subsection (1) or (2) may in particular include provision of a kind that may be included in revenue support regulations.
- (5) Provision included in a licence, or in a document or agreement relating to licences, by virtue of a power conferred by this section may do anything authorised for licences of that type by—
- (a) section 7B(5)(a), (6) or (7) of the Gas Act 1986, or
 - (b) Article 10(3)(a) to (d), (4), (5) or (6A) of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)).
- (6) For the purposes of [subsection \(5\)\(b\)](#), the provisions referred to in that paragraph are to be read as if references to the Northern Ireland Authority for Utility Regulation included the Secretary of State.
- (7) If under subsection (1) the Secretary of State makes modifications of the standard conditions of a licence, the GEMA must—
- (a) make the same modification of those standard conditions for the purposes of their incorporation in licences of that type granted after that time, and
 - (b) publish the modification.
- (8) If under subsection (2) the Secretary of State makes modifications of the standard conditions of a licence, the Northern Ireland Authority for Utility Regulation must—
- (a) make the same modification of those standard conditions for the purposes of their incorporation in licences of that type granted after that time, and
 - (b) publish the modification.
- (9) Before making a modification under this section, the Secretary of State must consult—
- (a) the holder of any licence being modified, and
 - (b) such other persons as the Secretary of State considers it appropriate to consult.
- (10) Subsection (9) may be satisfied by consultation before, as well as by consultation after, the passing of this Act.

Commencement Information

II S. 89 in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

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