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STATUTORY INSTRUMENTS

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**2003 No. 419**

**The Energy (Northern Ireland) Order 2003**

**PART V**

**LICENCES**

*Conditions of licences*

**Conditions of electricity licences**

**33.**—(1) Article 11 of the Electricity Order (conditions of licences) shall be amended as follows.

(2) In paragraph (3)—

- (a) for “Conditions included in a licence under paragraph (1)(a)” there shall be substituted “Without prejudice to the generality of paragraph (1)(a), conditions included in a licence by virtue of that sub-paragraph”;
- (b) in sub-paragraph (c) after “licence” (in the first place it appears) there shall be inserted “, or under any document referred to in the licence,”.

(3) After paragraph (3) there shall be inserted—

“(3A) Conditions included in a licence under Article 10(1)(b) or (c) by virtue of paragraph (1)(a) may require the holder, in such circumstances as are specified in the licence

—

- (a) so to increase his charges in connection with the transmission or supply of electricity as to raise such amounts as may be determined by or under the conditions; and

- (b) to pay the amounts so raised to such persons as may be so determined”.

(4) For paragraph (5) there shall be substituted—

“(5) Conditions included in a licence may contain provision for the conditions—

- (a) to have effect or cease to have effect at such times and in such circumstances as may be determined by or under the conditions; or

- (b) to be modified in such manner as may be specified in the conditions at such times and in such circumstances as may be so determined.”.

(5) After paragraph (6) there shall be inserted—

“(6A) Conditions included in a licence may provide for references in the conditions to any document to operate as references to that document as revised or re-issued from time to time.”.

**Conditions of gas licences**

**34.**—(1) Article 10 of the Gas Order (conditions of licences) shall be amended as follows.

(2) In paragraph (3)—

- (a) for “Conditions included in a licence under paragraph (1)(a)” there shall be substituted “Without prejudice to the generality of paragraph (1)(a), conditions included in a licence by virtue of that sub-paragraph”;
  - (b) in sub-paragraph (c) after “licence” (in the first place it appears) there shall be inserted “, or under any document referred to in the licence,”.
- (3) After paragraph (3) there shall be inserted—
- “(3A) Conditions included in a licence under Article 8(1)(a) by virtue of paragraph (1) (a) may require the holder, in such circumstances as are specified in the licence—
  - (a) so to increase his charges in connection with the conveyance of gas as to raise such amounts as may be determined by or under the conditions; and
  - (b) to pay the amounts so raised to such persons as may be so determined”.
- (4) For paragraph (5) there shall be substituted—
- “(5) Conditions included in a licence may contain provision for the conditions—
  - (a) to have effect or cease to have effect at such times and in such circumstances as may be determined by or under the conditions; or
  - (b) to be modified in such manner as may be specified in the conditions at such times and in such circumstances as may be so determined.”.
- (5) After paragraph (6) there shall be inserted—
- “(6A) Conditions included in a licence may provide for references in the conditions to any document to operate as references to that document as revised or re-issued from time to time.”.

### **Standard conditions of gas licences**

**35.** In Article 11 of the Gas Order (standard conditions of licences) after paragraph (1) there shall be inserted—

- “(1A) The standard conditions for the purposes of licences under sub-paragraph (a), (b) or (c) of Article 8(1) may contain provision—
- (a) for any standard condition included in such a licence not to have effect until brought into operation in such manner and in such circumstances as may be specified in or determined under the standard conditions;
- (b) for the effect of any standard condition included in such a licence to be suspended in such manner, and in such circumstances, as may be so specified or determined; or
- (c) for any standard condition included in such a licence which is for the time being suspended to be brought back into operation in such manner and in such circumstances as may be so specified or determined.”.