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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 321**

**Electricity Regulations (Northern Ireland) 2007**

**PART IV**

**TRANSITIONAL PROVISIONS**

**Power to modify licence conditions**

**60.**—(1) The Department after consultation with the Authority, or the Authority with the consent of the Department, may, in accordance with this regulation, modify the conditions of a particular licence where it considers it necessary or expedient to do so for the purpose of—

- (a) implementing any obligations of the United Kingdom under Directive [2003/54/EC](#) or enabling any such obligations to be implemented; or
- (b) dealing with any matters arising out of or related to such obligations.

(2) The power to modify licence conditions under this regulation includes power—

- (a) to make modifications relating to the operation or ownership of transmission systems or other systems for the conveyance of electricity; and
- (b) to make incidental, consequential or transitional modifications.

(3) Conditions included in a licence by virtue of the power conferred by this regulation—

- (a) need not relate to the activity authorised by the licence;
- (b) may require the licence holder—
  - (i) to carry out, or procure the carrying out by a subsidiary company of, any activity specified in the licence;
  - (ii) to apply for, or cause a subsidiary company to apply for, a licence of a kind so specified;
- (c) may do any of the things authorised by Article 11(2) to (6B) of the 1992 Order;
- (d) may require the licence holder to enter into such new agreements or arrangements, or new agreements or arrangements for such purposes or of such description, as may be specified in or determined by or under the conditions;
- (e) may include provision for determining the terms on which such new agreements or arrangements are to be entered into;
- (f) may require the licence holder to amend or terminate, or agree to the amendment or termination of, such existing agreements or arrangements, or existing agreements or arrangements of such description, as may be specified in or determined by or under the conditions.

(4) Before making modifications under this regulation, the Department or the Authority shall consult—

- (a) the holder of any licence being modified; and

(b) such other persons as it considers appropriate.

(5) The requirements of paragraphs (1) and (4) as to consultation may be satisfied by consultation before, as well as by consultation after, the coming into operation of this regulation.

(6) Where the Department or the Authority makes any modifications under this regulation, it shall publish those modifications in such manner as it considers appropriate.

(7) The power to make modifications under this regulation may not be exercised after the end of the period of 24 months beginning with the day on which this regulation comes into operation.

(8) Article 38(1) of the Energy Order applies in relation to the power to modify a licence under this regulation as it applies in relation to a power to amend a licence under the 1992 Order.

(9) Nothing in this regulation prejudices the generality of any other power to modify a licence; and nothing in paragraph (2) or (3) prejudices the generality of paragraph (1).

(10) In this regulation “subsidiary”, in relation to a company, has the same meaning as in the [Companies \(Northern Ireland\) Order 1986 \(NI 6\)\(1\)](#).