



Energy Act 2013

2013 CHAPTER 32

PART 2

ELECTRICITY MARKET REFORM

CHAPTER 5

CONFLICT OF INTEREST AND CONTINGENCY ARRANGEMENTS

47 Orders under section 46: fees and other supplementary provision

- (1) A transfer of functions order may provide for an alternative delivery body to require fees to be paid for, or in connection with, the performance of any EMR functions conferred on the body by virtue of the order.
- (2) The amount of any such fee is the amount specified in, or determined by or in accordance with, the order.
- (3) A transfer of functions order may relate—
 - (a) to all EMR functions that the national system operator or the alternative delivery body is carrying out, or
 - (b) only to such of those functions as are specified in the order.
- (4) A transfer of functions order may—
 - (a) include incidental, supplementary and consequential provision;
 - (b) make transitory or transitional provision and savings;
 - (c) make different provision for different cases or circumstances or for different purposes.
- (5) Consequential provision made under subsection (4)(a) may amend, repeal or revoke any provision made by or under an Act, whenever passed or made (including this Act).
- (6) A transfer of functions order is to be made by statutory instrument.

Status: This is the original version (as it was originally enacted).

- (7) A statutory instrument containing a transfer of functions order is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Schedule 3 (which confers power on the Secretary of State to make transfer schemes in connection with the making of transfer of functions orders) has effect.
- (9) If the Secretary of State makes a transfer of functions order under which any EMR functions of the national system operator are transferred to an alternative delivery body, the Secretary of State must consider the extent to which (if at all) a licence modification power should be exercised as a consequence of the national system operator ceasing to carry out the functions that are transferred.
- (10) In subsection (9) “licence modification power” means a power conferred by section 26, 37 or 45 to modify—
 - (a) a condition of a transmission licence granted to the national system operator under section 6(1)(b) of EA 1989,
 - (b) the standard conditions incorporated in such licences under section 8A of that Act, or
 - (c) a document maintained in accordance with the conditions of such licences, or an agreement that gives effect to a document so maintained.
- (11) In this section—
 - “alternative delivery body”, “EMR functions” and “national system operator” have the same meaning as in section 46;
 - “transfer of functions order” means an order under section 46(1) or (7).