STATUTORY INSTRUMENTS

2007 No. 913

The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007

Licences

Power to modify licence conditions in connection with the SEM

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

(a) for the purpose of implementing, or facilitating the operation of, the SEM; or

(b) in consequence of, or for giving full effect to, the SEM.

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

(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 Electricity 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, including terms for the agreement or arrangement to be governed by a law other than that of Northern Ireland;

(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 Article, 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 Article.

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

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

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

(9) Nothing in this Article 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 Article "subsidiary", in relation to a company, has the same meaning as in the Companies (Northern Ireland) Order 1986 (NI 6).