



Utilities Act 2000

2000 CHAPTER 27

PART IV

AMENDMENT OF THE ELECTRICITY ACT 1989

Electricity licensing

33 Standard conditions of electricity licences.

- (1) Such conditions as may be determined by the Secretary of State before the commencement of subsection (3), and published by him in such manner as he considers appropriate, in relation to any of the types of licence mentioned in section [F16(1)(a), (c) and (d)] of the 1989 Act (that is to say, in relation to generation licences, F2... distribution licences or supply licences) shall [F3be standard conditions for the purposes of licences of that type, subject to any modifications of the standard conditions for the purposes of licences of that type made—
- (a) under Part 1 of the 1989 Act after the determination under this section, F4 ...
 - (b) under the Energy Act 2004]F5 ...
 - (c) [F6 under section 7 of the Climate Change and Sustainable Energy Act 2006 (sale of electricity generated by microgeneration: power to modify distribution and supply licences etc)]F7 , or
 - (d) under section 41, 84, 88 or 97 of the Energy Act 2008 (power to amend licence conditions).]
- (2) The standard conditions for the purposes of licences of any type may contain provision—
- (a) for any standard condition included in a licence of that type 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

Status: Point in time view as at 26/01/2009. This version of this provision has been superseded.

Changes to legislation: Utilities Act 2000, Section 33 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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.

(3) After section 8 of the 1989 Act there is inserted—

“8A Standard conditions of licences.

- (1) Subject to subsection (2), each condition which by virtue of section 33(1) of the Utilities Act 2000 is a standard condition for the purposes of any of the types of licence mentioned in section 6(1) (that is to say, generation licences, transmission licences, distribution licences or supply licences) shall be incorporated by reference in each licence of that type granted after the commencement of this section.
- (2) Subject to the following provisions of this section, the Authority may, in granting a licence of any type, modify any of the standard conditions for licences of that type in its application to the licence to such extent as it considers requisite to meet the circumstances of the particular case.
- (3) Before making any modifications under subsection (2), the Authority shall give notice—
 - (a) stating that it proposes to make the modifications and setting out their effect;
 - (b) stating the reasons why it proposes to make the modifications; and
 - (c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed modifications may be made,
 and shall consider any representations or objections which are duly made and not withdrawn.
- (4) A notice under subsection (3) shall be given—
 - (a) by publishing the notice in such manner as the Authority considers appropriate for the purpose of bringing the notice to the attention of persons likely to be affected by the making of the modifications; and
 - (b) by sending a copy of the notice to the Secretary of State and the Council.
- (5) If, within the time specified in the notice under subsection (3), the Secretary of State directs the Authority not to make any modification, the Authority shall comply with the direction.
- (6) The Authority shall not under subsection (2) make any modifications of a condition of a licence of any type unless it is of the opinion that the modifications are such that—
 - (a) the licence holder would not be unduly disadvantaged in competing with other holders of licences of that type; and
 - (b) no other holder of a licence of the same type would be unduly disadvantaged in competing with other holders of such licences (including the holder of the licence being modified).

Status: Point in time view as at 26/01/2009. This version of this provision has been superseded.

Changes to legislation: Utilities Act 2000, Section 33 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (7) The modification under subsection (2) of part of a condition of a licence shall not prevent any other part of the condition which is not so modified being regarded as a standard condition for the purposes of this Part.
- (8) In this section “ modify ” includes fail to incorporate and “ modification ” shall be construed accordingly.”

Textual Amendments

- F1** Words in s. 33(1) substituted (1.9.2004) by [Energy Act 2004 \(c. 20\)](#) , s. 198(2) , **Sch. 19 para. 20(a)** ; [S.I. 2004/2184](#) , art. 2(2) , [Sch. 2](#)
- F2** Words in s. 33(1) repealed (1.9.2004) by [Energy Act 2004 \(c. 20\)](#) , s. 198(2) , [Sch. 19 para. 20\(b\)](#) , **Sch. 23 Pt. 1** ; [S.I. 2004/2184](#) , art. 2(2) , [Sch. 2](#)
- F3** Words in s. 33(1) substituted (1.9.2004) by [Energy Act 2004 \(c. 20\)](#) , s. 198(2) , **Sch. 19 para. 20(c)** ; [S.I. 2004/2184](#) , art. 2(2) , [Sch. 2](#)
- F4** Word in s. 33(1)(a) omitted (21.8.2006) by virtue of [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#) , **ss. 7(7)(a)** , 28(1)
- F5** Word in s. 33(1)(b) repealed (26.1.2009) by [Energy Act 2008 \(c. 32\)](#) , s. 110(2) , [Sch. 5 para. 13\(a\)](#) , **Sch. 6** ; [S.I. 2009/45](#) , art. 2(e)(ee)(iv)(vi)
- F6** S. 33(1)(c) inserted (21.8.2006) by [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#) , **ss. 7(7)(b)** , 28(1)
- F7** S. 33(1)(d) and word inserted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#) , s. 110(2) , **Sch. 5 para. 13(b)** ; [S.I. 2009/45](#) , art. 2(e)(iv)

Commencement Information

- I1** S. 33 wholly in force at 1.10.2001; s. 33 not in force at Royal Assent see s. 110(2); s. 33(1)(2) in force at 16.5.2001 by [S.I. 2001/1781](#) , art. 2 , **Sch.** (subject to transitional provisions in [arts. 3-10](#)); s. 33(3) in force at 1.10.2001 by [S.I. 2001/3266](#) , art. 2 , **Sch.** (subject to transitional provisions in [arts. 3-20](#))

Status:

Point in time view as at 26/01/2009. This version of this provision has been superseded.

Changes to legislation:

Utilities Act 2000, Section 33 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.