



Utilities Act 2000

2000 CHAPTER 27

PART V

AMENDMENT OF THE GAS ACT 1986

Gas licensing

82 Modification of standard conditions of gas licences

- (1) In section 8(7) of the 1986 Act (standard conditions of licences to be incorporated in gas licences)—
- (a) after “such that” there is inserted—
 - “(a) the licence holder would not be unduly disadvantaged in competing with other holders of a licence under that subsection; and
 - (b)”;
and
 - (b) after “the holder of the licence” there is inserted “being modified”.
- (2) In section 23 of the 1986 Act (modification of conditions by agreement), for subsection (6) there is substituted—
- “(6) The Authority shall not make any modifications under subsection (1)(a) unless the licence holder has consented to the modifications and, in the case of standard conditions of a licence under subsection (1) or (2) of section 7A, the Authority is of the opinion that the modifications—
- (a) are requisite to meet the circumstances of the particular case; and
 - (b) are such that—
 - (i) the licence holder would not be unduly disadvantaged in competing with other holders of licences under that subsection; and

Status: This is the original version (as it was originally enacted).

(ii) no other holder of such a licence would be unduly disadvantaged in competing with other holders of such licences (including the holder of the licence being modified).

(6A) The modification under subsection (1)(a) of part of a standard condition of a licence shall not prevent any other part of the condition from continuing to be regarded as a standard condition for the purposes of this Part.”

(3) For subsections (7) to (9) of that section there is substituted—

“(7) The Authority may not under subsection (1)(b) make any modifications of the standard conditions of any licences unless—

- (a) no notice of objection to those modifications is given to the Authority within the time specified in the notice under subsection (3) by any relevant licence holder;
- (b) if one or more relevant licence holders give notice of objection to the Authority within that time—
 - (i) the proportion (expressed as a percentage) of the relevant licence holders who have given notice of objection is less than such percentage as may be prescribed; and
 - (ii) the percentage given by subsection (8) is less than such percentage as may be prescribed; or
- (c) subsection (10) applies to the case.

(8) The percentage given by this subsection is the proportion (expressed as a percentage) of the relevant licence holders who have given notice of objection, weighted according to their market share in such manner as may be prescribed.”

(4) For subsection (12) of that section there is substituted—

“(12) In this section—

“prescribed” means prescribed by order made by the Secretary of State;

“relevant licence holder”, in relation to proposed modifications under subsection (1)(b) of standard conditions of licences of any type, means the holder of a licence of that type which-

- (a) is to be modified under the proposals by the inclusion of any new standard condition; or
- (b) includes any standard conditions to which the proposals relate, other than standard conditions which are not in effect (by virtue of anything done under section 81(1) of the Utilities Act 2000) at the time specified in the notice under subsection (3).

(13) A statutory instrument containing an order under this section shall not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”