



Energy Act 2011

2011 CHAPTER 16

PART 1

ENERGY EFFICIENCY

CHAPTER 1

GREEN DEAL

Modifying energy licences

17 Power to modify energy licences in connection with green deal payments

- (1) The Secretary of State may modify—
 - (a) a condition of a particular licence under section 7 or 7A of the Gas Act 1986 (gas transporter, shipper and supply licences);
 - (b) the standard conditions incorporated in licences under that provision by virtue of section 8 of that Act;
 - (c) a condition of a particular licence under section 6(1)(c) or (d) of the Electricity Act 1989 (electricity distribution and supply licences);
 - (d) the standard conditions incorporated in licences under that provision by virtue of section 8A of that Act;
 - (e) a document maintained in accordance with the conditions of licences under section 7 or 7A of the Gas Act 1986 or section 6(1)(c) or (d) of the Electricity Act 1989 or an agreement that gives effect to a document so maintained.
- (2) The power under subsection (1) may be exercised for the following purposes only—
 - (a) in so far as the power relates to a licence under section 7 of the Gas Act 1986 or section 6(1)(c) of the Electricity Act 1989, the purpose of preventing the holder of the licence from permanently disconnecting the supply of gas or electricity to a green deal property, and

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- (b) in so far as the power relates to any licence, the purpose of requiring or enabling the holder of the licence to take, or not to take, specified action in connection with green deal payments.
- (3) The provision which may be made by virtue of subsection (2)(b) includes, in particular—
- (a) if the holder of the licence is of a specified description, provision enabling the holder to opt into or opt out of any provision made by virtue of paragraphs (b) to (f),
 - (b) provision requiring the holder of the licence to collect green deal payments through energy bills and remit them to a green deal provider,
 - (c) provision as to the circumstances in which the holder of the licence is required to make payments to a green deal provider by reference to green deal payments which are due but which have not been made,
 - (d) provision in connection with the cancellation or suspension of green deal payments,
 - (e) provision requiring or enabling the holder of the licence to make specified arrangements for facilitating the collection of green deal payments, and
 - (f) provision requiring or enabling payments to be made by or to the holder of the licence in respect of functions discharged in connection with green deal payments.
- (4) Provision made by virtue of subsection (2)(b) which falls within subsection (3)(c) may include provision requiring the holder of the licence, where a bill payer has failed to pay a sum due under an energy bill, to remit a proportion of any payment received to a green deal provider.
- (5) Conditions included in a licence under section 7 or 7A of the Gas Act 1986 by virtue of the power under subsection (1) may do any of the things authorised by section 7B(5) (a)(i) or (iii) of that Act (which applies to the power of the Gas and Electricity Markets Authority with respect to licence conditions under section 7B(4)(a)).
- (6) Conditions included in a licence under section 6(1)(c) or (d) of the Electricity Act 1989 by virtue of the power under subsection (1) may do any of the things authorised by section 7(3)(a) or (c) or (4) of that Act (which applies to the power of the Gas and Electricity Markets Authority with respect to licence conditions under section 7(1)(a)).
- (7) For the purposes of this section—
- (a) payments are green deal payments if they are made under a green deal plan,
 - (b) a property is a green deal property if there is a green deal plan in respect of the property and payments are still to be made under that plan, and
 - (c) references to a green deal provider include references to a person acting on behalf of a green deal provider or nominated by a green deal provider.

18 Power to modify energy supply licences to make provision as to default in green deal payments

- (1) The Secretary of State may modify—
- (a) a condition of a particular licence under section 7A(1) of the Gas Act 1986 (gas supply licences);
 - (b) the standard conditions incorporated in licences under that provision by virtue of section 8 of that Act;

- (c) a condition of a particular licence under section 6(1)(d) of the Electricity Act 1989 (electricity supply licences);
 - (d) the standard conditions incorporated in licences under that provision by virtue of section 8A of that Act;
 - (e) a document maintained in accordance with the conditions of licences under section 7A(1) of the Gas Act 1986 or section 6(1)(d) of the Electricity Act 1989 or an agreement that gives effect to a document so maintained.
- (2) The power under subsection (1) may be exercised for the purpose only of making provision—
- (a) as to the steps which are to be taken by the holder of a licence following a bill payer’s default in making green deal payments to the holder of the licence,
 - (b) as to the circumstances in which the holder of a licence may disconnect the supply to a green deal property following such a default, or
 - (c) enabling, in specified circumstances, the holder of a licence to require from a bill payer a deposit by way of security for green deal payments to be made by the bill payer.
- (3) For the purposes of this section “green deal payments” and “green deal property” are to be read in accordance with section 17(7).

19 Power to modify energy supply licences to require provision of information

- (1) The Secretary of State may modify—
- (a) a condition of a particular licence under section 7A(1) of the Gas Act 1986 (gas supply licences);
 - (b) the standard conditions incorporated in licences under that provision by virtue of section 8 of that Act;
 - (c) a condition of a particular licence under section 6(1)(d) of the Electricity Act 1989 (electricity supply licences);
 - (d) the standard conditions incorporated in licences under that provision by virtue of section 8A of that Act;
 - (e) a document maintained in accordance with the conditions of licences under section 7A(1) of the Gas Act 1986 or section 6(1)(d) of the Electricity Act 1989 or an agreement that gives effect to a document so maintained.
- (2) The power under subsection (1) may be exercised for one or both of the following two purposes only.
- (3) The first purpose is the purpose of requiring, at specified times, the holder of the licence to provide bill payers with specified information in connection with their green deal plans.
- (4) The second purpose is the purpose of requiring the holder of the licence to disclose on request specified information about the payment of energy bills by a person who is, or is to be, the bill payer for a property in respect of which there is, or is proposed to be, a green deal plan.
- (5) The only persons to whom the licence holder may be required to disclose information by virtue of subsection (4) are—
- (a) where there is a green deal plan, the green deal provider under the plan;

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- (b) where there is proposed to be a green deal plan, a person who is authorised under the framework regulations to act as a green deal provider.
- (6) The licence holder may be required to disclose the information requested only where—
 - (a) the green deal provider or authorised person states that the request is made for purposes connected with the green deal plan or proposed green deal plan,
 - (b) the green deal provider or authorised person provides evidence that the bill payer has consented to—
 - (i) disclosure of the information to that provider or person for those purposes, and
 - (ii) onward disclosure of the disclosed information to and by other persons for those purposes,
 - (c) the information relates to a time within the 5 years immediately preceding the request, and
 - (d) the licence holder has the information.
- (7) The power under subsection (1) may be exercised so as to require information to be provided in a specified manner or form, or subject to specified requirements or restrictions.
- (8) Conditions included in a licence under section 7A(1) of the Gas Act 1986 by virtue of the power under subsection (1) and the purpose mentioned in subsection (4) may do any of the things authorised by section 7B(5)(a)(i) or (iii) of that Act (which applies to the power of the Gas and Electricity Markets Authority with respect to licence conditions under section 7B(4)(a)).
- (9) Conditions included in a licence under section 6(1)(d) of the Electricity Act 1989 by virtue of the power under subsection (1) and the purpose mentioned in subsection (4) may do any of the things authorised by section 7(3)(a) or (c) or (4) of that Act (which applies to the power of the Gas and Electricity Markets Authority with respect to licence conditions under section 7(1)(a)).

20 Power to modify energy supply licences to make provision as to consumer protection

- (1) The Secretary of State may modify—
 - (a) a condition of a particular licence under section 7A(1) of the Gas Act 1986 (gas supply licences);
 - (b) the standard conditions incorporated in licences under that provision by virtue of section 8 of that Act;
 - (c) a condition of a particular licence under section 6(1)(d) of the Electricity Act 1989 (electricity supply licences);
 - (d) the standard conditions incorporated in licences under that provision by virtue of section 8A of that Act;
 - (e) a document maintained in accordance with the conditions of licences under section 7A(1) of the Gas Act 1986 or section 6(1)(d) of the Electricity Act 1989 or an agreement that gives effect to a document so maintained.
- (2) The power under subsection (1) may be exercised for the purpose only of making provision corresponding to that made by the disappplied consumer protection legislation.

- (3) Conditions included in a licence under section 6(1)(d) of the Electricity Act 1989 by virtue of the power under subsection (1) may do any of the things authorised by section 7(4) of that Act (which applies to the power of the Gas and Electricity Markets Authority with respect to licence conditions under section 7(1)(a)).
- (4) For the purposes of subsection (2) provision corresponds to that made by the disappplied consumer protection legislation if it is made for the same purpose as the purpose for which that provision was made.
- (5) For the purposes of this section references to the disappplied consumer protection legislation are to the provisions of the Consumer Credit Act 1974 which would have applied if the amendment made by section 26 had not been made.

21 Powers under sections 17 to 20: consultation

Before making a modification under any of sections 17 to 20, the Secretary of State must consult—

- (a) the holder of any licence being modified,
- (b) the Gas and Electricity Markets Authority, and
- (c) such other persons as the Secretary of State considers appropriate.

22 Powers under sections 17 to 20: supplementary

- (1) Subsections (2) to (6) apply in relation to the powers under sections 17 to 20.
- (2) The powers—
 - (a) may be exercised generally, only in relation to specified cases or subject to exceptions (including provision for a case to be excepted only so long as specified conditions are satisfied);
 - (b) may be exercised differently in different cases or circumstances;
 - (c) include a power to make incidental, consequential or transitional modifications.
- (3) Provision included in a licence by virtue of any of the powers—
 - (a) need not relate to the activities authorised by the licence;
 - (b) may make different provision for different cases.
- (4) The Secretary of State must publish details of modifications under any of the powers as soon as reasonably practicable after the modifications are made.
- (5) A modification under any of the powers of part of a standard condition of a licence does not prevent any other part of the condition from continuing to be regarded as a standard condition for the purposes of Part 1 of the Gas Act 1986 or Part 1 of the Electricity Act 1989.
- (6) Where the Secretary of State makes modifications under any of the powers of the standard conditions of a licence of any type, the Gas and Electricity Markets Authority must make the same modification of those standard conditions for the purposes of their incorporation in licences of that type granted after that time.
- (7) In section 33(1) of the Utilities Act 2000 (standard conditions of electricity licences)—
 - (a) after paragraph (d) omit “or”;
 - (b) after paragraph (e) insert “or

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- (f) under Chapter 1 of Part 1 of the Energy Act 2011.”
- (8) In section 81(2) of the Utilities Act 2000 (standard conditions of gas licences)—
- (a) for “2008 or” substitute “2008,”;
 - (b) after “2010” insert “or under Chapter 1 of Part 1 of the Energy Act 2011”.
- (9) Sections 4AA to 4B of the Gas Act 1986 (principal objective and general duties) apply in relation to the powers under sections 17 to 20 with respect to holders of licences under section 7 or 7A of that Act as they apply in relation to functions of the Secretary of State under Part 1 of that Act.
- (10) Sections 3A to 3D of the Electricity Act 1989 (principal objective and general duties) apply in relation to the powers under sections 17 to 20 with respect to holders of licences under section 6(1)(c) or (d) of that Act as they apply in relation to functions of the Secretary of State under Part 1 of that Act.