



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*Status: This is the original version (as it was originally enacted).*

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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.