



# Smart Meters Act 2018

## 2018 CHAPTER 14

### *Half-hourly settlement of electricity imbalances*

#### **13 Date from which modifications of electricity licence conditions may have effect**

- (1) The Electricity Act 1989 is amended in accordance with this section.
- (2) In section 11A(9) (modifications of electricity licence conditions not to have effect less than 56 days from publication of decision to modify), at the end insert “, except as provided in section 11AA”.
- (3) After that section insert—

#### **“11AA Modification of conditions under section 11A: early effective date**

- (1) The date specified by virtue of section 11A(8) in relation to a modification under that section may be less than 56 days from the publication of the decision to proceed with the making of the modification if—
  - (a) the Authority considers it necessary or expedient for the modification to have effect before the 56 days expire,
  - (b) the purpose condition is satisfied,
  - (c) the consultation condition is satisfied, and
  - (d) the time limit condition is satisfied.
- (2) The purpose condition is that the Authority considers the modification necessary or desirable for purposes described in section 11(2) of the Smart Meters Act 2018 (enabling or requiring half-hourly electricity imbalances to be calculated using information about customers’ actual consumption of electricity on a half-hourly basis).
- (3) The consultation condition is that the notice under section 11A(2) relating to the modification—
  - (a) stated the date from which the Authority proposed that the modification should have effect,

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*Status: This is the original version (as it was originally enacted).*

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- (b) stated the Authority’s reasons for proposing that the modification should have effect from a date less than 56 days from the publication of the decision to modify, and
  - (c) explained why, in the Authority’s view, that would not have a material adverse effect on any licence holder.
- (4) The time limit condition is that the specified date mentioned in subsection (1) falls within the period of 5 years beginning on the day on which section 11 of the Smart Meters Act 2018 comes into force.”
- (4) In paragraph 2 of Schedule 5A (procedure for appeals under section 11C: suspension of decision), after sub-paragraph (1) insert—
  - “(1A) In the case of an appeal against a decision of the Authority which already has effect by virtue of section 11AA, the CMA may direct that the modification that is the subject of the decision—
    - (a) ceases to have effect entirely or to such extent as may be specified in the direction, and
    - (b) does not have effect, or does not have effect to the specified extent, pending the determination of the appeal.”