



Energy Act 2023

2023 CHAPTER 52

PART 6

GOVERNANCE OF GAS AND ELECTRICITY INDUSTRY CODES

Modifications and directions

192 Modification of designated documents by GEMA

- (1) The GEMA may modify a designated document if any of [subsections \(2\) to \(6\)](#) applies.
- (2) This subsection applies where the GEMA considers that—
 - (a) the designated document needs to be modified as a matter of urgency,
 - (b) the making of the modification is likely to be delayed if done in accordance with the normal modification procedures for the document, and
 - (c) such a delay would have adverse effects on—
 - (i) consumers, or
 - (ii) any person with rights or obligations under the document, other than the GEMA.
- (3) This subsection applies where the GEMA considers that a financial or other interest of the code manager in respect of the matter to which the modification relates is likely to prejudice the making of the modification if done in accordance with the normal modification procedures for the document.
- (4) This subsection applies where the GEMA considers that—
 - (a) the modification is required for the purpose of implementing a strategic direction statement under [section 190](#), and
 - (b) the nature of the modification (for example, its complexity) is such that it needs to be made under this section rather than in accordance with the normal modification procedures for the designated document.

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- (5) This subsection applies where the GEMA considers that the modification is required in connection with the incorporation of the whole or part of the provision made by the designated document into another document (whether or not a designated document).
- (6) This subsection applies where the GEMA considers that the modification is required in consequence of the exercise of any power conferred by [Schedule 12](#) (transitional provisions) in relation to a different document.
- (7) The Secretary of State may by regulations make—
 - (a) provision specifying requirements to be met in relation to the exercise of the power under [subsection \(1\)](#);
 - (b) provision supplementing [subsections \(2\) to \(6\)](#).
- (8) References in this section to the normal modification procedures for a designated document are to provision, relating to the procedure for modifying the document, that—
 - (a) is contained in the document, or
 - (b) applies pursuant to any condition of a licence in accordance with which the document is maintained.

193 Modification under section 192

- (1) Before making a modification under section 192, the GEMA must—
 - (a) publish a notice about the proposed modification,
 - (b) send a copy of the notice to the persons listed in [subsection \(2\)](#), and
 - (c) consider any representations made within the period specified in the notice about the proposed modification or the date from which it would take effect.
- (2) The persons mentioned in [subsection \(1\)\(b\)](#) are—
 - (a) the Secretary of State,
 - (b) the code manager in relation to the designated document to which the proposed modification relates, and
 - (c) such other persons as the GEMA considers appropriate.
- (3) A notice under [subsection \(1\)](#) must—
 - (a) state that the GEMA proposes to make a modification;
 - (b) set out the proposed modification and its effect;
 - (c) specify the date from which the GEMA proposes that the modification will have effect;
 - (d) state—
 - (i) why the GEMA is seeking to make the modification under section 192 (by reference to whichever of [subsections \(2\) to \(6\)](#) of section 192 applies), and
 - (ii) the reasons for the proposed modification.
- (4) If, within the period specified by virtue of [subsection \(1\)\(c\)](#), the Secretary of State directs the GEMA not to make the proposed modification, the GEMA must comply with the direction.
- (5) If, after complying with [subsections \(1\) to \(3\)](#) in relation to a proposed modification, the GEMA decides to make a modification, it must publish a notice about the decision.

- (6) A notice under [subsection \(5\)](#) must—
- (a) state that the GEMA has decided to make the modification;
 - (b) set out the modification and its effect;
 - (c) specify the date from which the modification has effect;
 - (d) state how the GEMA has taken account of any representations made in the period specified in the notice under [subsection \(1\)](#);
 - (e) state the reason for any differences between the modification set out in the notice and the proposed modification.
- (7) A notice under this section about a proposed modification or a decision must be published in such manner as the GEMA considers appropriate for bringing it to the attention of those likely to be affected by the making of the modification or decision.

194 Directions relating to designated central systems

- (1) The GEMA may give a direction to the responsible body in relation to a designated central system for the purpose of ensuring that the body—
- (a) complies with its obligations under a relevant designated document, or
 - (b) takes such steps as the GEMA considers may be necessary for the efficient operation or implementation of the provisions of a relevant designated document.
- (2) When determining whether to give a direction under this section, the GEMA must have regard to the ability of the responsible body to whom the direction would be given—
- (a) to recover any costs reasonably incurred by the body in complying with the direction, and
 - (b) to comply with the direction without contravening any obligations of the body under a relevant designated document or in relation to the operation of the designated central system.
- (3) A responsible body must comply with a direction given to it under this section.
- (4) In this section and section [195](#), “relevant designated document”, in relation to a designated central system, means a designated document in respect of which the central system has a function mentioned in section [184\(2\)](#).

195 Directions under section [194](#)

- (1) Before giving a direction under section [194](#), the GEMA must—
- (a) publish a notice about the proposed direction,
 - (b) send a copy of the notice to the persons listed in [subsection \(2\)](#), and
 - (c) consider any representations made within the period specified in the notice about the proposed direction or the date from which it would take effect.
- (2) The persons mentioned in [subsection \(1\)\(b\)](#) are—
- (a) the responsible body to whom the direction is proposed to be given, and
 - (b) the code manager in relation to the relevant designated document.
- (3) A notice under [subsection \(1\)](#) must—
- (a) state that the GEMA proposes to give a direction;
 - (b) set out the proposed direction and its effect;

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- (c) specify the date from which the GEMA proposes that the direction will have effect;
 - (d) state the reasons why the GEMA proposes to give the direction.
- (4) If, after complying with [subsections \(1\) to \(3\)](#) in relation to a direction, the GEMA decides to give a direction, it must publish a notice about the decision.
- (5) A notice under [subsection \(4\)](#) must—
 - (a) state that the GEMA has decided to give the direction;
 - (b) set out the direction and its effect;
 - (c) specify the date from which the direction has effect;
 - (d) state how the GEMA has taken account of any representations made in the period specified in the notice under [subsection \(1\)](#);
 - (e) state the reason for any differences between the direction set out in the notice and the proposed direction.
- (6) A notice under this section about a proposed direction or a decision must be published in such manner as the GEMA considers appropriate for bringing it to the attention of those likely to be affected by the making of the direction or decision.