
Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Paragraph 2. (See end of Document for details)

SCHEDULES

SCHEDULE 3

ENFORCEMENT OF OBLIGATIONS OF LICENCE HOLDERS

Procedural requirements

- 2 (1) Before making a final order or confirming a provisional order, the economic regulator must give notice—
- (a) stating that the economic regulator proposes to make or confirm the order and setting out its effect,
 - (b) stating—
 - (i) the relevant condition or requirement,
 - (ii) the acts or omissions which, in the economic regulator’s opinion, constitute or would constitute contraventions of it, and
 - (iii) the other facts which, in the economic regulator’s opinion, justify the making or confirmation of the order, and
 - (c) specifying the time (which must not be less than 21 days from the date of publication of the notice) within which representations or objections to the proposed order or confirmation of the order may be made,
- and must consider any representations or objections which are duly made and not withdrawn.
- (2) A notice under [sub-paragraph \(1\)](#) is given—
- (a) by publishing the notice in such manner as the economic regulator considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them, and
 - (b) by sending a copy of the notice, and a copy of the proposed order or of the order proposed to be confirmed, to the licence holder.
- (3) The economic regulator must not make a final order with modifications, or confirm a provisional order with modifications, except with the consent of the licence holder or after complying with the requirements of [sub-paragraph \(4\)](#).
- (4) The requirements are that the economic regulator must—
- (a) give to the licence holder such notice as the economic regulator considers necessary of the economic regulator’s proposal to make or confirm the order with modifications,
 - (b) specify the time (which must not be less than 21 days from the date of the service of the notice) within which representations or objections to the proposed modifications may be made, and
 - (c) consider any representations or objections which are duly made and not withdrawn.
- (5) Where the economic regulator decides to proceed under the Competition Act 1998 in a case falling within [paragraph 1\(7\)\(b\)](#), the economic regulator must—

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- (a) inform the licence holder concerned of that decision, and
 - (b) publish the notice in a manner that the economic regulator thinks appropriate for bringing the notice to the attention of persons likely to be affected by the decision.
- (6) Before revoking a final order or a provisional order which has been confirmed, the economic regulator must give notice—
- (a) stating that the economic regulator proposes to revoke the order and setting out its effect, and
 - (b) specifying the time (which must not be less than 28 days) from the date of publication of the notice within which representations or objections to the proposed revocation may be made,
- and must consider any representations or objections which are duly made and not withdrawn.
- (7) A notice under [sub-paragraph \(6\)](#) is given—
- (a) by publishing the notice in such manner as the economic regulator considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them, and
 - (b) by sending a copy of the notice to the licence holder.
- (8) As soon as practicable after a final order is made or a provisional order is made or confirmed, the economic regulator must—
- (a) serve a copy of the order on the licence holder, and
 - (b) publish such a copy in such manner as the economic regulator considers appropriate for the purpose of bringing the order to the attention of persons likely to be affected by it.

Commencement Information

II Sch. 3 para. 2 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

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