

Notice under section 11A of the Electricity Act 1989

Proposal to modify the licences granted or treated as granted under section 6(1)(c) of the Electricity Act 1989

The Gas and Electricity Markets Authority (the “Authority”) hereby gives notice pursuant to section 11A of the Electricity Act 1989 (the “Act”) as follows:

1. The Authority proposes to modify the licences granted or treated as granted by the Authority under section 6(1)(c) of the Act to all electricity distributors (Distributors) to distribute electricity for the purpose of giving a supply to any premises or enabling a supply to be so given (the “Licences”).
2. The proposals are to modify the Licences by:
 - (i). adding to Section B of the Licences, new standard conditions similar in content and intent to the Conditions referred to in sub-paragraph (ii), as set out in Annex 1 to this notice; and
 - (ii). omitting from Section C of the Licences, standard conditions 34 (Compulsory Acquisition of Land, etc) and 35 (Other Powers, etc) (together, the “Conditions”), as set out in Annex 2 to this notice.
3. The reasons why the Authority proposes to make these modifications are to activate statutory powers for all Distributors throughout Great Britain, in order to protect the interests of consumers. These reasons are fully set out in the following documents published by the Authority:
 - (i). *Open letter consultation on the application of section C licence conditions for Independent Distribution Network Operators – March 2005, 88/05; and*
 - (ii). *Regulation of Independent Electricity Distribution Network Operators – decision document – July 2005, 176/05,*copies of which are available (free of charge) from the Ofgem library, 9 Millbank, London SW1P 3GE (020 7901 7003) or the Ofgem website (www.ofgem.gov.uk).
4. In summary the proposed modifications give effect, for any purpose connected with the carrying on of the activities authorised by the Licences, and as provided for in section 10 of the Act, to:
 - (i). Distributors’ powers (in Schedule 3 of the Act) of compulsory acquisition of any land required; and
 - (ii). Distributors’ other powers (in Schedule 4 of the Act), including the powers to execute street works and open or break up any street.
5. “Relevant licence holders” for the purpose of giving notice of objection to the modification proposals are:
 - a. In paragraph 2(i) of this notice, all Distributors.

- b. In paragraph 2(ii) of this notice, all Distributors in whose Licences the Conditions have effect on the expiration of this notice; and
6. A pro forma that relevant licence holders may wish to use in order to give notice of objection is Annex 3 to this notice.
7. Any representations or objections to the proposed licence modifications must be made in writing on or before 20 January 2006 and should be addressed to Mark Cox, 9 Millbank, London SW1P 3GE (020 7901 7458) or mark.cox@ofgem.gov.uk.



Martin Crouch
Director – Distribution, Networks
Authorised on behalf of the Authority

16 December 2005

Annex 1 to notice under section 11A of the Electricity Act 1989

SECTION B. GENERAL

Standard Condition XX. Compulsory Acquisition of Land etc.

1. The powers and rights conferred by or under the provisions of Schedule 3 to the Act (Compulsory Acquisition of Land etc. by Licence Holders) shall have effect in relation to the licensee to enable the licensee to carry on the activities authorised by this licence and which:
 - (a) are comprised within its distribution business; and
 - (b) are carried on within the distribution services area or necessitate the use of the licensee's distribution system, including any extension of or addition to the licensee's distribution system, whether or not connected to such system.

Standard Condition XX. Other Powers etc.

1. The powers and rights conferred by or under the provisions of Schedule 4 to the Act (Other Powers etc. of Licence Holders) shall have effect in relation to the licensee to enable the licensee to carry on the activities authorised by this licence and which:
 - (a) are comprised within its distribution business; and
 - (b) are carried on within the distribution services area or necessitate the use of the licensee's distribution system, including any extension of or addition to the licensee's distribution system, whether or not connected to such system.

Annex 2 to notice under section 11A of the Electricity Act 1989

SECTION C. DISTRIBUTION SERVICES OBLIGATIONS

Standard Condition 34. (Omitted)

Standard Condition 35. (Omitted)

Annex 3 to notice under section 11A of the Electricity Act 1989

**Pro forma
Notice of Statutory Objection**

In response to the statutory notice dated [] in respect of the above modification proposals, this notice constitutes a statutory objection to that proposal on behalf of [state full name of objecting Distributor].

I confirm that I am duly authorised to give this notice on behalf of [].

Signed

Date:

[Address for acknowledgment, preferably including email address]