



# Energy Act 2023

## 2023 CHAPTER 52

### PART 2

#### CARBON DIOXIDE CAPTURE, STORAGE ETC AND HYDROGEN PRODUCTION, TRANSPORT AND STORAGE

### CHAPTER 1

#### REVENUE SUPPORT CONTRACTS

#### *General*

#### **90 Electricity system operator and gas system planner licences: modifications**

- (1) The Secretary of State may, for the purpose of facilitating or ensuring the effective performance of functions specified in subsection (3), modify—
  - (a) the conditions of a licence under section 6(1)(da) of the Electricity Act 1989 (electricity system operator licence);
  - (b) a document maintained in accordance with the conditions of such a licence, or an agreement that gives effect to a document so maintained.
- (2) The Secretary of State may, for the purpose of facilitating or ensuring the effective performance of functions specified in subsection (3), modify—
  - (a) the conditions of a licence under section 7AA of the Gas Act 1986 (gas system planner licence);
  - (b) a document maintained in accordance with the conditions of such a licence, or an agreement that gives effect to a document so maintained.
- (3) The functions referred to in subsections (1) and (2) are—
  - (a) functions of hydrogen production allocation bodies, and
  - (b) other functions under this Chapter which are related to such functions.

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*Changes to legislation: There are currently no known outstanding effects  
for the Energy Act 2023, Section 90. (See end of Document for details)*

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- (4) Modifications under subsections (1) and (2) may only make provision in relation to times when the person holding the licence is a hydrogen production allocation body.
- (5) The provision referred to in subsection (4) includes consequential or transitional provision in relation to times when it is no longer the case that the person holding the licence is a hydrogen production allocation body.
- (6) Provision included in a licence, or in a document or agreement relating to licences, by virtue of a power under this section may in particular—
  - (a) include provision of any kind that may be included in revenue support regulations or regulations under [section 73](#);
  - (b) do any of the things authorised for licences of that type by—
    - (i) section 7B(5)(a), (5ZA), (6) or (7) of the Gas Act 1986, or
    - (ii) section 7(3), (4), (5) or (6A) of the Electricity Act 1989.
- (7) Before making a modification under this section the Secretary of State must consult—
  - (a) the holder of any licence being modified;
  - (b) the GEMA;
  - (c) such other persons as the Secretary of State considers it appropriate to consult.
- (8) Subsection (7) may be satisfied by consultation before, as well as by consultation after, the passing of this Act.

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**Commencement Information**

**II** [S. 90](#) in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Section 90.