

Annex E: Licence conditions to accede to and comply with the SEC

Electricity Supply Licence condition to accede to and comply with the SEC

Condition [GG] – The Smart Energy Code

Party to the Code

GG.1 The licensee must:

- (a) by no later than the Commencement Date, be a party to the Smart Energy Code; and
- (b) thereafter remain a party to and comply with the Smart Energy Code.

Derogation

GG.2 The Authority, following consultation with the licensee and where appropriate any other person likely to be materially affected and after having regard to any guidance issued by it in accordance with paragraph GG.3, may give a direction (“a derogation”) to the licensee that relieves it of its obligations under the Smart Energy Code in respect of such parts of the Smart Energy Code, to such extent, for such period of time and subject to such conditions as may be specified in the direction.

GG.3 The Authority may issue, and may from time to time revise, guidance regarding the manner in which it will exercise its powers under paragraph GG.2.

GG.4 The guidance issued in accordance with paragraph GG.3 may, in particular, set out:

- (a) the process for requesting the Authority to grant a derogation under paragraph GG.2;
- (b) the type of information that is likely to be required by the Authority as part of that process; and
- (c) the criteria the Authority would have regard to in considering whether and to what extent to exercise its power to give a direction under paragraph GG.2.

Interpretation

GG.5 For the purposes of this Condition the licensee's obligation to comply with the Smart Energy Code is an obligation to comply with the provisions of the Smart Energy Code so far as they are applicable to the licensee.

Definitions

GG.6 In this Condition:

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| Commencement Date | means: |
| | (a) the date which is the SEC Designated Date; or |
| | (b) the date on which the licensee first starts to supply electricity to any Domestic Premises or Designated Premises under this licence, |
| | whichever is the later. |
| DCC Licence | means the Licence for the Provision of a Smart Meter Communication Service granted pursuant to sections 7AB(2) and (4) of the Gas Act 1986 and sections 6(1A) and (1C) of the Electricity Act 1989. |
| Smart Energy Code | means the document of that name, as designated by the Secretary of State under Condition 22 of the DCC Licence. |
| SEC Designated Date | means the date the Smart Energy Code is designated by the Secretary of State in a direction given for the purposes of Condition 22 of the DCC Licence. |

Electricity Distribution Licence condition to accede to and comply with the SEC

Condition [ZZ] – The Smart Energy Code

Party to the Code

- 1 The licensee must:
 - (a) by no later than the Commencement Date, be a party to the Smart Energy Code; and
 - (b) thereafter remain a party to and comply with the Smart Energy Code.

Derogation

- 2 The Authority, following consultation with the licensee and where appropriate any other person likely to be materially affected and after having regard to any guidance issued by it in accordance with paragraph 3, may give a direction (“a derogation”) to the licensee that relieves it of its obligations under the Smart Energy Code in respect of such parts of the Smart Energy Code, to such extent, for such period of time and subject to such conditions as may be specified in the direction.
- 3 The Authority may issue, and may from time to time revise, guidance regarding the manner in which it will exercise its powers under paragraph 2.
- 4 The guidance issued in accordance with paragraph 3 may, in particular, set out:
- (a) the process for requesting the Authority to grant a derogation under paragraph 2;
 - (b) the type of information that is likely to be required by the Authority as part of that process; and
 - (c) the criteria the Authority would have regard to in considering whether and to what extent to exercise its power to give a direction under paragraph 2.

Interpretation

- 5 For the purposes of this Condition the licensee’s obligation to comply with the Smart Energy Code is an obligation to comply with the provisions of the Smart Energy Code so far as they are applicable to the licensee.

Definitions

- 6 In this Condition:

Commencement Date means:

- (a) the date which is the SEC Designated Date; or
- (b) where this Condition comes into force after the SEC Designated Date, the earlier of the date on which the licensee offers to distribute electricity or the date on which it begins to distribute electricity in Great Britain.

DCC Licence means the Licence for the Provision of a Smart Meter Communication Service granted pursuant to sections 7AB(2) and (4) of the Gas Act 1986 and sections 6(1A) and

(1C) of the Electricity Act 1989.

Smart Energy Code means the document of that name, as designated by the Secretary of State under Condition 22 of the DCC Licence.

SEC Designated Date means the date the Smart Energy Code is designated by the Secretary of State in a direction given for the purposes of Condition 22 of the DCC Licence.

Gas Supply Licence condition to accede to and comply with the SEC

Condition [GG] – The Smart Energy Code

Party to the Code

GG.7 The licensee must:

- (a) by no later than the Commencement Date, be a party to the Smart Energy Code; and
- (b) thereafter remain a party to and comply with the Smart Energy Code.

Derogation

GG.8 The Authority, following consultation with the licensee and where appropriate any other person likely to be materially affected and after having regard to any guidance issued by it in accordance with paragraph GG.3, may give a direction (“a derogation”) to the licensee that relieves it of its obligations under the Smart Energy Code in respect of such parts of the Smart Energy Code, to such extent, for such period of time and subject to such conditions as may be specified in the direction.

GG.9 The Authority may issue, and may from time to time revise, guidance regarding the manner in which it will exercise its powers under paragraph GG.2.

GG.10 The guidance issued in accordance with paragraph GG.3 may, in particular, set out:

- (a) the process for requesting the Authority to grant a derogation under paragraph GG.2;
- (b) the type of information that is likely to be required by the Authority as part of that process; and
- (c) the criteria the Authority would have regard to in considering whether and to what extent to exercise its power to give a direction under paragraph GG.2.

Interpretation

GG.11 For the purposes of this Condition the licensee's obligation to comply with the Smart Energy Code is an obligation to comply with the provisions of the Smart Energy Code so far as they are applicable to the licensee.

Definitions

GG.12 In this Condition:

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| Commencement Date | means: (c) the date which is the SEC Designated Date; or (d) the date on which the licensee first starts to supply gas to any Domestic Premises or Designated Premises under this licence, whichever is the later. |
| DCC Licence | means the Licence for the Provision of a Smart Meter Communication Service granted pursuant to sections 7AB(2) and (4) of the Gas Act 1986 and sections 6(1A) and (1C) of the Electricity Act 1989. |
| Smart Energy Code | means the document of that name, as designated by the Secretary of State under Condition 22 of the DCC Licence. |
| SEC Designated Date | means the date the Smart Energy Code is designated by the Secretary of State in a direction given for the purposes of Condition 22 of the DCC Licence. |

Gas Transportation Licence condition to accede to and comply with the SEC

Condition [ZZ] – The Smart Energy Code

Party to the Code

- 7 The licensee must:
- (a) by no later than the Commencement Date, be a party to the Smart Energy Code; and
 - (b) thereafter remain a party to and comply with the Smart Energy Code.

Derogation

- 8 The Authority, following consultation with the licensee and where appropriate any other person likely to be materially affected and after having regard to any guidance issued by it in accordance with paragraph 3, may give a direction (“a derogation”) to the licensee that relieves it of its obligations under the Smart Energy Code in respect of such parts of the Smart Energy Code, to such extent, for such period of time and subject to such conditions as may be specified in the direction.
- 9 The Authority may issue, and may from time to time revise, guidance regarding the manner in which it will exercise its powers under paragraph 2.
- 10 The guidance issued in accordance with paragraph 3 may, in particular, set out:
- (a) the process for requesting the Authority to grant a derogation under paragraph 2;
 - (b) the type of information that is likely to be required by the Authority as part of that process; and
 - (c) the criteria the Authority would have regard to in considering whether and to what extent to exercise its power to give a direction under paragraph 2.

Interpretation

- 11 For the purposes of this Condition the licensee’s obligation to comply with the Smart Energy Code is an obligation to comply with the provisions of the Smart Energy Code so far as they are applicable to the licensee.

Definitions

- 12 In this Condition:

Commencement Date

means:

- (a) the date which is the SEC Designated Date; or
- (b) where this Condition comes into force after the SEC Designated Date, the earlier of the date on which the licensee offers to transport gas or the date on which it begins to transport gas in Great Britain.

DCC Licence

means the Licence for the Provision of a Smart Meter Communication Service granted pursuant to sections 7AB(2) and (4) of the Gas Act 1986 and sections 6(1A) and

(1C) of the Electricity Act 1989.

Smart Energy Code

means the document of that name, as designated by the Secretary of State under Condition 22 of the DCC Licence.

SEC Designated Date

means the date the Smart Energy Code is designated by the Secretary of State in a direction given for the purposes of Condition 22 of the DCC Licence.