

Condition 21A. The Smart Energy Code

Party to the Code

21A.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

21A.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 21A.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.

21A.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 21A.2.

21A.4 The guidance issued in accordance with paragraph 21A.3 may, in particular, set out:

- (a) the process for requesting the Authority to grant a derogation under paragraph 21A.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 21A.2.

DCC User – Distribution Services Provider

21A.5 Paragraph 21A.6 applies where the licensee is:

- (a) a party to the Smart Energy Code in accordance with paragraph 21A.1; and
- (b) a Distribution Services Provider.

~~21A.5~~21A.6 [Where this paragraph applies the licensee must become a DCC User by no later than 28 April 2017 \(or such later date as may be specified in a direction issued by the Secretary of State under this paragraph\)](#)

Interpretation

~~21A.6~~21A.7 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

~~21A.7~~21A.8 In this Condition:

Commencement Date	means: <ul style="list-style-type: none">(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 licences 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.
<u>DCC User</u>	means a User for the User Role of Electricity Distributor (where 'User', 'User Role' and 'Electricity Distributor' all have the meanings given to them from time to time in the Smart Energy Code).
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.