

2019 No. 1023

ELECTRICITY

The Electricity (Applications for Licences, Modifications of an Area and Extensions and Restrictions of Licences) Regulations 2019

Made - - - - *13th June 2019*
Coming into force - - *5th July 2019*

The Gas and Electricity Markets Authority(a), in exercise of the powers conferred by sections 6A(2), (3) and (6) and 60 of the Electricity Act 1989(b) makes the following Regulations:

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Electricity (Applications for Licences, Modifications of an Area and Extensions and Restrictions of Licences) Regulations 2019 and come into force on 5th July 2019.

(2) The Electricity (Applications for Licences, Modifications of an Area and Extensions and Restrictions of Licences) Regulations 2010(c) (“the 2010 Regulations”) are revoked.

Transitional provisions

2.—(1) Where an application has been made under the 2010 Regulations but at the date upon which these Regulations come into force the application has neither been granted nor refused, the application shall be treated thereafter as having been made under these Regulations.

(2) In relation to an application to which paragraph (1) applies, the Authority, where necessary, will require applicants to supplement their application with additional information to meet the requirements of these Regulations.

(3) Where, in relation to an application to which paragraph (1) applies, the applicant, before the coming into force of these Regulations, published a notice of the application in accordance with the 2010 Regulations, the requirements of these Regulations as regards publication shall be taken to have been met.

Interpretation

3.—(1) In these Regulations—
“the 2000 Act” means the Utilities Act 2000(d);

(a) The Gas and Electricity Markets Authority was established under section 1(1) of the Utilities Act 2000 (c.27).
(b) 1989 c.29: with effect from 1 October 2001, section 30 of the Utilities Act 2000 introduced section 6A into the Electricity Act 1989
(c) SI. 2010/2154.
(d) 2000 c.27.

“the 2004 Act” means the Energy Act 2004(a);

“the Act” means the Electricity Act 1989;

“application” means an application for a licence or for a modification of a licence under the Act and references to an application in respect of a licence shall be construed accordingly;

“the Authority” means the Gas and Electricity Markets Authority established by section 1 of the 2000 Act;

“distribution licence” means a licence granted or to be granted under section 6(1)(c) of the Act(b);

“domestic premises” means premises used wholly or mainly for domestic purposes;

“extension”, in relation to a supply licence, means an extension of the licence under section 6(4) of the Act and, in relation to a distribution licence, means an extension of the licence under section 6(6) of the Act;

“generation licence” means a licence granted or to be granted under section 6(1)(a) of the Act;

“interconnector licence” means a licence granted or to be granted under section 6(1)(e) of the Act(c);

“modification of an area” in relation to a transmission licence, means a modification of an area of the licence under section 6(6B) of the Act(d);

“principal undertaking” means an undertaking within the meaning of section 1161 of the Companies Act 2006(e);

“related person” means

- (a) in relation to an applicant who is the principal undertaking, a parent or subsidiary undertaking of the principal undertaking or a subsidiary undertaking of the parent undertaking of the principal undertaking, in each case within the meaning of section 1162 and Schedule 7 of the Companies Act 2006, and
- (b) in relation to any applicant (including such an undertaking), a connected person of the applicant within the meaning of section 286 of the Taxation of Chargeable Gains Act 1992(f);

“restriction”, in relation to a supply licence, means a restriction of the licence under section 6(4) of the Act and, in relation to a distribution licence, means a restriction of the licence under section 6(6) of the Act, and, in relation to a transmission licence, means a modification of an area of the licence under section 6(6B) of the Act by a restriction of the area of the licence;

“shares”, in relation to an applicant with share capital, means allotted shares; in relation to an applicant with capital but no share capital, means rights to share in the capital of the applicant; and in relation to an applicant without share capital, means interests (i) conferring any right to share in the profits or liability to contribute to the losses of the applicant; and (ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of winding up;

“signed” includes signed in a manner which would for the purposes of section 7 of the Electronic Communications Act 2000(g) be an electronic signature;

“significant managerial responsibility or influence” means where a person plays a role in—

- (a) the making of decisions about how the whole or a substantial part of an undertaking’s activities are to be managed or organised, or
- (b) the actual managing or organising of the whole or a substantial part of those activities;

(a) 2004 c.20.

(b) section 6 was substituted by section 30 of the Utility Act 2000.

(c) section 6(1)(e) was inserted by section 145 of the Energy Act 2004

(d) section 6(6B) was inserted by section 136 of the Energy Act 2004.

(e) 2006 c.46.

(f) 1992 c.12

(g) 2000 c.7.

“Supplier of Last Resort event” means when a direction is issued by the Authority pursuant to standard condition 8 of either a gas supply licence granted under section 7A(1) of the Gas Act 1986(a) or an electricity supply licence granted under section 6(1)(d) of the Act;

“supply licence” means a licence granted or to be granted under section 6(1)(d) of the Act;

“transmission licence” means a licence granted or to be granted under section 6(1)(b) of the Act(b); and

“ultimate holding company” means a holding company (within the meaning of sections 1159 and 1160 of the Companies Act 2006(c)) of the applicant which is not itself a subsidiary of another company, which is in the position to control, or exercise significant influence over, a policy of the applicant by virtue of rights under contractual arrangements or rights of ownership which are held by the company or of which the company is a beneficiary.

(2) In these Regulations, unless the context otherwise requires, a reference to a standard condition is a reference, —

- (a) in relation to a distribution licence, a generation licence, a supply licence or a transmission licence, to a standard condition which is determined under section 33(1) of the 2000 Act(d) or section 137(1) of the 2004 Act; or
- (b) in relation to an interconnector licence, to a standard condition which is determined under section 146(1) of the 2004 Act,

subject to any modifications of the standard conditions made under Part I of the Act, the 2000 Act, or the 2004 Act, after the determination under those sections.

(3) In these Regulations —

- (a) any reference to the Schedule is a reference to the Schedule of these Regulations; and
- (b) any reference to a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference occurs.

(4) These Regulations do not apply to applications in respect of an “offshore transmission licence” as defined by section 6C(5) of the Act or “smart meter communication licence” as defined by section 6(1)(f) of the Act.

Manner of Application

4. An application shall be:

- (a) made in writing, addressed to the Authority and delivered or sent by prepaid post to the Authority at its principal address or sent by electronic mail to an address specified by the Authority;
- (b) signed and dated by or on behalf of the applicant, stating, where signed on behalf of the applicant, the capacity of the signatory; and
- (c) accompanied by the prescribed fee referred to in regulation 7 of these Regulations.

Form of application

5.—(1) An application shall be made by completing in full the form shown in the Schedule.

(2) The application may not be considered by the Authority unless it is made in accordance with this regulation 5.

(3) The Authority may make further enquiries of the applicant about any matter connected with the application and may request additional information or documentation as set out in the form in the Schedule.

(a) 1986 c.44

(b) section 6(1)(b) was amended by section 136 of the Energy Act 2004

(c) 2006 c.46

(d) section 33(1) was amended by section 143(1) of the Energy Act 2004

Additional information and documents to accompany application

6.—(1) Subject to paragraphs (2), (3) and (4)—

- (a) an application in respect of a transmission licence shall be accompanied by the information and documents specified for that licence in the form in the Schedule;
- (b) an application in respect of a distribution licence shall be accompanied by the information and documents specified for that licence in the form in the Schedule;
- (c) an application in respect of a supply licence shall be accompanied by the information and documents specified for that licence in the form in the Schedule; and
- (d) an application in respect of an interconnector licence shall be accompanied by the information and documents specified for that licence in the form in the Schedule.

(2) The obligation imposed by paragraph (1) shall, to the extent that information and documents are specified in the Schedule by reference to, or in relation to, a standard condition, apply—

- (a) subject to paragraph (3), in the case of an application for a licence, as if the standard condition in question were to be included and have effect in any licence granted as a result of the application; and
- (b) in the case of an application for a modification of an area, or for an extension or restriction of a licence, in relation to such of the standard conditions in question as have been included and have effect in that licence.

(3) Where a modification to any standard condition is requested in an application made in accordance with these Regulations, the obligation imposed by paragraph (2)(a) shall be modified accordingly.

(4) The obligation imposed by paragraph (1)(a), (b) and (c) in relation to an application for an extension or restriction of a licence shall only apply to the extent that the information and documents differ from or add to the most recent information and documents provided in relation to an application made in accordance with these Regulations or in pursuance of a condition of the applicant's licence.

Application Fees

7.—(1) Subject to paragraph (2), the prescribed fee in relation to an application of the description specified in the first column of the Table in the form in the Schedule shall be the corresponding fee specified in the second column of that Table.

(2) Where more than one fee would, but for this paragraph, be payable in respect of a particular application, the prescribed fee shall be the higher or highest such fee.

Publication of notice of application

8.—(1) The period prescribed for the purpose of section 6A(3) of the Act^(a) (notice of applications) is ten working days from the date the applicant is notified by the Authority that the application is duly made (“the prescribed period”).

(2) The prescribed manner of publication for that purpose shall be either by—

- (a) requesting the Authority to place the notice on the website address of the Authority (at “www.ofgem.gov.uk” or such other website address as may be notified to the applicant by the Authority in writing); or
- (b) publishing the notice on the website address of the applicant and requesting the Authority to place a link to the applicant's website address on the website address of the Authority (at “www.ofgem.gov.uk” or such other website address as may be notified to the applicant by the Authority in writing).

^(a) section 6A was inserted by section 30 of the Utilities Act 2000.

(3) Where an application is for the restriction of a licence, the applicant shall also ensure that notice of application is published within the prescribed period in such newspapers as are calculated to ensure that the notice is circulated throughout the area to which the proposed restriction relates.

(4) In this regulation “working day” shall have the same meaning as in section 64 of the Electricity Act 1989^(a).

The seal of the Gas and Electricity Markets Authority here affixed is authenticated by the signature of



13th June 2019

Mary Starks
A member of the Authority
For and by the Gas and Electricity Markets Authority

(a) 1989 c.29.

SCHEDULE

Regulation 5

ELECTRICITY LICENCE APPLICATION FORM

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What this application form is for

This form should be used to make an application for the following licences:

- electricity supply,
 - electricity generation,
 - electricity distribution,
 - electricity transmission, and
 - electricity interconnector licence,
- or
- the extension or restriction of an existing electricity supply licence or electricity distribution licence,
- or
- the modification of an area of an existing electricity transmission licence.

Note: This form does not apply to applications for an offshore transmission licence or smart meter communication licence

Note: It is an offence under section 59 of the Electricity Act 1989 (as amended) to make any statement in this application which the applicant (or the person completing this form on behalf of the applicant) knows to be false in a material particular or recklessly make any statement which is false in a material particular.

All fields are mandatory unless indicated otherwise

All applicants must refer to the licence application guidance document which is available on the Ofgem website (www.ofgem.gov.uk) when completing this form.

TIER 1 – TO BE COMPLETED BY ALL APPLICANTS

Applicant details

1.1 Registered Business Name:

Registration number:

Trading Name (if any):

VAT number:
Put "none" if you are not registered for VAT

1.2 Legal status:

(Please state whether the applicant is a public limited company, private limited company, overseas company, other body corporate, partnership, unincorporated association, sole trader or other entity (and in the last case give particulars of the legal status))

Is your business registered outside the UK?

Yes: No: (Go to question 1.3)

If yes, please provide the name of the commercial register with which your business is registered.

Commercial register:

1.3 If your business is a body corporate, state the jurisdiction/country of registration:

1.4 The following documents are required as part of the application process. Please check each box to confirm that you will be submitting these with your application.

Certified copy of certificate of incorporation
Certified copy of VAT registration certificate

Registered address of applicant

1.5 Please provide the registered address of the applicant in full. If applying as an individual, please give your full home address:

1.6 Is the applicant a partnership or other joint venture (other than a body corporate)?

Yes: (Go to question 1.9) No: (Go to question 1.10)

1.7 Please state the full name of the Partnership/Joint Venture and the full name(s) and address of each party in that Partnership or Joint Venture.

Partnership/Joint Venture name:

Partnership/Joint Venture details

Party 1 – Name and address details

Full name(s):

Full address:

Party 2 – Name and address details

Full name(s):

Full address:

NOTE: If there are more than two parties in the partnership or Joint Venture please check the box below and continue on a separate sheet.

Name and addresses of additional partnership/joint venture parties included as an attachment

Contact details

1.8 Please provide full details of the person to contact with any queries about this application.

First name(s):

Family name/Surname:

Capacity/position:

E-mail:

Telephone number:

Full contact address:

1.9 Please provide full details of the person to contact for future regulatory purposes, if the licence applied for is granted.

First name(s):

Family name/Surname:

Capacity/position:

E-mail:

Telephone number:

Full contact address:

1.10. Any documents served by post will be sent to the registered address unless another UK service address is given for this purpose below (note this service address may be published on the Ofgem website):

Licence details

2.1 Please select the type of licence this application relates to (**check one box only**):

- electricity supply licence
- electricity generation licence
- electricity distribution licence
- electricity transmission licence
- electricity interconnector licence

2.2 Is the application for (**check one box only**):

- a new licence
- the extension of an existing licence (supply and distribution licences only)
- the restriction of an existing licence (supply and distribution licences only)
- the modification of an area of an existing transmission licence

2.3 State the date the new licence, extension or restriction is desired to take effect:

/ /
DD /MM/ YYYY

Please see our full guidance on licence applications available from the Ofgem website (www.ofgem.gov.uk) for further details on timescales for issuing licences.

Details of ultimate holding company

4.1 Does the applicant have an ultimate holding company?

("Ultimate holding" means a holding company (within the meaning of sections 1159 and 1160 of the Companies Act 2006) of the applicant which is not itself a subsidiary of another company, which is in the position to control, or exercise significant influence over, a policy of the applicant by virtue of rights under contractual arrangements or rights of ownership which are held by the company or of which the company is a beneficiary.)

Yes: (Please provide details below) No: (Go to question 5.1)

Registered Business Name:	<input type="text"/>
Registration number:	<input type="text"/>
Trading Name (if any):	<input type="text"/>
Country of registration:	<input type="text"/>

Please provide the registered address of the ultimate holding company in full:

Ultimate holding company directors

Director 1

First name(s):	<input type="text"/>
Family name/Surname:	<input type="text"/>
Date of birth:	<input type="text"/> (DD/MM/YYYY)

Director 2

First name(s):	<input type="text"/>
Family name/Surname:	<input type="text"/>
Date of birth:	<input type="text"/> (DD/MM/YYYY)

Director 3

First name(s):	<input type="text"/>
Family name/Surname:	<input type="text"/>
Date of birth:	<input type="text"/> (DD/MM/YYYY)

NOTE: If there are more ultimate holding company directors, please check the box below and continue on a separate sheet.

Names and dates of birth of additional ultimate holding company directors included as an attachment

Details of parent undertaking

5.1 Does the applicant have a parent undertaking (within the meaning of section 1162 of the Companies Act 2006)?

Yes: (Please provide details below) No: (Go to question 6.1)

Parent undertaking details

Registered Business Name:

Registration number:

Trading Name (if any):

Country of registration:

Please provide the registered or principal address of the parent undertaking in full:

Parent undertaking directors

Director 1

First name(s):

Family name/Surname:

Date of birth: / /
(DD/MM/YYYY)

Director 2

First name(s):

Family name/Surname:

Date of birth: / /
(DD/MM/YYYY)

NOTE: If there are more parent undertaking directors, please check the box below and continue on a separate sheet.

Name and date of birth of additional parent undertaking director(s) included as an attachment.

Persons in effective control of the applicant

6.1 Is the applicant a body corporate or a sole trader?

Yes: (Go to question 7.1)

No: (Please give details below of person(s) in effective control and then go to section 8)

Persons in effective control details

First name(s):

Family name/Surname:

Full **home** address:

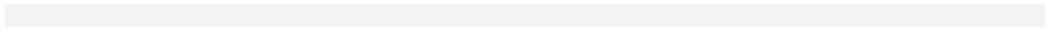
Previous home address if less than 3 years at current address:

Date of birth: / /
(DD/MM/YYYY)

NOTE: If more than one person is in effective control, please check the box below and continue on a separate sheet.

Name, home address and date of birth of additional person(s) in effective control included on a separate sheet.

Go to question 8.1



Details of previous applications made and licences held

8.1 Does the applicant or any related person hold any licence(s) under the Electricity Act 1989 or the Gas Act 1986?

Yes: (Please give details of licences held below) No:

Details of licence(s) held:

If you intend to provide these details as an attachment, please check the box below and include this information with your application.

Details of relevant licences included as an attachment.

8.2 Has/does the applicant or any related person applied for (whether successfully or not) or intend to apply for any other licences under the Electricity Act 1989 or the Gas Act 1986?

Yes: (Please give details of application below) No:

Type of licence(s) applied for or intended to be applied for:

If you intend to provide these details as an attachment, please check the box below and include this information with your application.

Details of relevant applications included as an attachment.

8.3 Has the applicant or any related person previously had a licence granted under the Electricity Act 1989 or the Gas Act 1986 revoked in the last 3 years?

Yes: (Please give details of licences held below) No:

Details of licence(s) revoked:

If you intend to provide these details as an attachment, please check the box below and include this information with your application.

Details of relevant licences included as an attachment.

8.4 Has the applicant or any related person previously had any electricity or gas licence application refused?

Yes: (Please give details of application below) No:

Details of licence application(s) refused:

If you intend to provide these details as an attachment, please check the box below and include this information with your application.

Details of relevant applications included as an attachment.

Details of application

Modifications to Standard Conditions

Applicants may request that the standard conditions of a licence be modified (for the purposes of section 8A(2) of the Electricity Act 1989) to meet the requirements of its specific case.

9.1 Do you wish to request any modifications to any of the standard conditions for the type of licence applied for:

Yes: (Please give full details below)

No: (Go to question 10.1)

Provide full details of the modifications requested:

State the grounds on which the applicant believes that any such modification is requisite to meet the circumstances of the particular case:

State the grounds on which the applicant believes that any such modification would not disadvantage any holders of such licences (including the applicant):

Suitability to hold a licence

10.1 Do any of the persons named in the application (or any person with significant managerial responsibility or influence in the applicant) have any criminal convictions in any jurisdiction? If YES provide details:

(Other than offences under the Road Traffic Offenders Act 1988 or convictions in respect of which the person has become rehabilitated under the Rehabilitation of Offenders Act 1974)

If you intend to provide these details as an attachment, please check the box below and include this information with your application.

Statement on criminal convictions included as an attachment

10.2 Are any of the persons named in the application (or any person with significant managerial responsibility or influence in the applicant) disqualified to any extent from acting in connection with the affairs of a company in any jurisdiction? If YES provide details:

If you intend to provide these details as an attachment, please check the box below and include this information with your application.

Statement on disqualification included as an attachment

10.3 Provide a statement that none of the persons named in the application (or any person with significant managerial responsibility or influence in the applicant):

- is an undischarged bankrupt;
- is, or has been, subject to insolvency proceedings (including any period of receivership or administration in connection with the affairs of a company); or
- is, or has been, subject to any County Court Judgements (CCJs)

in any jurisdiction;

OR, provide details of any such bankruptcy/insolvency/CCJs.

If you intend to provide this statement as an attachment, please check the box below and include the statement with your application.

Statement on bankruptcy/insolvency/CCJs included as an attachment

10.4 Has any person named in this application (or any person with significant managerial responsibility or influence in the applicant) been a director, shareholder or person with significant managerial responsibility or influence at a gas or electricity supply company which triggered a Supplier of Last Resort event either at the time of the Supplier of Last Resort event or within the 12 months preceding the Supplier of Last Resort event?

If YES provide details:

If you intend to provide these details as an attachment, please check the box below and include this information with your application.

Statement on previous Supplier of Last Resort event(s) included as an attachment

10.5 Has the applicant, any related person, any person named in this application, or any person with significant managerial responsibility or influence in the applicant been involved in any Ofgem compliance or enforcement investigations in the last 3 years?
If YES provide details:

If you intend to provide these details as an attachment, please check the box below and include this information with your application.

Statement on compliance or enforcement history included as an attachment

10.6 Has the applicant, any related person, any person named in this application, or any person with significant managerial responsibility or influence in the applicant:

(a) in relation to activities regulated by any other regulatory body ever been refused, had revoked, restricted, or terminated, any licence, authorisation, registration, notification, membership or other permission granted by any such body? OR

(b) ever been found to be in breach of either Articles 101 or 102 of the Treaty on the Functioning of the EU or Chapter I or Chapter II of the Competition Act 1998?

If YES to either a) or b) please provide details:

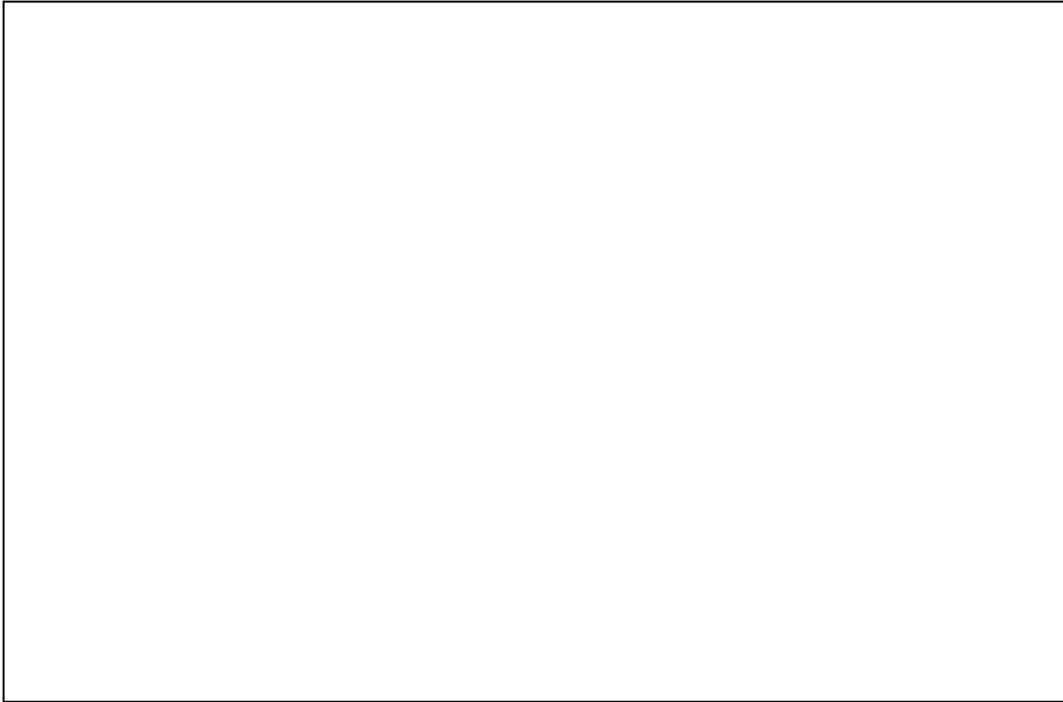
If you intend to provide these details as an attachment, please check the box below and include this information with your application.

Statement on regulatory action by any other body and/or competition law infringement(s) included as an attachment

10.7 Where applicable, please provide the full name, date of birth and position of any person with significant managerial responsibility or influence in the applicant:

Proposed arrangements for commencing licensable activities

11.1 Please provide a summary of your proposed arrangements (including key dates), and any arrangements already in place, to commence the licensable activity to which your application relates:



Licence specific information

NOTE: The remaining questions in this section are specific to the type of licence you are applying for.

If you are applying for:

- an electricity generation licence – then are no further questions, please go to the declaration in section 19;
- an electricity supply licence or for the extension of an existing electricity supply licence – please complete question 12;
- the restriction of an existing electricity supply licence – please complete question 13;
- an electricity distribution licence or for the extension of an existing distribution licence – please complete question 14;
- the restriction of an existing distribution licence – please complete question 15;
- an electricity interconnector licence – please complete question 16;
- an electricity transmission licence – please complete question 17;
- the modification of an area of an existing transmission licence – please complete question 18.

Note: You only need complete the questions that relate to the type of licence you are applying for.

Electricity supply licence applications

12.1 Please specify the premises to be supplied under this licence application (**check one box only**):

- any premises
- only to premises specified in the licence or to premises of a specified description
- only to premises situated in a specified area, or to premises of a specified description situated in that area

12.2 Please specify whether the application relates to:

- non-domestic premises only; or
- non-domestic and domestic premises

Also, specify or describe the premises and the location of the premises intended to be supplied, or if relevant the specified area. **Any description must be sufficient to enable the premises, location or area to be adequately and readily identified by map or other means.** If you wish to request that the specified area is not 'Great Britain', you must provide a clear reason for this:

If you intend to provide this information as an attachment, please check the box below and include the information with your application.

- Premises to be supplied details included as an attachment.

12.3 Provide details of your proposed plans for your first two years' operation after commencing supply of electricity to premises. (Please refer to the application guidance published on the Ofgem website):

If you intend to provide this information as an attachment, please check the box below and include the information with your application.

- Details of proposed plans included as an attachment.

12.4 Provide details of your financial projections, funding arrangements and risk management strategy for your first two years' operation after commencing supply of electricity to premises, and proof of funding for at least your first year's operation after commencing supply of electricity to premises. (Please refer to the application guidance published on the Ofgem website).

- Please check this box to confirm that the information is included as attachments.

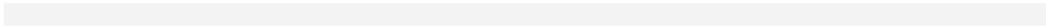
12.5 Provide a statement of intent in respect of the customer service obligations under the licence applied for and the steps you will take to comply with those obligations. (Please refer to the application guidance published on the Ofgem website).

If you intend to provide this information as an attachment, please check the box below and include the information with your application.

Statement of intent in respect of customer service obligations included as an attachment.

Request for a direction

12.6 Applicants may request that the Authority makes a direction under standard condition 11. If you wish to request a direction provide details below:



Restriction of existing electricity supply licence applications

13.1 Provide an estimate of the total number of premises to which the applicant supplies electricity at the time of application and to which the applicant would cease to supply electricity if the restriction was granted:

13.2 Are there any relevant consumers at the time of application?

A person is a relevant consumer if (i) immediately before the restriction takes effect, he is being supplied with electricity by the holder of the licence; and (ii) his premises are to be excluded from the licence by the restriction.

Yes: (Go to question 13.3 below) No: (Go to Declaration in section 19 below)

13.3 Provide details of what arrangements you have made to ensure that your existing relevant consumers (that will be affected by this restriction) will continue to be supplied with electricity after the restriction takes effect:

13.4 Where consumers are supplied under a contract*, provide a description of the applicant's proposed arrangements for ensuring that the terms of any new contract will be the same or as similar to the terms in place between the applicant and that customer immediately before the restriction is to have effect:

(*not including any contract, which by virtue of paragraph 3 of schedule 6 of the Electricity Act 1989, is deemed to have been made)

Electricity distribution licence applications

14.1 Would you like the electricity distribution licence to authorise you to operate:

- (a) throughout Great Britain, or
- (b) within a specified area or areas or at specified premises.

14.2 In the case of 14.1(b) provide a sufficient description adequately specifying the area(s) or premises to which the application relates.

Any description must be sufficient to enable the premises, location or area to be adequately and readily identified by map or other means.

14.3 Provide details of proposed arrangements for compliance with applicable requirements of the following standard conditions:

Standard Condition 8 (Safety and Security of Supplies Enquiry Service)

Standard Condition 31 (Undertaking form Ultimate Controller)

Amended Condition BA3 (Credit Rating of Licensee)

14.4 If requested to do so by Ofgem: Provide details of proposed arrangements for compliance with applicable requirements of any modification that the Authority has indicated, in writing, that it proposes to make to the standard licence conditions prior to the granting of any distribution licence:

If you intend to provide any of this information as an attachment, please check the box below and include the information with your application.

- Proposed arrangements for compliance with standard conditions included as an attachment

Restriction of an existing distribution licence

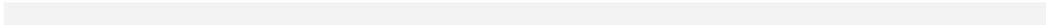
15.1 Provide an estimate of the total number of premises to which the applicant distributes electricity (at the time of this application) and to which the applicant would cease to distribute electricity if the restriction application were to be granted:

15.2 Are there any relevant consumers at the time of application?

A person is a relevant consumer if (i) immediately before the restriction takes effect, he is connected to distribution system of the holder of the licence, and (ii) his premises are to be excluded from the licence by the restriction.

Yes: (Go to question 15.3 below) No: (Go to the Declaration in section 19 below)

15.3 Provide details of what arrangements you have made to ensure that the connection of all relevant consumers (that will be affected by this restriction application) will be maintained:



Electricity interconnector licence applications

Note: Electricity interconnector licence applications must specify the actual or proposed points of connection. If the points of connection cannot be specified at this stage you should provide Ordnance Survey Grid Reference co-ordinates for the proposed points of connection.

16.1 Specify the actual or proposed points of connection to an electricity transmission or distribution network:

16.2 Was the construction of the interconnector to which this application relates completed before 3 August 2003?

Yes: (Go to the Declaration in section 19 below) No: (Go to question 16.3)

16.3 Are you seeking to have any or all of the standard conditions in question 16.4 to not be applied to the licence:

Yes: (Go to question 16.4 below) No: (Go to the Declaration in section 19 below)

16.4 Please indicate which conditions you are seeking to not be applied to the licence:

- (a) Conditions relating to the use of revenues:
- (b) Conditions relating to the charging methodology to apply to third party access to the licensee's interconnector:
- (c) Conditions relating to the requirement to offer terms to an applicant for access to the licensee's interconnector:

16.5 If you are asking for any or all of the above conditions to not be in effect, the following additional information must be provided:

(a) The period of time for which the applicant seeks the licence condition or conditions to not be in effect:

(b) A statement setting out the evidence and reasoning as to why the applicant considers:

(i) The investment in the interconnector enhances competition in electricity supply:

(ii) The level of risk attached to the investment to be made in relation to the interconnector is such that the investment would not be or would not have been made unless those licence conditions were not in effect:

(iii) That, should the licence conditions not be in effect for the period of time sought, this will not be detrimental to competition or the effective functioning of the internal electricity market, or the efficient functioning of the regulated system to which the interconnector is connected:

(c) Provide a further statement that:

(i) The interconnector will be owned by a natural or legal person who is separate, at least in terms of its legal form, from the system operators to whose systems the interconnector to which this application relates will be connected:

(ii) Charges will be levied on users of the interconnector:

(iii) No part of the capital or opening operating costs of the interconnector has been recovered from any component of charges made for the use of transmission or distribution systems linked by the interconnector:

If you intend to provide any of this information as an attachment, please check the box below and include the information with your application.

Electricity interconnector standard conditions statements included as an attachment

Electricity transmission licence applications

17.1 Provide a brief description of the activities the applicant intends to carry out with respect to the transmission of electricity:

17.2 Provide a description of:

- the area to which the applicant relates, and
- where different to the area specified above, the area in which the applicant intends to carry out activities under a transmission licence.

Any description must be sufficient to enable the area or areas concerned, location or area to be adequately and readily identified by map or other means

Applications for modification of an area of an electricity transmission licence

18.1 If the modification in question constitutes a restriction of the area, please provide details of any of the following persons who may be affected by the application.

(a) Any person authorised by a licence under section 6(1) of the Electricity Act 1989 or an exemption under section 5(1) of the Electricity Act 1989:

(b) Any person connected to the applicant's transmission system:

(c) Any other person who may reasonably be affected by the restriction which is the subject of this application:



Table of application fees

<i>Description of application</i>	<i>Fee payable £</i>
Supply	
Application for a licence to supply domestic and non-domestic premises	2,150
Application for a licence to supply non-domestic premises only	1,800
Application for any extension	1,600
Application for any restriction	550
Generation	
Licence application	550
Distribution	
Application for a licence	3,200
Application for extension or restriction	800
Transmission	
Application for a licence	3,200
Application for the modification of an area	800
Interconnector	
Application for a licence	1,050

19. Declaration

By checking this box I declare that:

- (1) I have due authority to make this application;
- (2) I have read and understood this application form and the application guidance currently published on the Ofgem website;
- (3) to the best of my knowledge and belief, all the details provided in this application form are true and complete and all the information or document(s) supplied with this application form are true and complete;
- (4) I have read and understood the relevant standard conditions of the licence that I am applying for; and
- (5) I understand that knowingly or recklessly making a false, incomplete or misleading statement in support of this application may lead to the grant of the licence being refused or revoked and may result in criminal proceedings being instituted under section 59 of the Electricity Act 1989.

Signature
 Name in capital letters
 Capacity of signatory
 Date

TIER 2 – ADDITIONAL INFORMATION ONLY TO BE COMPLETED ON REQUEST BY OFGEM

Further information and documents to be provided by applicant and to attend interview on request

1. Please provide certified copies of any official documents held by the applicant that confirm key details provided in the application.

Please check this box to confirm that the information is included as attachments

2. Please provide evidence of your contact with the relevant Code Owners/Administrators.

Please check this box to confirm that the information is included as attachments

3. Please provide the full names and contact details of the applicant's bank, solicitors and auditors:

4. Please confirm your agreement to attend an interview with Ofgem if requested.

5. Please produce the following documentation if requested by Ofgem:

- (a) Incorporation documents;
- (b) Resolutions;
- (c) Minutes from meetings;
- (d) Annual Returns and Accounts;
- (e) Forms appointing and resigning directors;
- (f) Register of Directors;
- (g) Register of Members;
- (h) Original or certified copies of passports or driving licences for each director (including shadow directors within the meaning of section 251 of the Companies Act);
- (i) CVs of directors and/or any person with significant managerial responsibility or influence in the applicant; and
- (j) Certificate of criminal record background (Disclosure and Barring Service, Disclosure Scotland, or equivalent) for directors and/or any person with significant managerial responsibility or influence in the applicant.

Please check this box to confirm that the documentation is included as attachments.

6. Declaration

By checking this box I declare that:

- (1) I have due authority to make this application;
- (2) I have read and understood this application form and the application guidance currently published on the Ofgem website;
- (3) to the best of my knowledge and belief, all the details provided in this application form are true and complete and all the information or document(s) supplied with this application form are true and complete;
- (4) I have read and understood the relevant standard conditions of the licence that I am applying for; and
- (5) I understand that knowingly or recklessly making a false, incomplete or misleading statement in support of this application may lead to the grant of the licence being refused or revoked and may result in criminal proceedings being instituted under section 59 of the Electricity Act 1989.

Signature

Name in capital letters

Capacity of signatory

Date

Notes on completing this application form and submitting your electricity licence application

These notes aim to answer the key questions you may have in making an electricity licence application. All applicants must also read our full guidance on licence applications which available on the Ofgem website **before** completing this form.

You may use this electricity licence application form to make an application for the following electricity licences:

An electricity supply licence allows the licensee to supply electricity to premises. An electricity supply licence may authorise the holder to supply domestic and non-domestic premises, or to non-domestic premises only.

An electricity generation licence allows the licensee to generate electricity for the purpose of giving a supply to any premises or enabling a supply to be given.

An electricity distribution licence allows the licensee to distribute electricity for the purpose of enabling a supply to be given.

An electricity transmission licence allows the licensee to participate in the transmission of electricity for the purpose of enabling a supply to be given.

An electricity interconnector licence allows the licensee to participate in the operation of an electricity interconnector. Participating in the operation of an electricity interconnector is defined as
- co-ordinating and directing the flow of electricity into or through an electricity interconnector, or
- making such an interconnector available for use for the conveyance of electricity.

Note: Please note this application does not apply to applications for an offshore transmission licence.

You may also use this form to make an application for the extension or restriction of an existing electricity supply or electricity distribution licence.

Or

The modification of an area of an existing electricity transmission licence.

Please note: An application may not be made on the same form for more than one licence - use a separate form for each licence application.

Completing the application form

- Please ensure that you answer all relevant questions as fully as possible. The table below provides an overview of what sections need to be completed.

Tier 1	All applicants must complete this section.
Tier 1 – Licence specific information	Applicants need only complete the parts relevant to the type of application being made.
Tier 2	Applicants only need to complete this section if and when requested by Ofgem We may ask you to provide the additional information set out in Tier 2 if during: <ul style="list-style-type: none">○ our initial checks of your application for completeness; or○ the course of processing your application, the overall risk assessment score for the application is equal to or above the minimum threshold in accordance with our full licence application guidance.

- All fields are mandatory unless indicated otherwise.
- Please enter N/A in response to any questions that you consider not applicable rather than leave blank.
- Where the required information is being provided in the form of a separate attachment – please check the relevant box on the application form to indicate that you are including attachments and ensure that the attachments accompany your application.
- **Applicants should note that we will not commence processing an application until all relevant information/documents as set out in the application form have been provided and the relevant application fee has been received in cleared funds.**

How to submit your application

The application may be submitted in one of the following ways:

1. By post to the address given below; or
2. By email to the email address given below (hard copy may follow by post)

Paying the application fee

Payment details can be found in the application guidance published on the Ofgem website.

What happens next?

- We will contact you to confirm whether the application is complete and therefore ‘duly made’. Where incomplete or ‘not duly made’, we will advise you of what information is outstanding.
- Once the application is considered duly made – we will provide you with a template with suggested wording for your notice of application. You then have 10 working days to arrange for this to be published on the Ofgem website or your own website.

How long will the application process take?

Please refer to the application guidance published on the Ofgem website for details of processing time periods.

Our contact details

Should you have any general queries about your licence application, you can contact us at licensing@ofgem.gov.uk.

However, please note that Ofgem cannot provide legal advice. If you need advice on what to put in answer to a question, or whether documents are sufficient to answer a question, please seek independent legal advice.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the information, and other documents that are required to be submitted with applications for generation, transmission, distribution, supply and interconnector licences (and for modifications of an area of transmission licences and extensions, or restrictions of supply and distribution licences) under the Electricity Act 1989, as amended by the Utilities Act 2000 and the Energy Act 2004. They specify the form and manner of such applications. These Regulations also set out the manner in which notices of applications are to be published.

These Regulations come into force on 5th July 2019.

Regulation 1 provides for the citation, commencement and revokes the previous Regulations.

Regulation 2 makes transitional provisions for applications made but not determined before the Regulations come into force.

Regulation 3 provides for general interpretation.

Regulation 4 deals with the manner of applications.

Regulation 5 concerns the form of applications, and incorporates the Schedule that specifies their form, and the information and documents to accompany them.

Regulation 6 specifies the additional information and documents to accompany applications.

Regulation 7 specifies the fees payable in respect of applications. The fees for licence applications have increased by the following amounts:

<i>Description of application</i>	<i>Previous Fee payable £</i>	<i>New Fee payable £</i>
Supply		
<i>Application for a licence to supply domestic and non-domestic premises</i>	450	2,150
<i>Application for a licence to supply non-domestic premises only</i>	450	1,800
<i>Application for any extension</i>	450	1,600
<i>Application for any restriction</i>	450	550
Generation		
<i>Licence application</i>	500	550
Distribution		
<i>Application for a licence</i>	1,400	3,200
<i>Application for extension or restriction</i>	150	800
Transmission		
<i>Application for a licence</i>	500	3,200
<i>Application for the modification of an area</i>	250	800
Interconnector		
<i>Application for a licence</i>	1,050	1,050

Regulation 8 provides for the notice period and publication requirements for applications. It requires applicants to request that the notice of the application is published on the Ofgem website or to publish it on their own website. If the application is for a restriction (including a modification of an area of a transmission licence to restrict that area) the applicant must also publish the notice in local newspapers.

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<http://www.legislation.gov.uk/id/uksi/2019/1023>