STATUTORY RULES OF NORTHERN IRELAND

2013 No. 281

GAS

The Gas (Applications for Licences and Extensions) (Amendment No. 2) Regulations (Northern Ireland) 2013

Made - - - -	*28th November 2013*
Coming into operation	*20th December 2013*

The Department of Enterprise, Trade and Investment(**1**) makes the following Regulations in exercise of the powers conferred by Article 8(3) of the Gas (Northern Ireland) Order 1996(**2**).

Citation and commencement

1. These Regulations may be cited as the Gas (Applications for Licences and Extensions) (Amendment No. 2) Regulations (Northern Ireland) 2013 and come into operation on 20th December 2013.

Amendment of the Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996

2.—(1) The Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996(**3**) are amended in accordance with the following paragraphs.

(2) In regulation 2—

(a) in the definition of "extension" omit the "and" at the end of sub-paragraph (b) and at the end of sub-paragraph (c) insert "and" and thereafter add—

"(d) an LNG licence, an extension of that licence under Article 8(2)(d) of the Order;";

(b) after the definition of a "gas supply licence" insert—

""LNG licence" means a licence under Article 8(1)(d) of the Order;".

(3) In regulation 4—

(a) at the end of paragraph (1)(c), for the full-stop substitute ";" and thereafter insert—

(**1**) The Department of Economic Development was renamed the Department of Enterprise, Trade and Investment by Article 3(5) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I 1))

(**2**) S.I. 1996/275 (N.I.2), relevant amendments were made by S.R. 2011 No. 155 and S.R. 2013 No. 92

(**3**) S.R. 1996 No. 447, as amended by S.R. 2010 No. 326 and S.R. 2013 No. 24

"(d) an application for an LNG licence, or for an extension, shall be accompanied by the documents and other particulars specified in Part IV of Schedule 2.";

(b) in paragraph (2) for "and III" substitute ", III and IV"; and

(c) for paragraph (3) substitute—

"(3) Where a modification of any standard condition is specified in accordance with paragraph 18 of Part I of Schedule 2, paragraph 13 of Part II of Schedule 2, paragraph 16 of Part III of Schedule 2 or paragraph 13 of Part IV of Schedule 2, the obligation imposed by paragraph (2)(a) shall be modified accordingly.".

(4) In regulation 6(1)(b) omit the "and" at the end of sub-paragraph (ii) and at the end of sub-paragraph (iii) for the full-stop substitute "; and" and thereafter insert—

"(iv) in the case of an LNG licence in the area in which the LNG facility to which the licence relates is to be located.".

(5) In regulation 7 after sub-paragraph (3) insert—

"(3A) The fee payable with an application for an LNG licence shall be £2000.".

(6) For Schedule 1 (Form of Application for a Gas Conveyance Licence, Gas Storage Licence or Gas Supply Licence) substitute the Schedule 1 set out in Schedule 1 to these Regulations.

(7) For Part I of Schedule 2 (Documents and other Particulars to accompany an Application for a Gas Conveyance Licence or Extension) substitute the Part I set out in Schedule 2 to these Regulations.

(8) For Part II of Schedule 2 (Documents and other Particulars to accompany an Application for a Gas Storage Licence or Extension) substitute the Part II set out in Schedule 3 to these Regulations.

(9) For Part III of Schedule 2 (Documents and other Particulars to accompany an Application for a Gas Supply Licence or Extension) substitute the Part III set out in Schedule 4 to these Regulations.

(10) After Part III of Schedule 2 insert the Part IV set out in Schedule 5 to these Regulations.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 28th November 2013.

L.S.

A F Hepper
A senior officer of the
Department of Enterprise, Trade and Investment

SCHEDULE 1

"SCHEDULE 1 Regulation 3

Form of Application for a Gas Conveyance Licence, Gas Storage Licence, Gas Supply Licence or LNG Licence

1. Full name of the applicant. …… …… …… ……
2. Address of the applicant or, in the case of a body corporate, the registered or principal office. …… …… …… ……
3. Where the applicant is a partnership or other joint venture (other than a body corporate), the name and address of each party concerned. …… …… …… ……
4. The name, address and telephone number of the person or persons to whom correspondence or enquiries concerning the application should be directed. …… …… …… ……
5. The particular type of licence(s) sought, that is to say whether to convey gas and/or store gas and/or supply gas and/or operate an LNG facility, or an extension of any of these types of licence granted to the applicant at the time of this application. …… …… …… ……
6. Details of any other licence application to which the applicant wishes this application to be connected (*see Note 1*). …… …… …… ……
7. The date from which the licence or extension is desired to take effect. …… …… …… ……

8. Status of the applicant, that is to say 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 particulars of the legal status).

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9. If the applicant is a body corporate:-

(a) The jurisdiction under which it is incorporated.

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(b) If applicable, its registration number.

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(c) The full names and addresses of its current Directors (including any shadow director within the meaning of section 251 of the 2006 Act) or, where appropriate, the corresponding officers.

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(d) The name, address and telephone number of a person or persons authorized to accept service of any notices or processes required to be served on the applicant.

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(e) The name and registered office of any holding company (within the meaning of section 1159 of the 2006 Act) of the applicant and the name and registered or principal office of any parent undertaking (within the meaning of section 1162 of the 2006 Act) of the applicant.

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10. If the applicant is neither a body corporate nor a sole trader, the name(s) and address(es) of the person or persons in whom effective control of the applicant rests.

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11. Where a holding of 20% or more of the shares (*see Note 2*) of an applicant is held by a body corporate or partnership or an unincorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided specifying in each case the class of share held, the number of shares so held and the percentage of the aggregate number of shares of that class represented thereby.

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12. Details of any licences under the Order[1] or the Electricity (Northern Ireland) Order 1992[2] held, applied for (whether or not successfully) or intended to be applied for by the applicant or (so far as is known to the applicant) by any person who is a related person in relation to the applicant *(See Note 3)*. …… …… …… ……
13. Confirmation of statement by the applicant:
The applicant or, where the applicant is a company a senior officer of the company, must indicate his or her confirmation of statements (a) to (f) below by **initialing** next to those statements and **signing** where indicated below. In relation to statement (c) only, if the applicant or senior officer is not able to confirm the statement then he or she need not initial this statement provided that he or she provides a written description of the reasons why the senior officer cannot give such confirmation.
"I, the applicant or a duly authorized officer of the applicant hereby confirm that:

(a) the information provided in this application is true, accurate and complete.	**Initial below**
(b) the applicant has not breached any applicable legislation or regulations in preparing or making this application	**Initial below**
(c) the applicant is not aware of any application to place it in liquidation, administration or receivership, or to commence any analogous process or proceeding in any jurisdiction, and that no such process has been commenced.	**Initial below**
(d) the applicant is acting as a principal in the licence application and not as an agent for any undisclosed person and the applicant has expressly authorized me to act on its behalf in completing this application.	**Initial below**
(e) the applicant understands the obligations of a transmission system operator and/or distribution system operator; a gas storage operator; a gas supplier; or an LNG facility operator (as applicable) to comply with the conditions in the relevant licence.	**Initial below**
(f) the applicant understands 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, and may result in criminal prosecution under Article 46 of the Order."	**Initial below**

Signed: ……

Name: ……

Position: ……

Dated: ……

[1] S.I. 1996/275 (N.I.2), relevant amendments were made by S.R. 2011 No. 155 and S.R. 2013 No 92

[2] S.I. 1992/231 (N.I. 1)