STATUTORY RULES OF NORTHERN IRELAND

2004 No. 404

GAS

The Gas (Designation of Pipelines) Order (Northern Ireland) 2004

Made - - - -	*22nd September 2004*
Coming into operation	*1st October 2004*

The Department of Enterprise, Trade and Investment, in exercise of the powers conferred on it by Article 59(1) to (3) and (5) and (6) of the Energy (Northern Ireland) Order 2003(**1**) and of every other power enabling it in that behalf, after having given notice in accordance with paragraph (4) of that Article and having considered any representations or objections which are duly made and not withdrawn, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Gas (Designation of Pipelines) Order (Northern Ireland) 2004 and shall come into operation on 1st October 2004.

(2) In this Order –

"assigned" has the same meaning as in Article 12 of the Gas Order;

"the Energy Order" means the Energy (Northern Ireland) Order 2003;

"the Gas Order" means the Gas (Northern Ireland) Order 1996(**2**);

"the Insolvency Order" means the Insolvency (Northern Ireland) Order 1989(**3**); and

"the Insolvency Act" means the Insolvency Act 1986(**4**); and

"relevant licensee" shall be construed in accordance with Article 3(1)(a).

Designated pipelines

2. Each pipeline specified in column (1) of the Schedule, being a high pressure pipeline, is hereby designated as a pipeline to which Article 60 of the Energy Order applies for the period beginning on and including the date of commencement of this Order and ending on the date specified opposite thereto in column (2) of the Schedule.

(**1**) S.I.2003/419 (N.I. 6)
(**2**) S.I. 1996/275 (N.I. 2) as amended by S.R. 2002 No. 291 and the Energy Order (in particular Article 30)
(**3**) S.I. 1989/2405 (N.I. 19)
(**4**) 1986 c. 45

Cessation of Designation

3.—(1) So much of this Order as designates any particular pipeline for the purposes of Article 60 of the Energy Order shall cease to have effect where –

(a) a licence granted under Article 8(1)(a) of the Gas Order authorising a person ("a relevant licensee") to convey gas through that pipeline is revoked or assigned; or

(b) there is an insolvency event in relation to the relevant licensee.

(2) For the purpose of paragraph (1)(b) an "insolvency event" occurs in relation to a relevant licensee if it:

(a) is deemed unable to pay its debts (within the meaning of Article 103(1) or (2) of the Insolvency Order or section 123(1) or (2) of the Insolvency Act) or if any voluntary arrangement is proposed in relation to it under Article 14 of the Insolvency Order or section 1 of the Insolvency Act;

(b) has a receiver (which expression shall include an administrative receiver within the meaning of Article 5(1) of the Insolvency Order) of the whole or any material part of its assets or undertaking appointed;

(c) has an administration order under Article 21 of the Insolvency Order or Schedule B1 to the Insolvency Act(**5**) made in relation to it;

(d) has any resolution for winding up passed in relation to it; or

(e) becomes subject to an order for winding up by a court of competent jurisdiction.

(3) In paragraph (2)(a) the reference to Article 103(1) of the Insolvency Order and to section 123(1) of the Insolvency Act shall be construed as, in each case, a reference to that provision as if in sub-paragraph (a) for "£750" there was substituted "£250,000".

(4) For the purposes of paragraph (2)(a), a licensee shall not be deemed to be unable to pay its debts if any such demand as is mentioned in Article 103(1)(a) of the Insolvency Order, or section 123(1)(a) of the Insolvency Act is being contested in good faith by that licensee with recourse to all appropriate measures and procedures.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 22nd September 2004.

M. A. Warnock
A senior officer of the
Department of Enterprise, Trade and Investment

(**5**) Schedule B1 was substituted for sections 8 to 27 of the Insolvency Act by section 248(1) of the Enterprise Act 2002