
STATUTORY INSTRUMENTS

1996 No. 275

The Gas (Northern Ireland) Order 1996

PART II

GAS SUPPLY AND ASSOCIATED ACTIVITIES

Major pipe-lines, gas storage facilities and gas processing facilities

[^{F1}39B. ^{F2}...

[^{F3}(2)

(3) The Authority must revoke an exemption given in accordance with Article 39A in respect of a [^{F4}pipe-line] or facility—

- (a) if its construction or, as the case may be, the making of the modification to which the exemption relates has not been started within the 2 years beginning with the relevant date; or
- (b) if it, or (as the case may be) the modification to which the exemption relates, is not operational within 5 years beginning on the relevant date.

(4) In paragraph (3) “relevant date” means—

- (a) if [^{F5}before IP completion day] the European Commission notified the Authority that it approved the exemption and terms as copied to it under paragraph (1) [^{F6}(as it then had effect)], the date of that notification;
- (b) if [^{F7}before IP completion day], in accordance with Article 36(9) of the Directive, the European Commission required the Authority to modify the terms, the date of that requirement; or

[^{F8}(c) if—

- (i) before IP completion day the Authority sent the European Commission a copy of the exemption and terms under paragraph (1) (as it then had effect), and
- (ii) the European Commission does not act as described in paragraph (a) or (b) before IP completion day,

the date four months after the Authority sent the European Commission a copy of the exemption under paragraph (1) or IP completion day, whichever is the sooner;

- (d) if the decision to give the exemption was published under Article 39A(12) on or after IP completion day, the date on which the decision was published under Article 39A(12).]

(5) The Authority may, at any other time, revoke an exemption given in accordance with Article 39A or modify the terms on which such an exemption is given, in respect of a [^{F9}pipe-line], facility or modification—

- (a) in accordance with the provisions of the exemption; or

Changes to legislation: *The Gas (Northern Ireland) Order 1996, Section 39B is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) by giving the owner of the [^{F9}pipe-line] or facility in question a notice of a revocation at least 4 months before the revocation takes effect.]

- F1** Arts. 39A 39B inserted (12.4.2013) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 (S.R. 2013/92), reg. **30(1)**
- F2** Art. 39B(1) omitted (31.12.2020) by virtue of The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **125(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 39B(2) omitted (31.12.2020) by virtue of The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **125(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in art. 39B(3) substituted (16.12.2020) by The Gas (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/279), regs. 1, **5(g)**
- F5** Words in art. 39B(4)(a) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **125(3)(a)(i)** (as amended by S.I. 2020/1016, regs. 1(2), 3(40)); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in art. 39B(4)(a) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **125(3)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in art. 39B(4)(b) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **125(3)(b)** (as amended by S.I. 2020/1016, regs. 1(2), 3(40)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Art. 39B(4)(c)(d) substituted for art. 39B(4)(c) (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **125(3)(c)** (as amended by S.I. 2020/1016, regs. 1(2), 3(40)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Word in art. 39B(5) substituted (16.12.2020) by The Gas (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/279), regs. 1, **5(g)**

Changes to legislation:

The Gas (Northern Ireland) Order 1996, Section 39B is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument am. (pt.prosp.) by [1998 c. 41 s.66\(5\)Sch.10 Pt.III para.8](#)
- Instrument amended by [1998 c. 41 s.66\(5\)Sch.10 Pt.V para.18](#)
- Instrument rev. in pt. (prosp.) by [1998 c. 41 ss.66\(5\),74\(3\), Sch.10, Pt.V, para.18, Sch.14, Pt.II](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 18(1A)(aa) inserted by S.I. 2019/93, Sch. 1 para. 7(2)(b) (as substituted) by [S.I. 2019/1245 reg. 24](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)