

SCHEDULE 2

Regulation 4(1)(a)

Part I

Documents and other Particulars to accompany an Application for a Gas Conveyance Licence or Extension (see Note)

Financial information

1. If the applicant is a company copies of:—
 - (a) the most recent annual accounts of the applicant in respect of which an auditors' report has been prepared, together with that report;
 - (b) the annual accounts of the applicant for the two financial years preceding that to which the accounts referred to in sub-paragraph (a) above relate, together with the appropriate auditors' reports;
 - (c) such interim accounts (whether audited or not) as may have been prepared in respect of a period more recent than that covered by any of the documents specified in sub-paragraph (a) and (b) above.
2. In addition to the documents specified at paragraph 1 if the applicant is a subsidiary undertaking, copies of:—
 - (a) the most recent group accounts in respect of the group of which the subsidiary undertaking forms part and in respect of which an auditors' report has been prepared, together with that report;
 - (b) the groups accounts in respect of that group for the two financial years preceding that to which the accounts referred in sub-paragraph (a) relate, together with the appropriate auditors' reports; and
 - (c) such interim accounts for that group (whether audited or not) as may have been prepared in respect of a period more recent than that covered by any of the documents specified in sub-paragraphs (a) and (b).
3. Where the documents specified at paragraph 2 do not include the consolidated accounts for any parent undertaking of the applicant established outside Northern Ireland, copies of such accounts together with any auditors' reports, as indicate the financial state of affairs of the group in question:—
 - (a) at the time of the application; and
 - (b) at the end of each of the three financial years preceding that time.

Note

If the application is for an extension of a licence, the information and documents specified at paragraphs 1 to 3 above and paragraphs 4 to 7 below need only be given in so far as, in any material respect they differ from or add to the most recent information or documents which were provided in relation to the same requirement:—

- (a) with an application made by the applicant in accordance with these Regulations; or
 - (b) subsequent to such an application in pursuance of a condition of the applicant's licence.
4. Where the applicant is not a company, such accounts or other information as indicate the financial state of affairs of the applicant, and of any person in whom effective control of the applicant resides:—
 - (a) at the time of the application; and

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(b) at the end of each of the three financial years preceding that time.

5. A statement giving such further particulars (if any), whether by way of financial projections, sources of finance (including the amount of any borrowings required or being sought from banks or other lending institutions) or otherwise, as will, in conjunction with such particulars and documents as are provided in accordance with paragraphs 1 to 4, indicate whether the applicant would be likely to be able to finance the activities authorised by its licence if the application were granted.

Constitutional documents

6. Where the applicant is a company, copies of its Memorandum and Articles of Association or other constitutional documents.

Expertise of applicant

7. A statement giving such particulars of the applicant, and of any sub-contractors or other persons on whose expertise the applicant proposes to rely, as may indicate whether the applicant or that other person has or will acquire the necessary skills to undertake the activities to which the licence or, as the case may be, the extension, relates and any other activities which are incidental thereto.

Proposed authorised area and pipeline system

8. A map drawn to an appropriate scale showing:—
- (a) the area in which the applicant proposes to convey gas from one place to another (“the proposed area”);
 - (b) the proposed configuration of the pipeline system the applicant would use for that purpose if the application were granted; and
 - (c) any pipes used or to be used by the applicant wholly or mainly for the purpose of conveying gas to the proposed area if the application were granted.
9. A list of the district councils in whose area the proposed area lies.

Development plan

10. A development plan in respect of the activities (“the authorised activities”) which would be authorised by the licence or, as the case may be, the extension, if the application were granted, including estimates, for each year of the period required to complete the development, of:—

- (a) the length(s) (in kilometres), diameter(s) and design operating pressure(s) of the pipelines to be used for the authorised activities;
- (b) the number of premises which may be connected to the pipeline system;
- (c) the amount of gas, in therms, expected to be conveyed, separately identifying any amount to be conveyed to domestic premises;
- (d) the total revenue from the authorised activities;
- (e) the total capital costs of the authorised activities, showing separately such costs in relation to procuring and laying pipe-lines, providing and installing meters, procuring and installing other operational plant and machinery, and overhead and administrative requirements (in all cases excluding finance charges);
- (f) the total operating costs of the authorised activities, showing separately such costs in relation to fuel (including gas purchases), staff costs, rent and rates, development costs and insurance; and

(g) net annual cashflow,
and stating, where appropriate, the assumptions underlying the figures provided.

System security standards

11. Particulars of the proposed system security standards for the pipeline network.

Safety requirements

12. Such particulars as will indicate whether any pipeline system through which the applicant would be authorised to convey gas if the application or extension were granted would be operated safely.

13. Particulars of the applicant's proposed arrangements to secure the performance of any obligations in relation to escapes of gas imposed on him by Schedule 5 to the Order.

Exclusive authority

14. Any exclusive authority to convey gas sought and justification for the conferral of such authority.

Standard conditions

15. Any modification requested to any of the standard conditions for a gas conveyance licence and the grounds on which the applicant believes that any such modification:—

- (a) is requisite to meet the circumstances of a particular case; and
- (b) is such that no other holder of such a licence would be unduly disadvantaged by the making of the modification.

16. Particulars of the applicant's proposed arrangements for compliance with those standard conditions for a gas conveyance licence which are identified for this purpose.

Interpretation

17. In this schedule:—

“the 1986 Order” means the Companies (Northern Ireland) Order 1986(1);

“annual accounts” has the meaning given by Article 270 of the 1986 Order;

“auditors' report” means a report prepared under Article 243 of the 1986 Order;

“company” means:—

- (i) a company within the meaning of Article 3(1) of the 1986 Order; or
- (ii) a body corporate, incorporated in and having a principal place of business in Northern Ireland, other than a body corporate mentioned in Article 8 of the 1986 Order;

“domestic premises” means premises to which gas is conveyed at a rate which is reasonably expected not to exceed 2,500 therms a year;

“group” has the meaning given by Article 270 of the 1986 Order;

“group accounts” means such accounts as are required to be prepared by Article 235 of the 1986 Order, or, as the case may be, delivered under Article 236 of that Order, together with any accounts required to be delivered in accordance with Article 251(2) of that Order;

(1) [S.I. 1986/1072 \(N.I. 6\)](#)

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“parent undertaking” and “subsidiary undertaking” have the meanings given by Article 266 of the 1986 Order.

Part II

Documents and other particulars to accompany an application for a Gas Storage Licence or Extension (see Note)

Financial information

1. If the applicant is a company copies of:—
 - (a) the most recent annual accounts of the applicant in respect of which an auditors' report has been prepared, together with that report;
 - (b) the annual accounts of the applicant for the two financial years preceding that to which the accounts referred to in sub-paragraph (a) relate, together with the appropriate auditors' reports;
 - (c) such interim accounts (whether audited or not) as may have been prepared in respect of a period more recent than that covered by any of the documents specified in sub-paragraph (a) and (b).
2. In addition to the documents specified at paragraph 1 if the applicant is a subsidiary undertaking, copies of:—
 - (a) the most recent group accounts in respect of the group of which the subsidiary undertaking forms part and in respect of which an auditors' report has been prepared, together with that report;
 - (b) the group accounts in respect of that group for the two financial years preceding that to which the accounts referred in sub-paragraph (a) relate, together with the appropriate auditors' reports; and
 - (c) such interim accounts for that group (whether audited or not) as may have been prepared in respect of a period more recent than that covered by any of the documents specified in sub-paragraphs (a) and (b).
3. Where the documents specified at paragraph 2 do not include the consolidated accounts for any parent undertaking of the applicant established outside Northern Ireland, copies of such accounts, together with any auditors' reports, as indicate the financial state of affairs of the group in question:—
 - (a) at the time of the application; and
 - (b) at the end of each of the three financial years preceding that time.

Note

If the application is for an extension of a licence, the information and documents specified at paragraphs 1 to 3 above and paragraphs 4 to 7 below need only be given in so far as, in any material respect they differ from or add to the most recent information or documents which were provided in relation to the same requirement:—

- (a) with an application made by the applicant in accordance with these Regulations; or
- (b) subsequent to such an application in pursuance of a condition of the applicant's licence.

4. Where the applicant is not a company, such accounts or other information as indicate the financial state of affairs of the applicant, and of any person in whom effective control of the applicant resides:—

- (a) at the time of the application; and
- (b) at the end of each of the three financial years preceding that time.

5. A statement giving such further particulars (if any), whether by way of financial projections, sources of finance (including the amount of any borrowings required or being sought from banks or other lending institutions) or otherwise, as will, in conjunction with such information and documents as is provided in accordance with paragraphs 1 to 4, indicate whether the applicant would be likely to be able to finance the activities authorised by its licence if the application were granted.

Constitutional documents

6. Where the applicant is a company, copies of its Memorandum and Articles of Association or other constitutional documents.

Expertise of applicant

7. A statement giving such particulars of the applicant, and of any sub-contractors or other persons on whose expertise the applicant proposes to rely, as may indicate whether the applicant or that other person has or will acquire the necessary skills to undertake the activities to which the licence or, as the case may be, the extension, relates and any other activities which are reasonably incidental thereto.

Proposed location of storage facility

8. A map drawn to an appropriate scale showing the proposed location of the gas storage facility to which the application relates.

Development plan

9. A development plan in respect of the activities (“the authorised activities”) which would be authorised by the licence or, as the case may be, the extension if the application were granted, including details of:—

- (a) the type, design and capacity of the storage facility intended;
- (b) the intended regime for acceptance of gas for storage and export of gas to gas networks;
- (c) any intended arrangements for connection of the storage facility with any gas networks;
- (d) estimated total revenue from the authorised activities in each of the first 10 years of operation of the storage facility;
- (e) estimated total capital costs of the storage facility;
- (f) estimated total operating costs of the authorised activities in each of the first 10 years of operation of the storage facility, showing separately such costs in relation to fuel (including gas purchases), staff costs, rent and rates, development costs and insurance; and
- (g) net annual cashflow,

and stating, where appropriate, the assumptions underlying the figures provided.

Safety requirements

10. Such particulars as will indicate whether any gas storage facility in which the applicant was authorised to store gas if the application were granted would be operated safely.

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Standard conditions

11. Any modification requested to any of the standard conditions for a gas storage licence and the grounds on which the applicant believes that any such modification:—

- (a) is requisite to meet the circumstances of a particular case; and
- (b) is such that no other holder of such a licence would be unduly disadvantaged if the modification were made.

12. Particulars of the applicants proposed arrangements for compliance with those standard conditions for a gas storage licence which are identified for this purpose.

Interpretation

13. In this schedule:—

“the 1986 Order” means the Companies (Northern Ireland) Order 1986(2);

“annual accounts” has the meaning given by Article 270 of the 1986 Order;

“auditors' report” means a report prepared under Article 243 of the 1986 Order;

“company” means:—

- (i) a company within the meaning of Article 3(1) of the 1986 Order; or
- (ii) a body corporate, incorporated in and having a principal place of business in Northern Ireland, other than a body corporate mentioned in Article 8 of the 1986 Order;

“group” has the meaning given by Article 270 of the 1986 Order;

“group accounts” means such accounts as are required to be prepared by Article 235 of the 1986 Order, or, as the case may be, delivered under Article 236 of that Order, together with any accounts required to be delivered in accordance with Article 251(2) of that Order;

“parent undertaking” and “subsidiary undertaking” have the meanings given by Article 266 of the 1986 Order.

Part III

Documents and other particulars to accompany an application for a Gas Supply Licence or Extension (see Note)

Financial information

1. If the applicant is a company copies of:—

- (a) the most recent annual accounts of the applicant in respect of which an auditors' report has been prepared, together with that report;
- (b) the annual accounts of the applicant for the two financial years preceding that to which the accounts referred to in sub-paragraph (a) relate, together with the appropriate auditors' reports;
- (c) such interim accounts (whether audited or not) as may have been prepared in respect of a period more recent than that covered by any of the documents specified in sub-paragraph (a) and (b).

2. In addition to the documents specified at paragraph 1 if the applicant is a subsidiary undertaking, copies of:—

(2) [S.I. 1986/1072 \(N.I. 6\)](#)

- (a) the most recent group accounts in respect of the group of which the subsidiary undertaking forms part and in respect of which an auditors' report has been prepared, together with that report;
- (b) the group accounts in respect of that group for the two financial years preceding that to which the accounts referred in sub-paragraph (a) relate, together with the appropriate auditors' reports; and
- (c) such interim accounts for the group (whether audited or not) as may have been prepared in respect of a period more recent than that covered by any of the documents specified in sub-paragraphs (a) and (b).

3. Where the documents specified at paragraph 2 do not include the consolidated accounts for any parent undertaking of the applicant established outside Northern Ireland, copies of such accounts together with any auditors' reports, as indicate the financial state of affairs of the group in question:—

- (a) at the time of the application; and
- (b) at the end of each of the three financial years preceding that time.

Note

If the application is for an extension of a licence, the information and documents specified at paragraphs 1 to 3 above and paragraphs 4 to 6 below need only be given in so far as, in any material respect they differ from or add to the most recent information or documents which were provided in relation to the same requirement:—

- (a) with an application made by the applicant in accordance with these Regulations; or
- (b) subsequent to such an application in pursuance of a condition of the applicant's licence.

4. Where the applicant is not a company, such accounts or other information as indicate the financial state of affairs of the applicant, and of any person in whom effective control of the applicant resides:—

- (a) at the time of the application; and
- (b) at the end of each of the three financial years preceding that time.

5. A statement giving such further particulars (if any), whether by way of financial projections, sources of finance (including the amount of any borrowings required or being sought from banks or other lending institutions) or otherwise, as will, in conjunction with such information and documents as is provided in accordance with paragraphs 1 to 4, indicate whether the applicant would be likely to be able to finance the activities authorised by its licence if the application were granted.

Constitutional documents

6. Where the applicant is a company copies of its Memorandum and Articles of Association or other constitutional documents.

Description of consumers to be supplied

7. Where the applicant proposes to supply gas to premises in a particular area or in an area of a particular description, such particulars as are necessary so that the area can be adequately and readily identified, whether by reference to an accompanying map drawn to an appropriate scale or some generally accepted description such as the name of a townland(s).

8. Where the applicant proposes to supply gas to a particular class or description of premises such particulars as are necessary so that the relevant class or description of the premises can be adequately and readily identified.

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9. Where the applicant proposes to supply gas to particular premises:—
- (a) the location of each of the premises in question, whether by name of the customer and postal address, by reference to an accompanying map drawn to an appropriate scale, or otherwise; and
 - (b) the nature of each of the premises and the purpose for which they are used.

10. Where the applicant proposes to supply gas on, within or from the network otherwise than to premises, details of its intended supply business.

Development plan

11. A development plan in respect of the activities (“the authorised activities”) which would be authorised by the licence or, as the case may be, the extension, if the application were granted, including estimates for each of the first 5 years of:—

- (a) the amount of gas, in therms, expected to be supplied, separately identifying any amount to be supplied to domestic premises;
- (b) the total revenue from the authorised activities;
- (c) the total capital costs of the authorised activities;
- (d) the total operating costs of the authorised activities, showing separately such costs in relation to trading gas (including gas purchases and conveyance charges), staff costs, (rent and rates and marketing costs and insurance); and
- (e) net annual cashflow,

and stating, where appropriate, the assumptions underlying the figures provided.

Acquisition and conveyance of gas

12. Particulars of the person or persons from whom the applicant intends to acquire the gas which he will supply, and particulars of the arrangements made for the conveyance of that gas.

Security and continuity of supply

13. A description of the applicant’s proposed arrangements for ensuring security and continuity of supply for customers.

Exclusive authority

14. Any exclusive authority to supply gas sought and the justification for the conferral of such authority.

Standard conditions

15. Any modification requested to any of the standard conditions for a gas supply licence and the grounds on which the applicant believes that any such modification:—

- (a) is requisite to meet the circumstances of a particular case; and
- (b) is such that no other holder of such a licence would be unduly disadvantaged in competing if such a modification were made.

16. Particulars of the applicant’s proposed arrangements for compliance with those standard conditions for a gas supply licence which are identified for this purpose.

Directions under the Energy Act 1976(3)

17. Details of the terms relating to pipeline system emergencies and directions under section 2(1) (b) of the Energy Act 1976 which the applicant proposes to include in contracts for the supply of gas in accordance with a standard condition for a gas supply licence.

Interpretation

18. In this schedule:—

“the 1986 Order” means the Companies (Northern Ireland) Order 1986(4);

“annual accounts” has the meaning given by Article 270 of the 1986 Order;

“auditors' report” means a report prepared under Article 243 of the 1986 Order;

“company” means:—

(i) a company within the meaning of Article 3(1) of the 1986 Order; and

(ii) a body corporate, incorporated in and having a principal place of business in Northern Ireland, other than a body corporate mentioned in Article 8 of the 1986 Order;

“domestic premises” means premises to which gas is conveyed at a rate which is reasonably expected not to exceed 2,500 therms a year;

“group” has the meaning given by Article 270 of the 1986 Order;

“group accounts” means such accounts as are required to be prepared by Article 235 of the 1986 Order, or, as the case may be, delivered under Article 236 of that Order, together with any accounts required to be delivered in accordance with Article 251(2) of that Order;

“parent undertaking” and “subsidiary undertaking” have the meanings given by Article 266 of the 1986 Order.

(3) 1976 c. 76

(4) S.I. 1986/1072 (N.I. 6)