

SCHEDULE 2

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

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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 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.

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⁽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;

“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.

⁽¹⁾ S.I. 1986/1072 (N.I. 6)