
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

Consent of [^{F1}Authority] for construction of gas storage facility

37.—(1) Any person who executes works for the construction of a gas storage facility—

- (a) without the consent of the [^{F2}Authority] granted under this Article; or
- (b) otherwise than in accordance with the conditions subject to which the consent of the [^{F2}Authority] is granted under this Article,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) For the purposes of this Article the execution of works in land for the purpose of determining whether or not it is suitable as the location of a gas storage facility and the carrying out of surveying operations for that purpose shall be deemed not to constitute the execution of works for the construction of a gas storage facility.

(3) An application for the consent of the [^{F3}Authority] under this Article shall—

- (a) specify the location and capacity of the proposed gas storage facility;
- (b) be in such form, contain such other information and be accompanied by such fee as may be prescribed by regulations made by the [^{F3}Authority].

(4) An applicant for a consent under this Article shall provide the [^{F3}Authority] with such other information relevant to the application as the [^{F3}Authority] may require.

(5) As soon as practicable after making an application for a consent under this Article, the applicant shall publish notice of that fact in such manner as the [^{F3}Authority] may require and such notice shall—

- (a) name a place where a copy of the application may be inspected free of charge, and copies thereof may be obtained on payment of a reasonable charge, at all reasonable hours; and
- (b) specify a time within which representations concerning the application may be made to the [^{F3}Authority].

(6) After considering any such representations duly made to [^{F4}it, the Authority] may grant consent under this Article to the applicant or may refuse such consent.

(7) A consent granted under this Article—

- (a) shall remain in force for such period as may be specified in or determined under the consent; and

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(b) may be granted subject to such conditions (to be specified therein) as the [^{F5}Authority] thinks fit.

(8) Without prejudice to the generality of paragraph (7)(b), a consent under this Article may be granted subject to conditions—

- (a) as to the ownership and operation of the gas storage facility;
- (b) requiring works for the construction of the facility to be substantially commenced within a specified period;
- (c) requiring the facility to be so constructed as to be capable of storing specified quantities of gas.

(9) Paragraph (10) applies where—

- (a) representations concerning an application are duly made to the [^{F6}Authority] under paragraph (5); and
- (b) a consent granted in pursuance of that application indicates that specified conditions are, or are to a specified extent, attributable solely to such representations;

and references in paragraphs (10) and (11) to “additional conditions” are references to conditions specified under sub-paragraph (b) or (as the case may be) to such conditions to the extent so specified.

(10) Where this paragraph applies, the consent—

- (a) shall specify the sums or the method of determining the sums which the [^{F6}Authority] considers should be paid to the applicant by such of the persons who made representations to the [^{F6}Authority] as are specified, for the purpose of defraying so much of the cost of constructing the gas storage facility as is attributable to the additional conditions;
- (b) shall specify the arrangements which the [^{F6}Authority] considers should be made by each of those persons, within a specified period, for the purpose of securing that those sums will be paid to the applicant if he constructs the gas storage facility in accordance with the additional conditions.

(11) Where it appears to the [^{F6}Authority] that arrangements specified under paragraph (10)(b) have not been made by any person within the period so specified, the [^{F6}Authority] may amend the consent so as to eliminate the additional conditions so far as attributable to the representations made by that person.

(12) In paragraphs (8) to (11) “specified” means specified in the consent.

(13) Sums received by the [^{F7}Authority] under this Article shall be paid into the Consolidated Fund.

[^{F8}(14) In this Article any reference to a “gas storage facility” does not include such a facility (wholly or in part) in, under or over the territorial sea adjacent to Northern Ireland.]

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| F1 | Word in art. 37 heading substituted (16.12.2020) by The Gas (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/279) , regs. 1, 4(7)(a) |
| F2 | Word in art. 37(1) substituted (16.12.2020) by The Gas (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/279) , regs. 1, 4(7)(a)(i) |
| F3 | Word in art. 37(3)-(5) substituted (16.12.2020) by The Gas (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/279) , regs. 1, 4(7)(a)(ii) |
| F4 | Words in art. 37(6) substituted (16.12.2020) by The Gas (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/279) , regs. 1, 4(7)(b) |
| F5 | Word in art. 37(7) substituted (16.12.2020) by The Gas (Internal Markets) Regulations (Northern Ireland) 2020 (S.R. 2020/279) , regs. 1, 4(7)(a)(iii) |

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- F6** Word in art. 37(9)-(11) substituted (16.12.2020) by [The Gas \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/279\)](#), regs. 1, [4\(7\)\(a\)\(iv\)](#)
- F7** Word in art. 37(13) substituted (16.12.2020) by [The Gas \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/279\)](#), regs. 1, [4\(7\)\(a\)\(v\)](#)
- F8** Art. 37(14) added (16.12.2020) by [The Gas \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/279\)](#), regs. 1, [8](#)

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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.)