
STATUTORY INSTRUMENTS

1996 No. 275

The Gas (Northern Ireland) Order 1996

PART II

GAS SUPPLY AND ASSOCIATED ACTIVITIES

Licensing of supply of gas and associated activities

[^{F1}Grounds for certification

8F.—[^{F2}(1) This Article applies to a decision under Article 8E as to whether to certify an applicant.]

(2) Subject to paragraph (7), the Authority may only [^{F3}decide to certify the applicant] if one of the following ^{F4}... grounds (“the certification grounds”) applies.

(3) The first certification ground is that the ownership unbundling requirement in Article 8G is met in relation to the applicant and to any related conveyance licensee.

(4) The second certification ground is that—

- (a) the applicant has applied for a derogation from the ownership unbundling requirement on the grounds in paragraphs (1) and (2) of Article 14 of the Directive (independent system operator);
- (b) the applicant has nominated an independent system operator for designation in accordance with those paragraphs; and
- (c) the Authority—
 - (i) has determined that the requirements of those paragraphs and of paragraphs (1) and (2) of Article 15 of the Directive (unbundling of transmission system owners and storage system operators) are met; and
 - (ii) is minded to designate the nominated independent system operator.

^{F5}(5)

(6) The fourth certification ground is that the applicant has been granted an exemption (effective by virtue of the conditions which apply in his licence, or by way of exemption under Article 7(1)) ^{F6}....

(7) The Authority may make a ^{F7}... decision to certify an applicant where it is satisfied that the certification ground to which his application relates applies in the case of the applicant or would apply if particular qualification measures were taken and that—

- (a) those qualification measures are within the powers of the Authority to impose under regulations 13 and 94 of the 2011 Regulations or any other powers of the Authority under this Order or the Energy (Northern Ireland) Order 2003, and the Authority is minded so to exercise those powers; or
- (b) the Authority is otherwise satisfied that such qualification measures will be taken.

Changes to legislation: The Gas (Northern Ireland) Order 1996, Section 8F is up to date with all changes known to be in force on or before 20 March 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

[^{F8}(8) But, regardless of whether a certification ground applies under paragraph (2), the Authority must not certify the applicant if a report prepared by the Department under Article 8D states that the certification of the applicant would put at risk the security of gas supplies in the United Kingdom.]

[^{F9}(9) The references in paragraph (4) to Article 14(1) and (2) and 15(1) of the Directive are to be treated as references to those provisions with the following modifications—

- (a) in paragraph (1) of Article 14 the reference to “Member State” in the first sentence is to be read as if it were a reference to the Authority;
- (b) paragraph (1) of Article 14 is to be read as if the second and third sentences were omitted;
- (ba) in paragraph (2) of Article 14 the reference to “Member State” is to be read as if it were a reference to the Authority;
- (c) paragraph (2)(b) of Article 14 is to be read as if after “Article 13” there were inserted “as implemented in relation to Northern Ireland immediately before IP completion day, disregarding for this purpose—
 - (i) paragraph 2,
 - (ii) paragraph 3 so far as relating to Article 41(6)(c), and
 - (iii) paragraph 4 except as it relates to such minimum standards, if any, as apply in Northern Ireland”;
- (d) paragraph (2)(e) of Article 14 is to be read as if—
 - (i) the words “Regulation (EC) No. 715/2009” were a reference to the Gas Regulation, and
 - (ii) the words from “including” to the end were omitted;
- (e) paragraph (1) of Article 15 is to be read as if, in the second sentence, “pursuant to Article 33” were omitted.]]

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| F1 | Arts. 8B-8L inserted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), reg. 12 |
| F2 | Art. 8F(1) substituted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), 111(2) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F3 | Words in art. 8F(2) substituted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), 111(3)(a) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F4 | Word in art. 8F(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), 111(3)(b) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F5 | Art. 8F(5) 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), 111(4) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F6 | Words in art. 8F(6) 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), 111(5) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F7 | Word in art. 8F(7) 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), 111(6) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F8 | Art. 8F(8) substituted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), 111(7) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F9 | Art. 8F(9) added (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), 111(8) (as amended by S.I. 2020/1016, regs. 1(2), 3(33)); 2020 c. 1, Sch. 5 para. 1(1) |

Changes to legislation:

The Gas (Northern Ireland) Order 1996, Section 8F is up to date with all changes known to be in force on or before 20 March 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.

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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.)