

SCHEDULES

SCHEDULE 7

Article 71(3).

TRANSITIONAL AND SAVING PROVISIONS

Interpretation

1.—(1) In this Schedule—

“appointed day”, in any provision, means the day appointed under Article 1(2) for the coming into operation of that provision;

“the 1977 Order” means the Gas (Northern Ireland) Order 1977;

“gas undertaker” means an undertaker within the meaning of the 1977 Order and “gas undertaking” means the undertaking of such an undertaker.

(2) Expressions used in this Schedule which are used in Part II of this Order have the same meaning as in that Part.

Rundown and closure of former gas undertakers

2. Except as provided by Articles 42 and 43, this Order does not affect the run-down and closure of any gas undertaking in accordance with an agreement entered into before the appointed day under Article 3 of the Gas (Northern Ireland) Order 1985; and the powers of the Department under Articles 5 and 6 of that Order shall continue to be exercisable in pursuance of such an agreement notwithstanding the repeal of the Order of 1985.

Transitional arrangements for former gas undertakers becoming licence holders under this Order

3.—(1) This paragraph applies to a person who—

(a) immediately before the appointed day is a gas undertaker; and

(b) before the end of the period of 3 months beginning with the appointed day, is granted a licence under Article 8.

(2) The 1977 Order shall, notwithstanding anything in this Order, continue to have effect in relation to a person to whom this paragraph applies until the day on which a licence is granted to him under Article 8.

(3) Where a person to whom this paragraph applies has, before the grant to him of a licence under Article 8, applied to the Department under Article 16 of the 1977 Order for an order vesting land in him, all proceedings under that Schedule in relation to that application may be continued and completed as if this Order had not been made.

(4) Any land compulsorily acquired by a person to whom this paragraph applies under Article 16 of the 1977 Order (whether by virtue of sub-paragraph (3) or otherwise) shall be treated for the purposes of this Order as compulsorily acquired under Part I of Schedule 2.

(5) Where, immediately before the grant to a person to whom this paragraph applies of a licence under Article 8, there is in force an agreement, deed, bond or other instrument which—

Status: This is the original version (as it was originally made).

- (a) confers or imposes on that person any rights or obligations; and
- (b) refers (in whatever terms and whether expressly or by implication) to any provision of the 1977 Order, to that person's status as a gas undertaker or to the statutory purposes of his undertaking,

the instrument shall have effect, in relation to anything falling to be done after the grant of that licence, as if that reference included or, as the case may require, were a reference to any corresponding provision of this Order, to his status as a licence holder or to purposes connected with the activities authorised by his licence.

(6) Anything which, immediately before the grant to a person to whom this paragraph applies of a licence under Article 8, is in course of being done—

- (a) under the provisions relating to street works in Schedule 1 to the 1977 Order; or
- (b) with a view to, or otherwise in connection with, the granting of a consent under Article 13 of the 1977 Order,

by, to or in relation to that person (including any legal proceedings to which that person is a party) may be continued and completed under the 1977 Order as if this Order had not been made.

(7) Any street works executed by a person to whom this paragraph applies under the 1977 Order (whether by virtue of sub-paragraph (6) or otherwise) shall be treated for the purposes of this Order as executed under Schedule 3 to this Order.

(8) Any consent granted to a person to whom this paragraph applies under Article 13 of the 1977 Order (whether by virtue of sub-paragraph (6) or otherwise) shall be treated for the purposes of this Order as granted under Schedule 3 to this Order.

Power to make further transitional provisions

4. Without prejudice to Article 1(3), the Department may at any time by order make such further transitional provisions as seem to it to be necessary or expedient for the purposes of or in connection with the coming into operation (whether before or after the making of the order) of any provision of this Order.