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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 358**

**Gas Order 1996 (Amendment)  
Regulations (Northern Ireland) 2006**

**PART IV**

**EXISTING LICENCES**

**Existing licences**

**15.—**(1) The Department after consultation with the Authority, shall—

- (a) by notice in writing make such modifications to, or
- (b) require the Authority by notice in writing to make such modifications to,

an existing licence as the Department or the Authority, as the case may be, considers necessary or expedient having regard to the requirements and prohibitions laid down by the Directive.

(2) Before making modifications to an existing licence under paragraph (1)(a), the Department and before including modifications to an existing licence under paragraph (1)(b) the Authority, shall consult with the holder thereof.

(3) Modifications to an existing licence under paragraph (1) may, in particular, in the case of a licence under Article 8(1)(a) or (c) of the 1996 Order which confers on the holder exclusive authority to carry on designated activities, provide for the period specified in the licence under Article 9(1) of the 1996 Order to end on or before

- (a) where the activities are designated by reference to a class or description of activities, not later than the twentieth anniversary of the commencement of any of those activities under the licence; and
- (b) where the activities are designated by reference to an area, not later than the twentieth anniversary of the first supply of gas to customers in the area,

unless the conditions in paragraph (7A) of that Article for the continuation of such exclusive rights beyond that period apply.

(4) Modifications to an existing licence under paragraph (1) shall in particular ensure that any licence holder and any activity carried out by him under the licence and the construction or operation of any pipeline, facility or associated equipment used in connection with that activity after the date these Regulations come into operation meet the published criteria (within the meaning of Article 8(4A) of the 1996 Order).

(5) The Department shall not modify a licence under and in accordance with paragraph (3) so as to provide for any exclusive authority to carry on a designated activity to end on a date earlier than the date on which that authority would have ended but for the modification.

(6) Where the Department or Authority, as the case may be, is satisfied that it is necessary or expedient to do so in the interests of the efficient operation of any designated activity, it may instead of modifying a licence so that the exclusive authority to carry on that activity ends on the date

provided under and in accordance with paragraph (3) provide for the period specified in the licence under Article 9(1) to end on such later date as may be determined.

(7) A notice under paragraph (1) may in particular—

- (a) revoke or modify such conditions of; or
- (b) include such new conditions in,

an existing licence as the Department or the Authority, as the case may be, considers requisite or expedient for the purposes of that paragraph.

(8) Article 10A(2) to (7) of the 1996 Order shall apply in relation to the modification or revocation of the conditions of, and the inclusion of any new conditions in, an existing licence under this Regulation as it applies to the inclusion under that Article of any conditions in any other licence.

(9) Subject to Article 38(2) of the Energy Order, modifications made to a licence under this Regulation are without prejudice to the power of the Department, the Authority, the Secretary of State, the Office of Fair Trading or the Competition Commission, as the case may be, to further modify that licence under or in accordance with the 1996 Order or the Energy Order.

#### **Duties of Department and Authority**

16. Article 14 of the Energy Order shall apply in relation to the exercise by the Department and the Authority of any functions under this Part as it applies to the exercise of their functions under Part II of the 1996 Order.

#### **Interpretation of Part IV**

17. In this Part expressions which are also used in the 1996 Order shall have the same meaning as in that Order.

#### **Revocation**

18. The Gas Order 1996 (Amendment) Regulations (Northern Ireland) 2002 are hereby revoked.