
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 170

**The Hydrocarbons Licensing Directive
Regulations (Northern Ireland) 2010**

Applications in relation to former licensed areas

13.—(1) This regulation applies where—

- (a) an entity and a former licensee each makes an application for a licence in respect of the same area;
- (b) that area, either wholly or in part, overlaps with the area originally granted by the former licensee; and
- (c) it is necessary to compare the merits of the applications in accordance with regulation 4(2).

(2) For the purposes of paragraph (1) an application for a licence made by an entity which is controlled by, or is otherwise connected with, a former licensee in respect of the area, or any part of the area, to which the application made by any other entity relates, shall be treated as if it were made by the former licensee.

(3) For the purposes of determining two or more applications for a licence in accordance with regulation 4—

- (a) any application for a licence shall be excluded from further consideration if it is assessed according to the criteria provided for in regulation 4(1)(a) and (b) as having less merit than any other application, other than an application made by a former licensee where that former licensee's ability to satisfy those criteria is affected by an advantage enjoyed by that licensee;
- (b) any application for a licence made by a former licensee shall not be assessed as having greater merit than an application for a licence made by any other entity when assessed according to the criteria provided for in regulation 4(1)(a) and (b) where that former licensee's ability to satisfy those criteria is affected by an advantage enjoyed by that licensee.

(4) Where two or more applications for a licence have equal merit when assessed according to the criteria provided for in regulation 4(1) and, if applicable, (3), the Department shall consult with all of the applicants and shall, with the agreement of all of the applicants, adjust the area in respect of which a licence is applied for by each applicant so that each applicant is granted a licence for an area which does not overlap with the area granted by any other licence.

(5) But, in default of such agreement, the Department shall proceed in accordance with regulation 14 and without regard to paragraph (3).

(6) In paragraph (3) any reference to an advantage enjoyed by a former licensee is a reference to any information acquired by the former licensee in the course of any activities carried on by it under the former licence and not previously disclosed to all of the other applicants.

(7) In paragraph (6) "information" means any information in whatever form of a geological, scientific or technical kind.