
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 92

**The Gas and Electricity (Internal Markets)
Regulations (Northern Ireland) 2013**

PART III

AMENDMENT TO GAS (NORTHERN IRELAND) ORDER 1996

Consents relating to LNG facilities

29.—(1) After Article 37 insert—

“Consent of Department for construction of LNG facility

37A.—(1) Any person who executes work for the construction of an LNG facility—

- (a) without the consent of the Department granted under this Article; or
- (b) otherwise in accordance with the conditions subject to which the consent of the Department 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 on land for the purposes of determining whether or not it is suitable as the location of an LNG 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 an LNG facility.

(3) An application for the consent of the Department under this Article shall—

- (a) specify the location and capacity of the proposed LNG facility;
- (b) be in such form, contain such other information and be accompanied by such fee as may be specified by the Department.

(4) As soon as practicable after making an application for a consent under this Article, the applicant shall publish notice of the fact in such manner as the Department may require and such notice shall—

- (a) name the 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 Department.

(5) After considering any such representations duly made to it, the Department may grant consent under this Article to the applicant or may refuse such consent.

(6) 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
 - (b) may be granted subject to such conditions (to be specified therein) as the Department thinks fit.
- (7) Without prejudice to the generality of paragraph (6)(b), a consent under this Article may be granted subject to conditions—
- (a) as to the ownership and operation of the LNG 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 dealing with specified quantities of gas.
- (8) Paragraph (9) applies where—
- (a) representations concerning an application are duly made to the Department under paragraph (4); 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 (9) and (10) 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.
- (9) Where this paragraph applies, the consent—
- (a) shall specify the sums or the methods of determining the sums which the Department considers should be paid to the applicant by such persons who made such representations to the Department as are specified, for the purpose of defraying so much of the cost of constructing the LNG facility as is attributable to the additional conditions;
 - (b) shall specify the arrangements which the Department 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 LNG facility in accordance with the additional conditions.
- (10) Where it appears to the Department that arrangements specified under paragraph (9) (b) have not been made by any person within the period so specified, the Department may amend the consent so as to eliminate any additional condition so far as it is attributable to the representations made by that person.
- (11) In paragraphs (9) to (10) “specified” means specified in the consent.
- (12) Sums received by the Department under this Article shall be paid into the Consolidated Fund.”.
- (2) After Article 38A insert—

“Increase of capacity of LNG facility

38B.—(1) If in the case of an LNG facility operated by a person holding a licence under Article 8(1)(d) (“the operator”) it appears to the Authority, on the application of a person other than the operator, that the LNG facility can be modified to increase the capacity of that facility, then, subject to paragraph (2), the Authority may, after giving to the operator an opportunity of being heard about the matter, give directions to the operator in consequence of the application.

(2) Paragraphs (2) to (7) of Article 36 apply in relation to directions under paragraph (1) of this Article as they apply in relation to directions under paragraph (1) of that Article.”.