

### SCHEDULE 3

Regulation 37(6)

Obligations enforceable as relevant requirements under the Gas Act 1986

#### “SCHEDULE 4B

Section 28(8)

Provisions imposing obligations enforceable as relevant requirements

#### All licence holders

1. The following are relevant provisions in relation to all licence holders—
  - (a) section 33DB(1);
  - (b) section 33F(2);
  - (c) in the Consumers, Estate Agents and Redress Act 2007(3)—
    - (i) section 25(5) (directions to comply with requirements under section 24 of that Act),
    - (ii) sections 43, 46 and 47 (complaints);
  - (d) Article 18(6) of the Gas Regulation (duties to make available information about gas demand and supply)(4).

#### Gas transporters

2. The following are relevant provisions in relation to all holders of a licence under section 7(5)—
  - (a) section 9(1), (1A) and (2)(6);
  - (b) section 10(2), (3) and (14)(7);
  - (c) section 10A(1)(8);
  - (d) section 11(2)(9);
  - (e) section 12(1) and (6)(10);
  - (f) section 16(10)(11);
  - (g) section 18(11)(12);

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- (1) 1986 c. 44. Section 33DB was inserted by section 45(4) of, and paragraph 1(1) and (3) of Schedule 5 to, the Consumers, Estate Agents and Redress Act 2007 (c. 17).
  - (2) Section 33F was inserted by section 97 of the Utilities Act 2000 (c. 27) and subsequently amended by article 2(1) of, and paragraph 70(1) and (2) of Schedule 1 to, S.I. 2009/1941.
  - (3) 2007 c. 17.
  - (4) OJ No L 211, 14.08.2009, p. 36. The Gas Regulation is defined in section 48 of the Gas Act 1986 as amended by regulation 47 of these Regulations.
  - (5) Section 7 was substituted by section 5 of the Gas Act 1995 (c. 45) and subsequently amended by sections 3(2), 76 and 108 of, and paragraphs 1 and 4 of Part 1 of Schedule 6 to, and Schedule 8 to, the Utilities Act 2000 (c. 27) and by sections 149(1) and (5) and 197(9) of, and Part 1 of Schedule 23 to, the Energy Act 2004 (c. 20).
  - (6) Section 9 was substituted by section 10(1) of, and paragraph 3 of Schedule 3 to, the Gas Act 1995 (c. 45) and subsequently amended by sections 79 and 108 of, and paragraphs 1 and 2(1) of Part 1 of Schedule 6 to, the Utilities Act 2000 (c. 27).
  - (7) Section 10 was substituted by section 10(1) of, and paragraph 4 of Schedule 3 to, the Gas Act 1995 (c. 45) and subsequently amended by section 108 of, and paragraphs 1 and 2(1) of Part 1 of Schedule 6 to, the Utilities Act 2000 (c. 27). Other amendments have been made that are not relevant for these purposes.
  - (8) Section 10A was inserted by section 77(1) of the Utilities Act 2000 (c. 27).
  - (9) Section 11 was substituted by section 10(1) of, and paragraph 5 of Schedule 3 to, the Gas Act 1995 (c. 45) and subsequently amended by sections 3(2) and 108 of, and paragraphs 1 and 2(1) of Part 1 of Schedule 6 to, the Utilities Act 2000 (c. 27).
  - (10) Section 12 was substituted by section 10(1) of, and paragraph 6 of Schedule 3 to, the Gas Act 1995 (c. 45) and subsequently amended by sections 3(2) and 108 of, and paragraphs 1 and 2(1) of Part 1 of Schedule 6 to, the Utilities Act 2000 (c. 27).
  - (11) Section 16 was inserted by section 101 of the Utilities Act 2000 (c. 27).
  - (12) Section 18 was amended by section 10(1) of, and paragraph 14(4) of Schedule 3 to, the Gas Act 1995 (c. 45) and by paragraphs 1 and 2(1) of Part 1 of Schedule 6 to, the Utilities Act 2000 (c. 27). Other amendments have been made that are not relevant for these purposes.

- (h) section 22A(1)(**13**);
- (i) section 27A(5)(**14**);
- (j) section 33BA(**15**);
- (k) section 33C(**16**);
- (l) section 33D(**17**);
- (m) paragraphs 3, 6, 15, 16 and 28(2) of Schedule 2B(**18**);
- (n) sections 26 to 29 of the Energy Act 2010 (adjustment of charges to help disadvantaged groups of customers)(**19**).

### Persons required to be certified as to independence

**3.** The following are relevant provisions in relation to a person who holds a licence under section 7 or 7ZA(**20**) and is required to be certified under section 8F(**21**)—

- (a) section 8C(**22**);
- (b) section 8D(4) and (6)(**23**);
- (c) section 8L(2) and (4)(**24**);
- (d) in the Gas Regulation—
  - (i) Article 3(3) (duty to supply information relating to certification of transmission system operators),
  - (ii) Article 4 (duty to cooperate through the ENTSO for Gas),
  - (iii) Article 11 (duty to pay costs of the ENTSO for Gas),
  - (iv) Article 12(1) and (2) (duties relating to regional cooperation),
  - (v) Article 13 (duties relating to tariffs for access to networks),
  - (vi) Article 14 (duties relating to third-party access services),
  - (vii) Article 16 (duties relating to capacity allocation and congestion management),
  - (viii) Article 18(1), (2), (3) and (5) (transparency requirements concerning transmission system operators),
  - (ix) Article 19(4) (publication requirements concerning storage facilities and LNG facilities),
  - (x) Article 20 (duty to keep records),

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(13) Section 22A was inserted by section 10(1) of, and paragraph 20 of Schedule 3 to, the Gas Act 1995 (c. 45) and subsequently amended by sections 78(1) and (2) and 108 of, and Schedule 8 to, the Utilities Act 2000 (c. 27). Other amendments have been made that are not relevant for these purposes.

(14) Section 27A was inserted by section 10(1) of, and paragraph 26 of Schedule 3 to, the Gas Act 1995 (c. 45) and subsequently amended by sections 3(2) and 108 of, and paragraphs 1 and 2(1) of Part 1 of Schedule 6 to, the Utilities Act 2000 (c. 27). Other amendments have been made that are not relevant for these purposes.

(15) Section 33BA was inserted by section 91 of the Utilities Act 2000 (c. 27).

(16) Section 33C was inserted by section 12 of the Competition and Service (Utilities) Act 1992 (c. 43) and subsequently amended by section 10(1) of, and paragraph 37 of Schedule 3 to, the Gas Act 1995 (c. 45) and by sections 3(2), 20(7), 93 and 108 of, and paragraphs 1 and 14 of Part 1 of Schedule 6 to, and Schedule 8 to, the Utilities Act 2000 (c. 27).

(17) Section 33D was substituted by section 94 of the Utilities Act 2000 (c. 27).

(18) Schedule 2B was inserted by section 9(2) of, and Schedule 2 to, the Gas Act 1995 (c. 45) and subsequently amended by section 108 of, and paragraphs 1 and 2(1) of Part 1 of Schedule 6 to, the Utilities Act 2000 (c. 27). Other amendments have been made that are not relevant for these purposes.

(19) 2010 c. 27.

(20) Section 7ZA was inserted by section 149(1) and (6) of the Energy Act 2004 (c. 20).

(21) Section 8F is inserted by regulation 4 of these Regulations.

(22) Section 8C is inserted by regulation 4 of these Regulations.

(23) Section 8D is inserted by regulation 4 of these Regulations.

(24) Section 8L is inserted by regulation 4 of these Regulations.

- (xi) Article 21 (duties relating to balancing rules and imbalance charges),
- (xii) Article 22 (duties relating to trading of capacity rights);
- (e) in Annex 1 to the Gas Regulation (guidelines)—
  - (i) points 1 to 10 under heading 1 (duties relating to third-party access services),
  - (ii) points 1 to 6 under sub-heading 2.1 (duties relating to capacity allocation and congestion management),
  - (iii) points 1, 2 and 4 under sub-heading 2.2 (duties relating to congestion management procedures in event of contractual congestion),
  - (iv) points 3.1.1 and 3.1.2 under sub-heading 3.1 (duties concerning publication of technical information necessary for access to the system),
  - (v) points 2 and 3 under sub-heading 3.2 (duties concerning publication of information for certain relevant points of the network),
  - (vi) points 1 to 5 under sub-heading 3.3 (duties concerning publication of information at all relevant points of the network),
  - (vii) points 1 to 7 under sub-heading 3.4 (duties concerning publication of information about the transmission system).

#### **Gas suppliers and gas shippers**

4. The following are relevant provisions in relation to the holder of a licence under section 7A(25)—

- (a) section 27A(6)(26);
- (b) sections 33B(27) and 33C;
- (c) paragraph 3(4) of Schedule 2AA(28);
- (d) paragraphs 3, 6 and 28(2) of Schedule 2B;
- (e) in the Energy Act 2010—
  - (i) sections 9 and 11 (schemes for reducing fuel poverty),
  - (ii) sections 26 to 29 (adjustment of charges to help disadvantaged groups of customers).

#### **Distribution exemption holders**

5. The following paragraphs of Schedule 2AA are relevant provisions in relation to a distribution exemption holder—

- (a) paragraph 1(3), (4) and (6) to (8);
- (b) paragraph 2(2) to (4), (6) and (9);
- (c) paragraph 3(6), (12)(a) and (13);
- (d) paragraph 5(1) to (4), (6), (8) and (9);
- (e) paragraph 6(2);

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(25) Section 7A was inserted by section 6(1) of the Gas Act 1995 (c. 45) and subsequently amended by sections 3(2) and 108 of, and paragraphs 1 and 2(1) of Schedule 6 to, and Schedule 8 to, the Utilities Act 2000 (c. 27) and by section 149(1) and (7) of the Energy Act 2004 (c. 20).

(26) Section 27A(6) was inserted by section 10(1) of, and paragraph 26 of Schedule 3 to, the Gas Act 1995 (c. 45) and subsequently amended by section 3(2) of the Utilities Act 2000 (c. 27).

(27) Section 33B was inserted by section 11 of the Competition and Service (Utilities) Act 1992 (c. 43) and subsequently amended by section 10(1) of, and paragraph 35 of Schedule 3 to, the Gas Act 1995 (c. 45) and by sections 3(2) and 108 of, and Schedule 8 to, the Utilities Act 2000 (c. 27).

(28) Schedule 2AA is inserted by regulation 20(3) of, and Schedule 1 to, these Regulations.

- (f) paragraph 7(3) and (4);
- (g) paragraph 8(3) and (8);
- (h) paragraph 9;
- (i) paragraph 13(2);
- (j) paragraph 14(5), (6), (9) and (12);
- (k) paragraph 15(1).

### **Supply exemption holders**

6. The following are relevant provisions in relation to a supply exemption holder—
- (a) paragraph 3(4) of Schedule 2AA;
  - (b) the following paragraphs of Schedule 2AB**(29)**—
    - (i) paragraph 1(2), (3), (6) and (7),
    - (ii) paragraph 2(6),
    - (iii) paragraph 3(1) and (3),
    - (iv) paragraph 4,
    - (v) paragraph 5(1), (6) and (8),
    - (vi) paragraph 6.

### **Owners of storage facilities**

7. The following are relevant provisions in relation to an owner of a storage facility—
- (a) section 8R(2), (3), (4), (6) and (7)**(30)**;
  - (b) section 11A(2)**(31)**;
  - (c) section 11C**(32)**;
  - (d) section 19B(1), (3), (3A), (3B), (7) and (11)**(33)**;
  - (e) section 19E(2) and (3)**(34)**;
  - (f) in the Gas Regulation—
    - (i) Article 15 (duties relating to third-party access services),
    - (ii) Article 17 (duties relating to capacity allocation and congestion management),
    - (iii) Article 19 (transparency requirements concerning storage facilities),
    - (iv) Article 20 (duty to keep records),
    - (v) Article 22 (duties relating to trading of capacity rights).

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**(29)** Schedule 2AB is inserted by regulation 20(3) of, and Schedule 1 to, these Regulations.

**(30)** Section 8R is inserted by regulation 6 of these Regulations.

**(31)** Section 11A is inserted by regulation 7(2) of these Regulations.

**(32)** Section 11C is inserted by regulation 7(2) of these Regulations.

**(33)** Section 19B was inserted by regulation 2(2) of, and paragraph 1 of Schedule 2 to, [S.I. 2000/1937](#) and subsequently amended by section 3(2) of the Utilities Act 2000 (c. 27) and by regulation 2(2) of, and paragraph 2 of Schedule 2 to, [S.I. 2004/2043](#). Subsections (3A) and (3B) are inserted by regulation 10 of these Regulations.

**(34)** Section 19E was inserted by regulation 2(2) of, and paragraph 1 of Schedule 2 to, [S.I. 2000/1937](#) and subsequently amended by section 3(2) of the Utilities Act 2000 (c. 27). Other amendments have been made that are not relevant for these purposes.

### **Owners of LNG import or export facilities**

**8.** The following are relevant provisions in relation to an owner of an LNG import or export facility—

- (a) section 11A(2);
- (b) section 11B**(35)**;
- (c) section 11C;
- (d) section 19D(1), (2A), (2B), (3), (7) and (11)**(36)**;
- (e) section 19E(2) and (3);
- (f) in the Gas Regulation—
  - (i) Article 15(1) and (3) to (5) (duties relating to third-party access services),
  - (ii) Article 17 (duties relating to capacity allocation and congestion management),
  - (iii) Article 19 (transparency requirements concerning LNG facilities),
  - (iv) Article 20 (duty to keep records),
  - (v) Article 22 (duties relating to trading of capacity rights).

### **Gas undertakings which are relevant producers or suppliers**

**9.** The following are relevant provisions in relation to a gas undertaking which is a relevant producer or supplier—

- (a) section 8D(5) and (6);
- (b) section 8L(3) and (4);
- (c) section 10B(5) and (6) of the Electricity Act 1989 (duties concerning supply of information for application for certification as to independence)**(37)**;
- (d) section 10J(3) and (4) of that Act (duties concerning supply of information for review of certification as to independence)**(38)**;
- (e) Article 3(3) of the Gas Regulation (duty to supply information relating to certification of gas transmission system operators);
- (f) Article 3(3) of the Electricity Regulation (duty to supply information relating to certification of electricity transmission system operators).

### **Interpretation**

**10.** References in this Schedule to provisions of Annex 1 to the Gas Regulation are references to those provisions as amended from time to time.”

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**(35)** Section 11B is inserted by regulation 7(2) of these Regulations.

**(36)** Section 19D was inserted by regulation 2(2) of, and paragraph 1 of Schedule 2 to, [S.I. 2000/1937](#) and subsequently amended by section 3(2) of the Utilities Act 2000 ([c. 27](#)) and by regulation 2(2) of, and paragraph 4(a), (b), (d), (e), (h) and (n) of Schedule 2 to, [S.I. 2004/2043](#). Other amendments have been made that are not relevant for these purposes.

**(37)** [1989 c. 29](#). Section 10B is inserted by regulation 5 of these Regulations.

**(38)** Section 10J is inserted by regulation 5 of these Regulations.