



Gas Act 1995

1995 CHAPTER 45

Licensing of activities relating to gas

5 Licensing of public gas transporters

For section 7 of the 1986 Act there shall be substituted the following section—

“7 Licensing of public gas transporters

- (1) In this Part “public gas transporter” means the holder of a licence under this section except where the holder is acting otherwise than for purposes connected with—
 - (a) the carrying on of activities authorised by the licence;
 - (b) the conveyance of gas through pipes which—
 - (i) are situated in an authorised area of his; or
 - (ii) are situated in an area which was an authorised area of his, or an authorised area of a previous holder of the licence, and were so situated at a time when it was such an area; or
 - (c) the conveyance through pipes of gas which is in the course of being conveyed to or from a country or territory outside Great Britain.
- (2) Subject to subsection (3) below, the Director may grant a licence authorising any person to do either or both of the following, namely—
 - (a) to convey gas through pipes to any premises in an authorised area of his, that is to say, so much of any area specified in the licence or an extension of the licence as is not specified in a subsequent licence or extension granted under this section to another person; and
 - (b) to convey gas through pipes either to any pipe-line system operated by another public gas transporter, or to any pipe-line system so operated which is specified in the licence or an extension of the licence.
- (3) A licence shall not be granted under this section to a person who is the holder of a licence under section 7A below.

Status: This is the original version (as it was originally enacted).

- (4) The Director may, with the consent of the licence holder, direct that any licence under this section shall have effect—
- (a) as if any area or pipe-line system specified in the direction were specified in the licence;
 - (b) in the case of a licence under subsection (2)(a) above, as if it were also a licence under subsection (2)(b) above and any pipe-line system specified in the direction were specified in the licence; or
 - (c) in the case of a licence under subsection (2)(b) above, as if it were also a licence under subsection (2)(a) above and any area specified in the direction were specified in the licence;
- and references in this Part to, or to the grant of, an extension under this section, or an extension of such a licence, shall be construed as references to, or to the giving of, such a direction.
- (5) Before granting a licence or extension under this section, the Director shall give notice—
- (a) stating that he proposes to grant the licence or extension;
 - (b) stating the reasons why he proposes to grant the licence or extension; and
 - (c) specifying the time from the date of publication of the notice (not being less than two months or, in the case of an extension, such shorter time as may be prescribed) within which representations or objections with respect to the proposed licence or extension may be made,
- and shall consider any representations or objections which are duly made and not withdrawn.
- (6) A notice under subsection (5) above shall be given—
- (a) by publishing the notice in such manner as the Director considers appropriate for bringing it to the attention of persons likely to be affected by the grant of the licence or extension; and
 - (b) by sending a copy of the notice to the Secretary of State, to the Health and Safety Executive and to any public gas transporter whose area includes the whole or any part of the area proposed to be specified in the licence or extension.
- (7) A licence or extension under this section shall not specify any area which is specified in an earlier licence or extension granted under this section to another public gas transporter unless the Director considers that the applicant intends to carry on the activities authorised by the licence in a substantial part of that area.
- (8) A licence or extension under this section shall not specify any area which is situated within 23 metres from a main of another public gas transporter unless—
- (a) the other public gas transporter has consented in writing to the area being so specified; or
 - (b) no premises connected to the main are situated in the area and the Director considers—
 - (i) that the main is not, and is not intended to be, a relevant main;
 - (ii) that the other public gas transporter is not performing his duty under section 9(1) or 10(2) or (3) below in relation to any premises situated in the area; or

- (iii) that the configuration of the main and of the surrounding area is such that it would be appropriate to specify the area in the licence or extension.
- (9) As soon as practicable after the granting of a licence under this section, the public gas transporter shall publish, in such manner as the Director considers appropriate for bringing it to the attention of persons who are likely to do business with the transporter, a notice—
 - (a) stating that the licence has been granted; and
 - (b) explaining that, as a result, it might be necessary for those persons to be licensed under section 7A below.
- (10) In this section—
 - (a) “relevant main” has the same meaning as in section 10 below;
 - (b) references to an area specified in a licence or direction include references to an area included in an area so specified; and
 - (c) references to a pipe-line system specified in a licence or direction include references to a pipe-line system of a description, or situated in an area, so specified.
- (11) Any reference in this Part (however expressed) to activities authorised by a licence under this section shall be construed without regard to any exception contained in Schedule 2A to this Act.”