
STATUTORY INSTRUMENTS

1996 No. 476

GAS

**The Gas (Applications for Licences and Extensions
and Restrictions of Licences) Regulations 1996**

<i>Made</i>	- - - -	<i>28th February 1996</i>
<i>Laid before Parliament</i>		<i>29th February 1996</i>
<i>Coming into force</i>	- -	<i>1st March 1996</i>

The Secretary of State, in exercise of the powers conferred on him by sections 7(5)(c), 7B(1) and (2), 47 and 48(1)(1) of the Gas Act 1986(2), and of all other powers enabling him in that behalf, hereby makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 1996 and shall come into force on 1st March 1996.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Gas Act 1986;

“the 1995 Act” means the Gas Act 1995;

“application” means an application for a licence, an application for an extension of a licence or an application for a restriction of a licence under the Act; and references to an application in respect of a licence shall be construed accordingly;

“the Director” means the Director General of Gas Supply;

“domestic premises” means premises supplied or to be supplied with gas by a gas supplier at a rate which is reasonably expected not to exceed 2,500 therms a year;

“extension”, in relation to a public gas transporter licence, means an extension of the licence under section 7(4) of the Act and, in relation to a gas supplier licence or a gas shipper licence, means an extension of the licence under section 7A(4) of the Act(3);

(1) See the definition of “prescribed”.

(2) 1986 c. 44; section 7 was substituted by section 5 and section 7B was inserted by section 7, of the Gas Act 1995 (c. 45).

(3) Section 7A was inserted by section 6 of the 1995 Act.

“gas shipper licence” means a licence granted or to be granted under section 7A(2) of the Act;
“gas supplier licence” means a licence granted or to be granted under section 7A(1) of the Act;
“public gas transporter licence” means a licence granted or to be granted under section 7 of the Act;
“restriction”, in relation to a gas supplier licence or a gas shipper licence, means a restriction of the licence under section 7A(6) of the Act.

(2) In these Regulations, unless the context otherwise requires, a reference to a standard condition is a reference to a standard condition in relation to licences under section 7, 7A(1) or 7A(2) of the Act, as the case may be, which is determined under section 8(2) of that Act before the day appointed under section 18(2) of the 1995 Act⁽⁴⁾.

(3) Unless the context otherwise requires, other expressions appearing in these Regulations shall have the same meaning, if any, as they have in Part I of the Act.

(4) In these Regulations, unless the context otherwise requires—

- (a) any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations; and
- (b) any reference to a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference occurs.

(5) In relation to any time after 31st December 1999—

- (a) references in these Regulations to 2,500 and 500,000 therms shall be construed as references to 73,200 and 14,500,000 kilowatt hours respectively; and
- (b) other references in these Regulations to therms shall be construed as references to kilowatt hours.

Manner of application

3. An application shall be—

- (a) made in writing, addressed to the Director and delivered or sent by prepaid post to the Director at his principal office; and
- (b) signed and dated by or on behalf of the applicant, stating, where signed on behalf of the applicant, the capacity of the signatory.

Form of application

4.—(1) An application shall—

- (a) subject to paragraph (2), be in the form specified in Schedule 1 or a form to the like effect, and shall contain the information there specified; and
- (b) be accompanied by the information and documents specified in Schedule 2.

(2) Paragraph (1)(a) is not contravened if an application omits such of Parts B, C or D of Schedule 1 as it may be appropriate to omit in the circumstances.

Additional information and documents to accompany application

5.—(1) Subject to paragraphs (2) and (3)—

(4) By virtue of S.I.1996/218 (c.4), the day so appointed is 1st March 1996. The Standard Conditions of Gas Suppliers' Licences (ISBN 0-11-515408-6), Standard Conditions of Gas Shippers' Licences (ISBN 0-11-515409-4) and Standard Conditions of Public Gas Transporters' Licences (ISBN 0-11-515407-8) are published by HMSO.

- (a) an application in respect of a gas supplier licence shall be accompanied by the information and documents specified in Part I of Schedule 3;
 - (b) an application in respect of a gas shipper licence shall be accompanied by the information and documents specified in Part II of Schedule 3; and
 - (c) an application in respect of a public gas transporter licence shall be accompanied by the information and documents specified in Part III of Schedule 3.
- (2) The obligation imposed by paragraph (1) shall, to the extent that information and documents are specified in Schedule 3 by reference to, or in relation to, a standard condition, apply—
- (a) subject to paragraph (3), in the case of an application for a licence, other than for a gas supplier licence of the type described in section 8(2) of the Act, as if the standard condition in question were to be incorporated in any licence granted as a result of the application;
 - (b) in the case of an application for an extension or restriction of a licence, in relation to such of the standard conditions in question as have been incorporated in the licence.
- (3) where a modification to any standard condition is specified in accordance with paragraph 3(1) of Part A of Schedule 1, the obligation imposed by paragraph (2)(a) above shall be modified accordingly.

Application fees

6.—(1) Subject to paragraph (2), each application of the description specified in column 1 of Schedule 4 shall be accompanied by the corresponding fee specified in column 2 of that Schedule.

(2) Where more than one such fee would, apart from this paragraph, be payable in respect of a particular application, only the higher or highest such fee, as the case may be, shall be payable.

Notice of applications

7.—(1) The period prescribed for the purpose of section 7B(2) of the Act (notice of applications) is seven days.

(2) The notice of application to be published within the prescribed period shall be published—

- (a) in the London Gazette; and
- (b) except in the case of an application which—
 - (i) relates solely to premises in any part of England and Wales; and
 - (ii) if it is for the extension or restriction of a licence, is made in respect of a licence which relates solely to such premises,
in the Edinburgh Gazette.

(3) Notice of an application in respect of a gas supplier licence which would authorise, or authorises, the supply of gas to domestic premises to which gas is to be, or is, conveyed by a public gas transporter shall also be published within the prescribed period—

- (a) where the application relates to premises of a specified description and is not limited to premises situated in an area specified in the application, in such newspapers as are calculated to ensure that the notice is circulated throughout Great Britain;
- (b) where the application relates to premises situated in an area specified in the application, in such newspapers as are calculated to ensure that the notice is circulated throughout that area;
- (c) where the application relates to particular premises, in such newspapers as are calculated to ensure that the notice is circulated throughout the area or areas in which those premises are situated.

(4) Notice of an application in respect of a public gas transporter licence shall also be published within the prescribed period—

- (a) where the application relates to the conveyance of gas through pipes to premises in an authorised area, in such newspapers as are calculated to ensure that the notice is circulated throughout that area;
- (b) where the application relates to the conveyance of gas through pipes to—
 - (i) any pipe-line system operated by another public gas transporter; or
 - (ii) any such system of a specified description, not being limited to any such system operated in an area specified in the application,

in such newspapers as are calculated to ensure that the notice is circulated throughout Great Britain;
- (c) where the application relates to the conveyance of gas through pipes to—
 - (i) a particular pipe-line system operated by another public gas transporter; or
 - (ii) any pipe-line system (whether of a specified description or not) operated by another public gas transporter in an area specified in the application,

in such newspapers as are calculated to ensure that the notice is circulated throughout—

 - (aa) the area through which gas is expected to be conveyed by the applicant to the pipe-line system or area to which the application relates;
 - (bb) in the case mentioned in sub-paragraph (c)(i) above, the area where the pipe line system in question is operated; and
 - (cc) in the case mentioned in sub-paragraph (c)(ii) above, the area specified in the application.

(5) The applicant shall deliver, or send by prepaid post, a copy of the London and, if applicable, Edinburgh Gazettes and of each newspaper in which notice of the application is published in accordance with this regulation to the Director at his principal office.

(6) In this regulation “the prescribed period” means the period referred to in paragraph (1).

Consultation period for certain public gas transporter licence extensions

8.—(1) Where a public gas transporter applies only for such an extension to which either or both of paragraphs (2) or (3) apply, the minimum period which the Director may allow for making representations or objections under section 7(5)(c) of the Act shall be 14 days.

- (2) This paragraph applies to an extension which relates to an area—
 - (a) which does not exceed 100 hectares; and
 - (b) to which the transporter may reasonably be expected to convey gas at a rate which does not exceed 500,000 therms a year.

(3) This paragraph applies to an extension which relates to any pipe-line system operated by another public gas transporter which is designed to receive gas at an operating pressure not exceeding 7 bar gauge.

28th February 1996

Tim Eggar
Minister for Industry and Energy
Department of Trade and Industry

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 4

FORM OF APPLICATION IN RESPECT OF A PUBLIC GAS TRANSPORTER LICENCE, GAS SUPPLIER LICENCE OR GAS SHIPPER LICENCE UNDER THE GAS ACT 1986(5)

PART A

GENERAL PARTICULARS

1. State—

(1) name and address of applicant in full; in the case of a partnership or other joint venture (other than a body corporate), give the names and addresses of each party concerned

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(2) name, address and telephone number of person to whom correspondence or enquiries concerning the application should be directed

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(3) whether the application is in respect of a gas supplier licence, a gas shipper licence or a public gas transporter licence**(b)**

.....

(4) whether the application is for a licence, an extension of a licence or a restriction of a licence**(c)**

.....

(5) the date from which the licence or extension or restriction is desired to take effect

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- (a) Note that certain terms used in this form are defined in regulation 2 of the Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 1996 (S.I. 1996/476).
 - (b) Application may not be made on the same form in respect of more than one of these types of licence.
 - (c) Application may not be made for a restriction of a public gas transporter licence, or for the extension of a licence which authorises only the supply to premises of gas which has been conveyed to the premises otherwise than by a public gas transporter.

(5) Note that certain terms used in this form are defined in regulation 2 of the Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 1996 (S.I. 1996/476).

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(6) the kind of gas to which the application relates(a).
.....

2.—(1) State whether the applicant is a public limited company, private limited company, overseas company, other body corporate, partnership, unincorporated association, sole trader or other entity (and in the last case give particulars of the legal status)(b).
.....

(2) If the applicant is a body corporate, state—

(a) the jurisdiction under which it is incorporated
.....

(b) if applicable, its registered number
.....

(c) the full names and addresses of its current directors (including any shadow directors within the meaning of section 741 of the Companies Act 1985)(c) or, where applicable, the corresponding officers
.....

(d) the name and registered office of any holding company (within the meaning of section 736 of the Companies Act 1985) of the applicant and the name and registered or principal office of any parent undertaking (within the meaning of section 258 of that Act) of the applicant(d).
.....

(3) If the applicant is neither a body corporate nor a sole trader, give the name(s) and address(es) of the person or persons in whom effective control of the applicant rests.
.....

(4) Where any person (other than a person whose name is given at paragraph 2(2)(d) or paragraph 2(3) above) holds 20 per cent or more of any class of the shares(e) of the applicant, give the name and address of each such person, specifying in each case the number of shares so held and the percentage of the aggregate number of shares of that class represented thereby.
.....

(5) Give particulars of any licences under the Act or the Electricity Act 1989(f) held, applied for (whether or not successfully) or intended to be applied for by the applicant or (so far as is known to the applicant) by any person who is a related person in relation to the applicant(g).
.....

(a) For example, natural gas, liquid petroleum gas, coal bed methane. Note that in certain circumstances a licence is not required in respect of the conveyance or supply of propane or butane. See paragraph 3 of Schedule 2A to the Act (inserted by section 3(2) of the 1995 Act).

(b) In paragraph 2, if the application is for an extension or restriction of a licence, information need only be given in so far as, in any material respect, it significantly differs from or adds to the most recent information which was provided in relation to the same requirement in or with an application made by the applicant in accordance with these Regulations.

(c) 1985 c.6.

(d) Sections 736 and 258 of the Companies Act 1985 were respectively substituted and inserted by sections 144(1) and 21(1) of the Companies Act 1989 (c.40).

(e) In this sub-paragraph, references to shares—

(a) in relation to an applicant with a share capital, are to allotted shares;

(b) in relation to an applicant with capital but no share capital, are to rights to share in the capital of the applicant;

(c) in relation to an applicant without capital, are to interests—

(i) conferring any right to share in the profits or liability to contribute to the losses of the applicant; or

(ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of a winding up.

(f) 1989 c.29.

(g) In this sub-paragraph “related person” means—

(i) in relation to an applicant who is an undertaking within the meaning of section 259 of the Companies Act 1985 (“the principal undertaking”), a parent or subsidiary undertaking of the principal undertaking or a subsidiary undertaking of a parent undertaking of the principal undertaking, in each case within the meaning of section 258 of that Act; and

(ii) in relation to any applicant (including such an undertaking), a connected person of the applicant within the meaning of section 286 of the Taxation of Chargeable Gains Act 1992 (c.12).

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DETAILS OF APPLICATION

3.—(1) If the application is for a licence, other than a gas supplier licence of the type specified in section 8(2) of the Act(a), describe—

- (a) any modification requested to any of the standard conditions for the type of licence for the purposes of section 8(3) of the Act; and
- (b) the grounds on which the applicant believes that—
 - (i) any such modification is requisite to meet the circumstances of the particular case; and
 - (ii) if the application is for a gas shipper licence or gas supplier licence, any such modification is such that no other holder of such a licence would be unduly disadvantaged in competing with other holders of such licences (including the applicant).

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(2) If the application is for a gas supplier licence of the type specified in section 8(2) of the Act, specify, with reasons, any standard conditions that in the applicant's opinion should be incorporated in the licence.

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PART B

APPLICATION IN RESPECT OF A GAS SUPPLIER LICENCE(b)

1. Sub-paragraphs (a) and (b) below describe the various kinds of supply that can be authorised by a gas supplier licence or an extension of such a licence, or can cease to be authorised by a restriction of such a licence. State immediately below whether the application relates to (a), or (b), or both. Note that (a) cannot be the subject of an extension or restriction. If the application falls within (b), state which one or more of (b)(i) to (iii) is applicable.

- (a) Supply of gas to any premises at a rate which, at the time the holder undertakes to give the supply, he reasonably expects to exceed 2,500 therms a year (see section 7A(1)(b) of the Act).
- (b) Supply of gas to specified premises (see section 7A(1)(a) of the Act), being—
 - (i) any premises in a specified area;
 - (ii) any premises of a specified description (whether in a specified area or throughout Great Britain); or
 - (iii) particular premises.

2. For applications within paragraph 1(b)(i) above, describe the area so that it can be adequately and readily identified, whether by reference to an accompanying map drawn to an appropriate scale, by some generally accepted description such as the name of a county or local authority area or "Great Britain", or otherwise.

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3. For applications within paragraph 1(b)(ii) above, specify the relevant description and, if relevant, describe the area in question in accordance with the requirements of paragraph 2 above.

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(a) Section 8(2) was substituted by section 8(1) of the 1995 Act, and refers to a licence under section 7A(1) which authorises only the supply to premises of gas which has been conveyed to the premises otherwise than by a public gas transporter. (For example, a public gas transporter licence may not be required to convey gas within certain industrial estates where this is authorised by an exemption under section 6A of the Gas Act 1986.)

(b) This Part should not be completed if the application is in respect of a gas shipper licence or a public gas transporter licence.

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- 4. For applications within paragraph 1(b)(iii) above–
 - (a) describe the location of each of the premises in question, whether by name of the customer and postal address, by reference to an accompanying map drawn to an appropriate scale, or otherwise

.....

- (b) describe the nature of each of the premises and the purpose for which they are used.

.....

- 5. For all applications for gas supplier licences, or extensions of such licences, state whether the licence or extension is to authorise the supply of gas to premises to which it is conveyed by a public gas transporter, and if not give details of any exemption under section 6A of, or exception under Schedule 2A to, the Act(a) under which the gas is or will be conveyed.

.....

PART C

APPLICATION IN RESPECT OF A GAS SHIPPER LICENCE(b)

- 1. Sub-paragraphs (a) and (b) below describe the various kinds of activity that can be authorised by a gas shipper licence or an extension of such a licence, or can cease to be authorised by a restriction of such a licence. State immediately below whether the application relates to (a) or (b). Note that (a) cannot be the subject of an extension or restriction and that it is not possible to select both (a) and (b). If the application falls within (b), state which one or more of (b)(i) to (iii) is applicable.

.....

- (a) Making arrangements generally with any public gas transporter for gas to be introduced into, conveyed by means of or taken out of a pipe-line system operated by that transporter.
- (b) The making of such arrangements for purposes connected with the supply of gas to specified premises, being–
 - (i) any premises in a specified area;
 - (ii) any premises of a specified description (whether in a specified area or throughout Great Britain); or
 - (iii) particular premises.

- 2. For applications within paragraph 1(b)(i) above, describe the area so that it can be adequately and readily identified, whether by reference to an accompanying map drawn to an appropriate scale, by some generally accepted description such as the name of a county or local authority area or “Great Britain”, or otherwise.

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- 3. For applications within paragraph 1(b)(ii) above, specify the relevant description and, if relevant, describe the area in question in accordance with the requirements of paragraph 2 above.

.....

- 4. For applications within paragraph 1(b)(iii) above–
 - (a) describe the location of each of the premises in question, whether by name of the owner or occupier and postal address, by reference to an accompanying map drawn to an appropriate scale, or otherwise

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(a) Section 6A and Schedule 2A were respectively substituted and inserted by sections 4 and 3(2) of the 1995 Act.
 (b) This Part should not be completed if the application is in respect of a gas supplier licence or a public gas transporter licence.

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(b) describe the nature of each of the premises and the purpose for which they are used.
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PART D

APPLICATION IN RESPECT OF A PUBLIC GAS TRANSPORTER LICENCE(a)

1. Sub-paragraphs (a), (b) and (c) below describe the various kinds of conveyance that can be authorised by a public gas transporter licence, or an extension of such a licence. State immediately below which of (a), (b) and (c) the application relates to. Note that (b) cannot be the subject of an extension and that it is not possible to select both (b) and (c). If the application falls within (c), state which one or more of (c)(i) to (iii) is applicable.
.....

- (a) Conveyance of gas to premises in an authorised area within the meaning of section 7(2) of the Act(b).
- (b) Conveyance of gas to any pipe-line system operated by another public gas transporter.
- (c) Conveyance of gas to—
 - (i) any pipe-line system operated by another public gas transporter in a specified area;
 - (ii) any pipe-line system so operated which is of a specified description (whether in a specified area or throughout Great Britain); or
 - (iii) one or more particular pipe-line systems so operated.

2. For applications within paragraph 1(a) or (c)(i) above, describe the area so that it can be adequately and readily identified, whether by reference to an accompanying map drawn to an appropriate scale, by some generally accepted description such as the name of a county or local authority area or "Great Britain", or otherwise.
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3. For applications within paragraph 1(c)(ii) above, specify the description of pipe-line system to which the application relates (stating, in particular, whether it relates only to any system which is designed to receive gas at an operating pressure not exceeding 7 bar gauge) and, if relevant, describe the area in question in accordance with the requirements of paragraph 2 above.
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4. For applications within paragraph 1(c)(iii) above, describe each of the pipe-line systems, whether by name and address of the operator and description of the locality, by reference to an accompanying map drawn to an appropriate scale, or otherwise.
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(a) This Part should not be completed if the application is in respect of a gas supplier licence or gas shipper licence.
 (b) Section 7 was substituted by section 5 of the 1995 Act.

SCHEDULE 2

Regulation 4

DOCUMENTS AND OTHER INFORMATION TO ACCOMPANY AN APPLICATION(6)

Financial Information

1. If the applicant is a company, where available, the documents specified in sub-paragraph (1) and, if the applicant is a subsidiary undertaking, also those specified in sub-paragraphs (2) and, if applicable, (3) below.

(1) Copies of—

- (a) the most recent annual accounts of the applicant in respect of which an auditors' report has been prepared, together with that report;
- (b) the annual accounts of the applicant for the two financial years preceding that to which the accounts referred to in sub-paragraph (a) above relate, together with the appropriate auditors' reports; and
- (c) such interim accounts (whether audited or not) as may have been prepared in respect of a period more recent than that covered by any of the documents specified in sub-paragraphs (a) and (b) above.

(2) Copies of—

- (a) the most recent group accounts in respect of the group of which the subsidiary undertaking forms part and in respect of which an auditors' report has been prepared, together with that report;
- (b) the group accounts in respect of that group for the two financial years preceding that to which the accounts referred to in sub-paragraph (a) above relate, together with the appropriate auditors' reports; and
- (c) such interim accounts for that group (whether audited or not) as may have been prepared in respect of a period more recent than that covered by any of the documents specified in sub-paragraphs (a) and (b) above.

(3) If the documents specified in sub-paragraph (2) above do not include the consolidated accounts for any parent undertaking of the applicant established outside Great Britain, copies of such accounts, together with any auditors' reports, as indicate the financial state of affairs of the group in question—

- (a) at the time of the application; and
- (b) at the end of each of the three financial years preceding that time.

2. Where the applicant is not a company, such accounts and other information as indicate the financial state of affairs of the applicant, and of any person in whom effective control of the applicant resides—

- (a) at the time of the application; and
- (b) at the end of each of the three financial years preceding that time.

3. Where any of the documents mentioned in paragraph 1 or, where applicable, paragraph 2 above is not supplied, an explanation of why it is not supplied together with such financial information to the like effect as can reasonably be supplied.

(6) In paragraphs 1 to 4 and 6 below, if the application is for an extension or restriction of a licence, information and documents need only be given in so far as, in any material respect, they differ from or add to the most recent information or documents which were provided in relation to the same requirement—

- (a) with an application made by the applicant in accordance with these Regulations; or
- (b) subsequent to such an application in pursuance of a condition of the applicant's licence.

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4. A statement giving such further particulars (if any), whether by way of financial projections, sources of finance or otherwise, as will, in conjunction with such information and documents as is provided in accordance with paragraphs 1, 2, or 3 above, indicate whether the applicant would be likely to be able to finance the activities authorised by its licence if the application were granted.

Size of proposed business

5. If the application is for a licence or an extension of a licence, an estimate, in respect of each of the three years (if the application is in respect of a gas supplier or shipper licence) or five years (if it is in respect of a public gas transporter licence) following the grant of the application, of—

- (a) the amount of gas, in therms, expected to be supplied, shipped or conveyed (as the case may be) in pursuance of the licence or, as the case may be, the extension, separately identifying any amount to be supplied, shipped or conveyed to domestic premises; and
- (b) the number of premises (if any) to which gas is expected to be supplied, shipped or conveyed (as the case may be) in pursuance of the licence or, as the case may be, the extension, separately giving the number of any such premises that are expected to be domestic premises.

Expertise of applicant

6. A statement giving such particulars of the applicant, and of any sub-contractors or other persons on whose expertise the applicant proposes to rely, as may indicate whether the applicant has or will acquire the necessary skills to undertake the activities in respect of which the application is made.

Interpretation

7. In this Schedule—

“the 1985 Act” means the Companies Act 1985(7);

“annual accounts” has the meaning given by section 262(1) of the 1985 Act and shall be confined in accordance with section 261(2) of that Act(8);

“auditors' report” means a report prepared under section 235(1) of the 1985 Act(9);

“company” means

- (i) a company within the meaning of section 735 of the 1985 Act; or
- (ii) a body corporate, incorporated in and having a principal place of business in Great Britain, other than a body corporate mentioned in section 718(2) of the 1985 Act;

“group” has the meaning given by section 262 of the 1985 Act(10);

“group accounts” means such accounts as are required to be prepared by section 227 of the 1985 Act, or, as the case may be, delivered under section 228(2)(e) of that Act, together with any accounts required to be delivered in accordance with section 243(2) of that Act(11);

“parent undertaking” and “subsidiary undertaking” have the meanings given by section 258 of the 1985 Act(12).

(7) 1985 c. 6.

(8) Sections 261 and 262 were inserted by section 22 of the Companies Act 1989 (c. 40).

(9) Section 235 was inserted by section 9 of the Companies Act 1989.

(10) Section 262 was inserted by section 22 of the Companies Act 1989.

(11) Section 227, 228 and 243 were inserted by sections 5(1), 5(3) and 11 of the Companies Act 1989 respectively.

(12) Section 258 was inserted by section 21(1) of the Companies Act 1989.

SCHEDULE 3

Regulation 5

PART I

FURTHER INFORMATION AND DOCUMENTS TO ACCOMPANY AN APPLICATION IN RESPECT OF A GAS SUPPLIER LICENCE(13)

Supply to domestic premises where gas is conveyed by a public gas transporter

1. If the application relates to the supply of gas to domestic premises to which gas is, or is to be, conveyed by a public gas transporter—

- (a) particulars, where appropriate, of the bond, other instrument or arrangements proposed to be taken out or made by the applicant in accordance with standard condition 9 (security for payments where last resort directions are given);
- (b) a description of the applicant's proposed arrangements for acquiring the gas to be supplied, and for ensuring security and continuity of supply for domestic customers (including, where applicable, the steps to be taken in accordance with paragraph (9) of standard condition 31);
- (c) a draft copy of the scheme proposed to be made by the applicant under paragraph 8 of Schedule 2B(14) to the Act (terms and conditions to be incorporated in deemed contracts for consumers);
- (d) except in so far as standard condition 35 will apply, particulars of the applicant's proposed arrangements for compliance with the applicable requirements of standard conditions 10 (methods of payment of charges for gas), 15 to 21 (social obligations), 22 (supply and connection of gas meters), 23 (inspection and testing of meters), 24 (arrangements in respect of powers of entry), 25 (authorisation of officers) and 28 (exchange of information between licensee and relevant transporter or shipper);
- (e) details of the terms relating to directions under section 2(1)(b) of the Energy Act 1976(15) which the applicant proposes to include in contracts for the supply of gas in accordance with standard condition 31.

Supply of gas to premises which are not domestic premises and to which gas is conveyed by a public gas transporter

2. If the application relates to the supply of gas to any premises which are not domestic premises and to which gas is, or is to be, conveyed by a public gas transporter, details of the terms relating to pipe-line system emergencies and directions under section 2(1)(b) of the Energy Act 1976 which the applicant proposes to include in contracts for the supply of gas in accordance with standard condition 31.

Restriction of a gas supplier licence

3. If the application is for a restriction of a licence—

(13) In this part of this Schedule, if the application is for an extension or restriction of a licence, information and documents need only be given in so far as, in any material respect, they significantly differ from or add to the most recent information or documents which were provided in relation to the same requirement—

- (i) with an application made by the applicant in accordance with these Regulations; or
- (ii) subsequent to such an application in pursuance of a condition of the applicant's licence.

(14) Schedule 2B comprises the provisions of Schedule 2 to the 1995 Act.

(15) 1976 c. 76.

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- (a) an estimate of—
 - (i) the total number of premises to which the applicant supplies gas at the time of the application and which the applicant would cease to supply if the application were acceded to (“relevant premises”);
 - (ii) the aggregate quantity of gas in therms which the applicant reasonably expects to be supplied to the relevant premises in the twelve months following the application; and
 - (iii) the number of premises to which the applicant would supply gas, and the aggregate annual quantity of gas in therms which would be supplied to those premises by him, in each of the three years following the coming into effect of the restriction if the application were acceded to; and
- (b) unless there are, at the date of the application, no relevant consumers (within the meaning of section 7A(10) of the Act) in relation to the applicant, a description of the applicant’s proposed arrangements under section 7A(9) of the Act for—
 - (i) ensuring continuity of supply for all such relevant consumers; and
 - (ii) in the case of each such consumer who is supplied with gas in pursuance of a contract (within the meaning of that section), securing such continuity on the same terms as nearly as may be as the terms of the contract.

PART II

FURTHER INFORMATION AND DOCUMENTS TO ACCOMPANY AN APPLICATION IN RESPECT OF A GAS SHIPPER LICENCE⁽¹⁶⁾

1. If the application is for a licence or an extension to a licence, details, in relation to each public gas transporter in respect of whose pipe-line system the applicant proposes to make arrangements of the sort referred to in section 7A(2) of the Act, of—

- (a) whether the applicant proposes to comply with—
 - (i) the network code (within the meaning of standard condition 1) established by that transporter; or
 - (ii) the terms of standard condition 5 (conveyance of gas otherwise than on network code or similar terms); and
- (b) if (a)(ii) above is the case, the manner in which the applicant proposes to comply with that standard condition.

2. A description of the applicant’s proposed arrangements for compliance with the applicable requirements of standard conditions 2 (general obligations in respect of use of relevant transporter’s pipe-line system), 7 (information as respects premises served), 10 (supply and return of, and information etc relating to, gas meters) and 15 (authorisation of officers).

3. A description of the applicant’s proposed arrangements for compliance with the requirements of standard condition 4 in relation to the handling of a pipe-line system emergency.

⁽¹⁶⁾ In this part of this Schedule, if the application is for an extension or restriction of a licence, information and documents need only be given in so far as, in any material respect, they differ from or add to the most recent information or documents which were provided in relation to the same requirement—

- (i) with an application made by the applicant in accordance with these Regulations; or
- (ii) subsequent to such an application in pursuance of a condition of the applicant’s licence.

PART III

FURTHER INFORMATION AND DOCUMENTS TO ACCOMPANY AN APPLICATION IN RESPECT OF A PUBLIC GAS TRANSPORTER LICENCE⁽¹⁷⁾

1. If the grant of the application would authorise the applicant to convey gas through pipes to any premises in an authorised area—

- (a) if not already provided for the purposes of any requirement in Schedule 1, a map drawn to an appropriate scale showing—
 - (i) the proposed authorised area;
 - (ii) the actual or proposed configuration, to the extent that it consists of pipes with a design operating pressure in excess of 7 bar gauge, of the pipe-line system the applicant would operate in that area if the application were granted; and
 - (iii) any pipes operated or to be operated by the applicant which would be used wholly or mainly for the purpose of conveying gas to that area if the application were granted,
- (b) such information available to the applicant as will indicate whether section 7(8) of the Act⁽¹⁸⁾ might restrict the grant of the application and how the criteria set out in section 7(8) (a) and (b) might apply in the particular case;
- (c) evidence that the applicant intends to carry on the activities authorised by the licence in a substantial part of the proposed authorised area; and
- (d) particulars of the applicant's proposed arrangements for compliance with the applicable requirements of standard conditions 14 (maintenance and provision of records), 19 (standards of performance), 21 (authorisation of officers), 23 (provision, return and repositioning of meters) and 24 (gas illegally taken).

2. If the application relates to the conveyance of gas through pipes to a pipe-line system operated by another public gas transporter (except where that pipe-line system is designed to receive gas at an operating pressure not exceeding 7 bar gauge and the application relates to the conveyance of gas to that system only incidentally to the conveyance of gas to premises in an authorised area), if not already provided for the purpose of any requirement in Schedule 1, a map drawn to an appropriate scale showing the actual or proposed configuration of the pipe-line system the applicant would operate if the application were granted, showing—

- (i) all pipes with a design operating pressure in excess of 7 bar gauge;
- (ii) all pipes effecting connection to the pipe-line system operated by the other public gas transporter; and
- (iii) all points through which it is proposed that gas would be conveyed to the applicant's pipe-line system wholly or mainly for the purpose of being conveyed to the pipe-line system operated by the other public gas transporter.

3. A business plan in respect of the activities which would be authorised following the grant of the application, giving estimates, for each of the five years following such grant, of—

- (a) the total length of any such pipe-line system (in kilometres);
- (b) the total revenue from the activity which would be authorised;

⁽¹⁷⁾ In paragraphs 1(d), 4 and 6 below, if the application is for an extension of a licence, information and documents need only be given in so far as, in any material respect, they significantly differ from or add to the most recent information or documents which were provided in relation to the same requirement—

- (i) with an application made by the applicant in accordance with these Regulations; or
- (ii) subsequent to such an application in pursuance of a condition of the applicant's licence.

⁽¹⁸⁾ Section 7(8) provides that except in certain circumstances, a public gas transporter licence or extension of such a licence may not specify as an authorised area any area which is situated within 23 metres of a main of another public gas transporter.

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- (c) the total capital costs, showing separately such costs in relation to procuring and laying pipe-lines, providing and installing meters, procuring and installing other operational plant and machinery, and overhead and administrative requirements (in all cases excluding finance charges);
 - (d) the total operating costs, showing separately such costs in relation to fuel (including gas purchases), staff costs, rent and rates, development costs and insurance.
4. Such particulars as will indicate whether any pipe-line system through which the applicant would be authorised to convey gas if the application were granted would be operated safely.
5. Particulars of the applicant's proposed arrangements to secure—
- (a) the performance of any obligations in relation to escapes of gas imposed on him by Schedule 2B to the Act; and
 - (b) the achievement of pipe-line system security standards in accordance with standard condition 13.
6. Unless provided in accordance with paragraph 1(d) above, particulars of the applicant's proposed arrangements for compliance with the applicable requirements of standard conditions 3 (charging of gas shippers—general), 5 (connection charges etc), 7 (network code), 18 (emergency services and obligations), 23 (provision, return and repositioning of meters) and 24 (gas illegally taken).

SCHEDULE 4

Regulation 6

APPLICATION FEES

COLUMN 1 <i>Description of application</i>	COLUMN 2 <i>Fee payable, £</i>
<i>Gas Supplier</i>	
1. Application for licence or extension (not including authorisation to supply gas to domestic premises)	200
2. Application for licence or extension including authorisation to supply gas to domestic premises to which gas is, or is to be, conveyed otherwise than by a public gas transporter	200
3. Application for licence including authorisation to supply gas to domestic premises to which gas is, or is to be, conveyed by a public gas transporter	1,000
4. Application for extension of a licence which does not include authorisation to supply gas to domestic premises to which gas is conveyed by a public gas transporter so as to include such authorisation	1,000
5. Application for any other extension or restriction	200
<i>Gas shipper</i>	

COLUMN 1 <i>Description of application</i>	COLUMN 2 <i>Fee payable, £</i>
—Any application	
<i>Public gas transporter</i>	
1. Application for licence with authorised area	2,000
2. Application for licence to convey gas to any pipe-line system operated by another public gas transporter, which is not limited in the manner described in paragraph 3 below	3,000
3. Application for licence to convey gas only to any pipe-line system operated by another public gas transporter which is designed to receive gas at an operating pressure not exceeding 7 bar gauge	3,000
4. Application for extension relating to one or more areas which together do not exceed 100 hectares and to which the applicant may reasonably be expected to convey gas at an aggregate rate which does not exceed 500,000 therms a year	200
5. Application for extension relating only to any pipe-line system operated by another public gas transporter which is designed to receive gas at an operating pressure not exceeding 7 bar gauge	200
6. Application for extension of a licence which authorises the conveyance of gas only to any such pipe-line system as is described in paragraph 5 above so as to permit the conveyance of gas to any system that is not thus described	2,000
7. Application for any other extension	800

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Gas Act 1986, as amended by the Gas Act 1995, introduces a new licensing regime for the conveyance, supply and shipping of gas. These Regulations prescribe the information and other documents that are required to be submitted with applications for the new categories of licences, or

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for extensions or restrictions of such licences, and the form and manner of such applications. The Regulations also prescribe the manner in which such applications are to be published.

The Regulations prescribe a minimum time of 14 days which the Director General of Gas Supply may allow for the making of representations and objections may be made in the case of applications for certain limited extensions to public gas transporter licences (see regulation 8).