
STATUTORY INSTRUMENTS

1998 No. 1779

GAS

The Gas Act 1986 (Exemption) Order 1998

<i>Made</i>	- - - -	<i>20th July 1998</i>
<i>Laid before Parliament</i>		<i>22nd July 1998</i>
<i>Coming into force</i>	- -	<i>13th August 1998</i>

The Secretary of State, in exercise of the powers conferred upon her by section 6A of the Gas Act 1986⁽¹⁾, and after consultation with the Director General of Gas Supply, hereby makes the following Order:—

Citation, coming into force and duration

1.—(1) This Order may be cited as the Gas Act 1986 (Exemption) Order 1998.

(2) This Order and the exemption contained in it shall come into force on 13th August 1998 and the exemption, unless previously revoked in accordance with paragraph (3) below, shall continue in force until 1st March 2011.

(3) The exemption contained in this Order shall only be revoked with effect from a date after the expiry of the period of four months beginning with the day on which the Order containing the revocation was laid before Parliament.

Interpretation

2. In this Order—

“the court” means—

- (a) in relation to England and Wales, the High Court; and
- (b) in relation to Scotland, the Court of Session;

“the company” means Interconnector (UK) Limited, whose registered number is 2989838;

“the Interconnector” means the Pipeline within the meaning of article 1(e) of the Agreement of 10th December 1997 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Belgium relating to the transmission of natural gas through a pipeline between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Belgium⁽²⁾.

(1) 1986 c. 44. Section 6A was substituted by section 4 of the Gas Act 1995 (c. 45).
(2) Cm 3943.

Scope of exemption

3.—(1) Subject to paragraph (2) below, the company is hereby granted exemption from section 5(1)(a) of the Gas Act 1986 in respect of the conveyance of gas through the Interconnector to a pipe-line system operated by a public gas transporter.

(2) The exemption provided for in paragraph (1) above (“the exemption”) is subject to the conditions set out in articles 4 and 5 below.

Conditions of exemption

4.—(1) Subject to paragraph (2) below, the company shall:—

- (a) comply with any direction given by the Director General of Gas Supply (“the Director”) to furnish him, in such manner and in such form as he may reasonably require, with such information relating to the conveyance of gas in pursuance of the exemption as he may reasonably require or as may be necessary for the purpose of enabling him to perform the functions assigned to him by or under the Gas Act 1986;
- (b) comply with any direction given by the Secretary of State or the Health and Safety Executive to furnish either or both of them, in such manner and in such form as the direction may reasonably require, with such information as the direction may reasonably require for the purpose of keeping the safe operation of the Interconnector under review; and
- (c) notify the Director and the Secretary of State as soon as reasonably practicable of any proposal of which it is aware which is likely to affect the amount of gas that it is capable of conveying in pursuance of the exemption.

(2) Paragraph (1) above shall not require the company to produce any documents or give any information which it could not be compelled to produce or give in evidence in civil proceedings before the court.

5.—(1) Subject to paragraph (2) below, the company shall, except in so far as the Secretary of State consents to its not doing so, comply with any direction given by the Secretary of State, after she has consulted the company, the relevant transporter, the Director and the Health and Safety Executive, to supply to a relevant transporter such information as may be specified or described in the direction—

- (a) at such times, in such form and such manner; and
- (b) in respect of such periods, not being less than one hour,

as may be so specified or described.

(2) The company shall not be in breach of paragraph (1) above if it is prevented from complying with such a direction by an incident beyond its control.

(3) In this article, unless the context otherwise requires—

“information” means information—

- (a) relevant to the operation of a pipe-line system—
 - (i) which is operated by such public gas transporter as may be specified in the direction given by the Secretary of State; and
 - (ii) to which gas is conveyed—
 - (aa) by the company in pursuance of the exemption; or
 - (bb) directly or indirectly, by a relevant transporter; and
- (b) relating to—

- (i) the calorific value or the total quantity of gas expected to be conveyed or which could be conveyed during the next following day by the company in pursuance of the exemption; or
- (ii) any changes in such calorific value or total quantity as may be so specified;

“day” means the period beginning at 6 a.m. on one day and ending immediately before 6 a.m. on the next following day;

“relevant transporter” means a public gas transporter operating a pipe-line system to which the company conveys gas in pursuance of the exemption.

20th July 1998

John Battle
Minister for Science, Energy and Industry,
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.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 6A of the Gas Act 1986, as substituted by section 4 of the Gas Act 1995, provides for the granting by order of exemptions from the prohibition contained in section 5 of the 1986 Act from carrying on the conveyance of gas without a licence. This Order grants such an exemption to Interconnector (UK) Ltd in respect of the conveyance of gas through the UK-Belgian gas interconnector to a pipe-line system operated by a public gas transporter (article 3). The exemption is subject to conditions relating to the provision of information to the Secretary of State, the Director General of Gas Supply, the Health and Safety Executive and a public gas transporter to whose system gas is conveyed in pursuance of the exemption (articles 4 and 5).

A Regulatory Appraisal of the costs and benefits that will result from this Order will be available in the Libraries of the Houses of Parliament when the Order, having been made, is laid before Parliament and from the Oil and Gas Directorate, Department of Trade and Industry, Room 2.D.16, 1 Victoria Street, London SW1H 0ET.