
STATUTORY INSTRUMENTS

2010 No. 2155

GAS

**The Gas (Applications for Licences and Extensions
and Restrictions of Licences) Regulations 2010**

Made - - - - *31st August 2010*
22nd September
Coming into force - - *2010*

The Gas and Electricity Markets Authority⁽¹⁾, in exercise of the powers conferred by sections 7B (1), (2) and (11) and 47 of the Gas Act 1986⁽²⁾ makes the following Regulations:

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 2010 and come into force on 22nd September 2010.

(2) The Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 2009⁽³⁾ (“the 2009 Regulations”) are revoked.

Transitional provisions

2.—(1) Where an application has been made under the 2009 Regulations but at the date upon which these Regulations come into force the application has neither been granted nor refused, the application shall be treated thereafter as having been made under these Regulations.

(2) An application to which paragraph (1) applies which conformed to the requirements of the 2009 Regulations and was accompanied by the fee prescribed under those regulations shall not be treated as defective by virtue only of failure in any respect to comply with these Regulations.

(3) Where, in relation to an application to which paragraph (1) applies, the applicant, before the coming into force of these Regulations, published a notice of the application in accordance with the 2009 Regulations, the requirements of these Regulations as regards publication shall be taken to have been met.

Interpretation

3.—(1) In these Regulations —

(1) The Gas and Electricity Markets Authority was established under section 1(1) of the Utilities Act 2000 (c.27)
(2) 1986 c.44: section 7B of the Gas Act was inserted by section 74(7) of the Utilities Act 2000
(3) S.I. 2009/3190

“the 2000 Act” means the Utilities Act 2000(4);

“the 2004 Act” means the Energy Act 2004(5);

“the Act” means the Gas Act 1986;

“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 Authority” means the Gas and Electricity Markets Authority established by section 1 of the 2000 Act;

“domestic premises” means premises used wholly or mainly for domestic purposes;

“extension”, in relation to a transporter licence, means an extension of the licence under section 7(4) of the Act(6) and, in relation to a supplier licence or a shipper licence, means an extension of the licence under section 7A(4) of the Act(7);

“interconnector licence” means a licence granted or to be granted under section 7ZA(1) of the Act(8);

“principal undertaking” means an undertaking within the meaning of section 1161 of the Companies Act 2006(9)

“point of single contact” means an online facility for completing and submitting applications electronically to the Authority as required by Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market(10);

“related person” in relation to an applicant who is a principal undertaking, means a parent or subsidiary undertaking of the principal undertaking or a subsidiary undertaking of the parent undertaking of the principal undertaking, in each case within the meaning of section 1162 of the Companies Act 2006; and in relation to any applicant (including such an undertaking), means a connected person of the applicant within the meaning of section 286 of the Taxation of Chargeable Gains Act 1992(11);

“restriction”, in relation to a transporter licence, means a restriction of the licence under section 7(4A) of the Act(12) and, in relation to a supplier licence or a shipper licence, means a restriction of the licence under section 7A(6) of the Act;

“shares”, in relation to an applicant with share capital, means allotted shares; in relation to an applicant with capital but no share capital, means rights to share in the capital of the applicant; and in relation to an applicant without share capital, means interests (i) conferring any right to share in the profits or liability to contribute to the losses of the applicant; and (ii) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of winding up;

“shipper licence ” means a licence granted or to be granted under section 7A(2) of the Act;

“signed” includes signed in a manner which would for the purposes of section 7 of the Electronic Communications Act 2000(13) be an electronic signature;

“supplier licence” means a licence granted or to be granted under section 7A(1) of the Act;

“transporter licence” means a licence granted or to be granted under section 7 of the Act; and

(4) 2000 c.27

(5) 2004 c.20

(6) section 7 was substituted by section 5 of the Gas Act 1995 (c.45).

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

(8) section 7ZA was inserted by section 149 of the Energy Act 2004.

(9) 2006 c.46.

(10) OJNo. L376, 27.12.2006, p.36.

(11) 1992 c.12.

(12) section 7(4A) was inserted by section 76(4) of the Utilities Act 2000.

(13) 2000 c.7.

“ultimate holding company” means a holding company (within the meaning of sections 1159 and 1160 of the Companies Act 2006⁽¹⁴⁾) of the licensee which is not itself a subsidiary of another company, which is in the position to control, or exercise significant influence over, a policy of the licensee by virtue of rights under contractual arrangements or rights of ownership which are held by the company or of which the company is a beneficiary.

(2) In these Regulations, unless the context otherwise requires, a reference to a standard condition is a reference, —

- (a) in relation to a shipper licence, a supplier licence or a transporter licence, to a standard condition which is determined under section 81(2) of the 2000 Act⁽¹⁵⁾; or
- (b) in relation to an interconnector licence, to a standard condition which is determined under section 150(1) of the 2004 Act,

subject to any modifications of the standard conditions made under Part I of the Act, the 2000 Act, or the 2004 Act, after the determination under those sections.

(3) In these Regulations —

- (a) any reference to the Schedule is a reference to the Schedule of 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.

Manner of Application

4.—(1) An application shall be—

- (a) made in writing, addressed to the Authority and delivered or sent by prepaid post to the Authority at its principal address or sent by electronic mail to an address specified by the Authority or made by electronic means via the point of single contact website at an address specified by the Authority;
- (b) signed and dated by or on behalf of the applicant, stating, where signed on behalf of the applicant, the capacity of the signatory;
- (c) accompanied by the prescribed fee referred to in regulation 7 of these Regulations.

Form of application

5.—(1) An application shall be made by completing in full the form issued by the Authority for the purpose with the information there specified; and any form so issued shall be the form shown in the Schedule or a form to the like effect.

(2) The application may not be considered by the Authority unless it is made in accordance with this regulation 5.

(3) The Authority may make further enquiries of the applicant about any matter connected with the application and may request additional information or documentation as set out in the form in the Schedule.

Additional information and documents to accompany application

6.—(1) Subject to paragraphs (2), (3) and (4)—

- (a) an application in respect of a supplier licence shall be accompanied by the information and documents specified for that licence in the form in the Schedule;

⁽¹⁴⁾ 2006 c.46.

⁽¹⁵⁾ section 81(2) was amended by section 168(10) of the Energy Act 2004.

- (b) an application in respect of a shipper licence shall be accompanied by the information and documents specified for that licence in the form in the Schedule;
 - (c) an application in respect of a transporter licence shall be accompanied by the information and documents specified for that licence in the form in the Schedule; and
 - (d) an application in respect of an interconnector licence shall be accompanied by the information and documents specified for that licence in the form in the Schedule.
- (2) The obligation imposed by paragraph (1) shall, to the extent that information and documents are specified in the Schedule 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 supplier licence of the type described in section 8(2) of the Act⁽¹⁶⁾, as if the standard condition in question were to be included and have effect in any licence granted as a result of the application; and
 - (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 included and have effect in that licence.
- (3) Where a modification to any standard condition is requested in an application made in accordance with these Regulations, the obligation imposed by paragraph (2)(a) shall be modified accordingly.
- (4) The obligation imposed by paragraph (1)(a), (b) and (c) in relation to an application for an extension or restriction of a licence shall only apply to the extent that the information and documents differ from or add to the most recent information and documents provided in relation to an application made in accordance with these Regulations or in pursuance of a condition of the applicant's licence.

Application fees

7.—(1) Subject to paragraph (2), the prescribed fee in relation to an application of the description specified in the first column of the Table in the form in the Schedule shall be the corresponding fee specified in the second column of that Table.

(2) Where more than one fee would, but for this paragraph, be payable in respect of a particular application, the prescribed fee shall be the higher or highest such fee.

Publication of notice of application

8.—(1) The period prescribed for the purpose of section 7B(2) of the Act⁽¹⁷⁾ (notice of applications) is ten working days (“the prescribed period”).

(2) The prescribed manner of publication for that purpose shall be either by—

- (a) requesting the Authority to place the notice on the website address of the Authority (at “www.ofgem.gov.uk” or such other website address as may be notified to the applicant by the Authority in writing); or
- (b) publishing the notice on the website address of the applicant and requesting the Authority to place a link to the applicant's website address on the website address of the Authority (at “www.ofgem.gov.uk” or such other website address as may be notified to the applicant by the Authority in writing).

(3) Where an application is for the restriction of a licence, the applicant shall also ensure that notice of application is published within the prescribed period in such newspapers as are calculated to ensure that the notice is circulated throughout the area to which the proposed restriction relates.

⁽¹⁶⁾ section 8(2) was amended by paragraph 2 of schedule 6 of the Utilities Act 2000.

⁽¹⁷⁾ section 7B was inserted by section 7 of the Gas Act 1995.

The seal of the Gas and Electricity Markets Authority here affixed is authenticated by the signature of



31st August 2010

Sarah Harrison
A member of the Authority
For and by the Gas and Electricity Markets
Authority

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

SCHEDULE

Regulation 5

APPLICATION FORM AND SUMMARY GUIDANCE

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What this application form is for

This form should be used to make an application for the following licences:

- gas shipper,
- gas supply,
- gas transporter,
- gas interconnector licence,

or

- the extension or restriction of an existing gas supply licence or gas transporter licence.

Note: It is an offence under section 43 of the Gas Act 1986 (as amended) to make any statement in this application which the applicant (or the person completing this form on behalf of the applicant) knows to be false in a material particular or recklessly make any statement which is false in a material particular.

All fields are mandatory unless indicated otherwise

TIER 1 – TO BE COMPLETED BY ALL APPLICANTS

Applicant details

1.1. Registered Business Name:

Registration number:

Trading Name (if any):

VAT number:
Put "none" if you are not registered for VAT

1.2. Legal status:

(Please 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))

Is your business registered outside the UK?

Yes: No: (Go to question 1.3)

If yes, please provide the name of the commercial register with which your business is registered.

Commercial register:

1.3. If your business is a body corporate, state the jurisdiction under which it is incorporated:

1.4. The following documents are required as part of the application process. Please check each box to confirm that you will be submitting these with your application.

Certified copy of Certificate of Incorporation
Certified copy of VAT Registration Certificate

Registered Address of applicant

1.5. Please provide the registered address of the applicant in full: If applying as an individual, please give your full home address

1.6. Is the registered address provided above outside of Great Britain?

Yes: (Go to question 1.7) No: (Go to question 1.8)

1.7. Please provide an address in Great Britain for the service of documents:

(If different to address given in 1.5):

1.8. Is the applicant a partnership or other joint venture (other than a body corporate)?

Yes: (Go to question 1.9) No: (Go to question 1.10)

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1.9. Please state the full name of the Partnership/Joint Venture and the full name(s) and address of each party in that Partnership or Joint Venture.

Partnership/Joint Venture name:

Partnership/Joint Venture details:

Party 1 – Name and address details

Full name(s):

Full address:

Party 2 – Name and address details

Full name(s):

Full address

NOTE: If there are more than two parties in the partnership or Joint Venture, Please check the box below and continue on a separate sheet.

Name and addresses of additional partnership/joint venture parties included as an attachment.



Application contact details

1.10 Please provide full details of the person to contact with any queries about this application.

First name(s):

Family name/Surname:

Capacity/position:

E-mail:

Telephone number:

Fax number:

Full contact address:

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

Licence details

2.1. Please select the type of licence this application relates to (**check one box only**):

- gas supplier licence
- gas supplier licence (where the gas is to be conveyed by a private gas network)
- gas shipper licence
- gas transporter licence
- gas interconnector licence

2.2. Is the application for (**check one box only**):

- a new licence
- the extension of an existing licence (supplier and transporter licences only)
- the restriction of an existing licence (supplier and transporter licences only)

2.3. Please select the type(s) of gas this application relates to (**check all that apply**):

- natural gas
- liquid petroleum gas
- coal bed methane
- other, please specify:

2.4. State the date the new licence, extension or restriction is desired to take effect:

 / /
DD /MM/ YYYY

Please see our full guidance on licence applications available from the Ofgem website (www.ofgem.gov.uk) for further details on timescales for issuing licences.

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Details of applicant's directors

3.1. Please provide full details of **all** of the applicant's current director(s) (including any shadow directors within the meaning of section 251 of the Companies Act 2006) or where applicable the corresponding officers.

Director 1

First name(s):

Family name/Surname:

Full home address:

Previous home address if less than 3 years at current address:

Date of Birth: / /
(DD/MM/YYYY)

Date of current appointment as director: / /
(DD/MM/YYYY)

Director 2

First name(s):

Family name/Surname:

Full home address:

Previous home address if less than 3 years at current address:

Date of Birth: / /
(DD/MM/YYYY)

Date of current appointment as director: / /
(DD/MM/YYYY)

NOTE: If there are more applicant directors, please check the box below and continue on a separate sheet.

Name and home addresses of additional applicant directors included as an attachment.

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

Details of ultimate holding company

4.1. Does the applicant have an ultimate holding company?

("Ultimate holding" means a holding company (within the meaning of sections 1159 and 1160 of the Companies Act 2006) of the applicant which is not itself a subsidiary of another company, which is in the position to control, or exercise significant influence over, a policy of the applicant by virtue of rights under contractual arrangements or rights of ownership which are held by the company or of which the company is a beneficiary.)

Yes: (Please provide details below) No (Go to question 5.1)

Registered Business Name:

Registration number:

Trading Name (if any):

Please provide the registered address of the ultimate holding company in full:

Ultimate holding company directors

Director 1

First name(s):

Family name/Surname:

Director 2

First name(s):

Family name/Surname:

Director 3

First name(s):

Family name/Surname:

NOTE: If there are more ultimate holding company directors, please check the box below and continue on a separate sheet.

Names of additional ultimate holding company directors included as an attachment

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

Details of parent undertaking

5.1. Does the applicant have a parent undertaking (within the meaning of section 1162 of the Companies Act 2006)?

Yes: (Please provide details below) No: (Go to question 6.1)

Parent undertaking details

Registered Business Name:

Registration number:

Trading Name (if any):

Please provide the registered or principal address of the parent undertaking in full:

Parent undertaking directors

Director 1

First name(s):

Family name/Surname:

Director 2

First name(s):

Family name/Surname:

NOTE: If there are more parent undertaking directors, please check the box below and continue on a separate sheet.

Name and home addresses of additional Parent Undertaking Directors included as an attachment.

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

Persons in effective control of the applicant

6.1. Is the applicant a body corporate or a sole trader?

Yes: (Go to question 7.1)

No: (Please give details below of person(s) in effective control and then go to section 8)

Persons in effective control details

First name(s):

Family name/Surname:

Full home address:

Previous home address if less than 3 years at current address:

Date of Birth:

/ /
(DD/MM/YYYY)

NOTE: If more than one person is in effective control, please check the box below and continue on a separate sheet.

Name and addresses of additional person(s) in effective control included on a separate sheet.

Go to question 8.1

Shareholder details

7.1. Are there any shareholders with a holding of 20 per cent or more of any class of shares in the applicant?

Yes: (Please give details below of each shareholder)

No: (Go to Section 8)

Shareholder 1 – Details

Full name of shareholder:

Full address:

If an individual, please give full **home** address

Previous address if less than 3 years at current address:

Where an individual the Date of Birth:

/ /
(DD/MM/YYYY)

Shareholding details

Effective date of shareholding:

/ /
(DD/MM/YYYY)

Number and class of shares held (for example 50 ordinary shares):

Percentage aggregate of the class of shares this represents:

Shareholder 2 – Details

Full name of shareholder:

Full address:

If an individual, please give full **home** address

Previous address if less than 3 years at current address:

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

Where an individual the Date of Birth: / /
 (DD/MM/YYYY)

Shareholding details

Effective date of shareholding: / /
 (DD/MM/YYYY)

Number and class of shares held (for
example 50 ordinary shares):

Percentage aggregate of the class of shares
this represents:

NOTE: If there are more shareholders, please check the box below and continue on a separate sheet.

Details of additional shareholders included as an attachment.



Details of previous applications made and licences held

8.1. Does the applicant or any related person hold any licence(s) under the Gas Act 1986 or the Electricity Act 1989?

Yes: (Please give details of licences held below) No:

Details of licence(s) held:

8.2. Has the applicant or any related person applied for (whether successfully or not) or intend to apply for any other licences under the Gas Act 1986 or the Electricity Act 1989?

Yes: (Please give details of application below) No:

Type of licence(s) applied for or intended to be applied for:

8.3. Has the applicant or any related person previously had a licence granted under the Gas Act 1986 or the Electricity Act 1989 revoked in the last 3 years?

Yes: (Please give details of licences held below) No:

Details of licence(s) revoked:

8.4. Has the applicant or any related person previously had any gas or electricity licence application refused?

Yes: (Please give details of application below) No:

Details of licence application(s) refused:

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

Details of application

Modifications to Standard Conditions

Applicants may request that the standard conditions of a licence be modified (for the purposes of section 8(3) of the Gas Act 1986) to meet the requirements of its specific case.

9.1 Do you wish to request any modifications to any of the standard conditions for the type of licence applied for:

Yes: (Please give full details below) No: (Go to question 10.1)

Provide full details of the modifications requested:

State the grounds on which the applicant believes that any such modification is requisite to meet the circumstances of the particular case:

If the application is for a gas shipper or gas supplier licence, state the grounds on which the applicant believes that any such modification would not disadvantage any other gas shipper or supplier licence holder (including the applicant):

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

Criminal convictions and disqualification

10.1. Please give details of any criminal convictions, from any jurisdiction, of the applicant or any other person specified in this application

(Other than offences under the Road Traffic Offenders Act 1988 or convictions in respect of which the person has become rehabilitated under the Rehabilitation of Offenders Act 1974)

Details of convictions:

OR

Provide a statement that there are no convictions:

If you intend to provide this statement as an attachment, please check the box below and include the statement with your application.

Statement on criminal convictions included as an attachment

10.2. Provide a statement that none of the persons named in the application are disqualified to any extent from acting in connection with the affairs of a company in any jurisdiction:

If you intend to provide this statement as an attachment, please check the box below and include the statement with your application.

Statement on disqualification included as an attachment

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

Proposed arrangements for commencing licensable activities

11. Please provide a brief summary of your proposed arrangements (including key dates) to commence the licensable activity to which your application relates:

Licence specific information

NOTE: The remaining questions in this section are specific to the type of licence you are applying for.

If you are applying for a:

- gas supply licence or for the extension of an existing gas supply licence – please complete question 12;
- the restriction of an existing gas supply licence - please complete question 13;
- gas shipper licence – please complete question 14;
- gas transporter licence or for the extension of an existing gas transporter licence – please complete question 15;
- the restriction of an existing gas transporter licence - please complete question 16;
- gas interconnector licence – please complete question 17.

Note: You only need complete the questions that relate to the type of licence you are applying for.

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

Gas supply licence applications

12. Please specify the premises to be supplied under this licence application (**check one box only**):

- any premises
- only to premises specified in the licence or to premises of a specified description
- only to premises situated in a specified area, or to premises of a specified description situated in that area

12.1. Please specify whether the application relates to domestic or non-domestic premises only or both. Also, specify or describe the premises and the location of the premises intended to be supplied, or if relevant the specified area. Any description must be sufficient to enable the premises, location or area to be adequately and readily identified by map or other means:

If you intend to provide this information as an attachment, please check the box below and include the information with your application.

Premises details to be supplied included as an attachment.

12.2. Will the gas to be supplied be conveyed to premises by a gas transporter:

Yes: (Go to the Declaration in section 18 below) No: (Go to question 12.3)

12.3. Please give details of any exemption under section 6A of the Gas Act 1986 under which the gas is or will be conveyed:

12.4. Please specify, with reasons, any standard conditions that in the applicant's opinion should be included and have effect in the licence:

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

Restriction of existing gas supply licence applications

13. Provide an estimate of the total number of premises to which the applicant supplies gas at the time of application and to which the applicant would cease to supply gas if the restriction was granted:

13.1 Are there any relevant consumers at the time of application?

A person is a relevant consumer if (i) immediately before the restriction takes effect, he is being supplied with gas by the holder of the licence; and (ii) his premises are to be excluded from the licence by the restriction: within the meaning of section 7A(10) of the Gas Act 1986.

Yes: (Go to question 13.2 below) No: (Go to the Declaration in section 18 below)

13.2. Provide details of what arrangements you have made to ensure that your existing relevant consumers (that will be affected by this restriction) will continue to be supplied with gas after the restriction takes effect:

13.3. Where consumers are supplied under a contract*; provide a description of the applicants proposed arrangements for ensuring that the terms of any new contract will be the same or as similar to the terms in place between the applicant and that customer immediately before the restriction is to have effect:

(*not including any contract, which by virtue of paragraph 8 of schedule 2B of the Gas Act 1986, is deemed to have been made)

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

Gas shipper licence applications

14. Would you like the shipper licence to authorise you to:

- make arrangements generally with any gas transporter for gas to be introduced into, conveyed by means of or taken out of a pipeline system operated by that transporter

Or –

- make arrangements for purposes connected with the supply of gas to specified premises, those premises being:
 - any premises in a specified area;
 - any premises of a specified description; or
 - particular premise

14.1 If making arrangements connected with supply to premises; please specify or describe the premises, location of the premises and the specified area, if any, to which the application relates. The description should enable the premises to be adequately and readily identified by map, or by other means:

If you intend to provide this information as an attachment, please check the box below and include the information with your application.

- Premises information included as an attachment.

Gas transporter licence applications

15. Would you like the transporter licence to authorise you to convey gas to:

(a) any premises

and/or -

(b) to any pipe-line system operated by another gas transporter:

(i) throughout Great Britain

(ii) within a specified area or areas

15.1 If the application relates to 15(b), please provide a description specifying the pipe-line system that the application relates to. 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:

15.2 If the application relates to 15(b)(ii) please provide a description specifying the area to which the application relates:

15.3 Does the application relate to domestic premises?

Yes:

No:

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

Restriction of existing gas transporter licence applications

16. Provide an estimate of the total number of premises to which the applicant conveys gas (at the time of this application) and to which the applicant would cease to convey gas if the restriction application were to be granted:

16.1 Are there any relevant consumers at the time of application?

(A person is a relevant consumer if - (i) immediately before the restriction takes effect, he is connected to the pipe-line system of the holder of the Gas Transporter licence, and (ii) his premises are to be excluded from the licence by the restriction).

Yes: (Go to question 16.2 below) No: (Go to the Declaration in section 18 below)

16.2 Provide details of what arrangements you have made to ensure that the connection of all relevant consumers (that will be affected by this restriction application) will be maintained:

Gas interconnector licence applications

Note: Gas interconnector licence applications must specify the actual or proposed point of connection. If the point of connection cannot be specified at this stage you should provide Ordnance Survey Grid Reference co-ordinates for the proposed point of connection.

17. Specify the actual or proposed point of connection to a gas transportation or distribution network:

17.1 Was the construction of the interconnector to which this application relates completed before 3 August 2003?

Yes: (Go to the Declaration in section 18 below) No: (Go to question 17.2)

17.2 Are you seeking to have any or all of the following standard conditions to not be applied to the licence:

Yes: (Go to question 17.3 below) No: (Go to the Declaration in section 18 below)

17.3 Please indicate which conditions you are seeking to not be applied to the licence.

- (a) Conditions relating to the charging methodology to apply to third party access to the licensee's interconnector
- (b) Conditions relating to the requirement to offer terms to an applicant for access to the licensee's interconnector

17.4 If you are seeking for any or all of the above conditions to not be in effect, the following additional information must be provided.

(a) The period of time for which the applicant seeks the licence condition or conditions to not be in effect:

(b) A statement setting out the evidence and reasoning as to why the applicant considers:

(i) The investment in the interconnector enhances competition in gas supply and enhances security of supply:

(ii) The level of risk attached to the investment to be made in relation to the interconnector is such that the investment would not be or would not have been made unless those licence conditions were not in effect:

(iii) That, should the licence conditions not be in effect for the period of time sought, this will not be detrimental to competition or the effective functioning of the internal gas market, or the efficient functioning of the regulated system to which the interconnector is connected:

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

(c) Provide a further statement that:

(i) The interconnector will be owned by a natural or legal person who is separate, at least in terms of its legal form, from the system operators to whose systems the interconnector to which this application relates will be connected:

(ii) Charges will be levied on users of the interconnector:

If you intend to provide any of this information as an attachment, please check the box below and include the information with your application.

Gas interconnector standard conditions statements included as an attachment



<i>Table of application fees</i>	
<i>Description of application</i>	<i>Fee payable £</i>
<i>Supplier</i>	
Application for licence including authorisation to supply gas to premises to which gas is, or is to be, conveyed by a gas transporter	450
Application for licence including authorisation to supply gas to premises to which gas is, or is to be, conveyed otherwise than by a gas transporter	350
Application for any extension or restriction	450
<i>Shipper</i>	
Licence application	350
<i>Transporter</i>	
Application for a licence	1050
Application for extension or restriction	150
<i>Interconnector</i>	
Application for a licence	1050

18. Declaration

By checking this box I declare that:

- (1) I have due authority to make this application;
- (2) I have read and understood this application form and the guidance notes to this application form;
- (3) to the best of my knowledge and belief, all the details provided in this application form are true and complete and all the information or document(s) supplied with this application form are true and complete;
- (4) I have read and understood the relevant standard conditions of the licence that I am applying for; and
- (5) I understand that knowingly or recklessly making a false, incomplete or misleading statement in support of this application may lead to the grant of the licence being refused or revoked and may result in criminal proceedings being instituted under section 43 of the Gas Act 1986.

Signature.....
 Name in capital letters.....
 Capacity of signatory.....
 Date.....

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

TIER 2 – ADDITIONAL INFORMATION TO BE COMPLETED ON REQUEST BY OFGEM

Further information and documents to be provided by applicant on request

1. Please provide certified copies of any official documents held by the applicant that confirms key details provided in the application.

Please check this box to confirm that the information will be included as attachments with your submission.

2. Please provide evidence of your contact with the relevant Code Owners/Administrators

Please check this box to confirm that the information will be included as attachments with your submission.

3. Please provide the full names and contact details of the applicant’s bank, solicitors and auditors.

4. In relation to activities regulated by any other regulatory body, has the applicant or any partner, trustee or director (including shadow directors within the meaning of section 251 of the Companies Act 2006) ever been refused, had revoked, restricted, or terminated, any licence, authorisation, registration, notification, membership or other permission granted by any such body?

Declaration

By checking this box I declare that:

- (1) I have due authority to make this application;
- (2) I have read and understood this application form and the guidance notes to this application form;
- (3) to the best of my knowledge and belief, all the details provided in this application form are true and complete and all the information or document(s) supplied with this application form are true and complete;
- (4) I have read and understood the relevant standard conditions of the licence that I am applying for; and
- (5) I understand that knowingly or recklessly making a false, incomplete or misleading statement in support of this application may lead to the grant of the licence being refused or revoked and may result in criminal proceedings being instituted under section 43 of the Gas Act 1986.

Signature.....

Name in capital letters.....

Capacity of signatory.....

Date.....

TIER 3 – ADDITIONAL INFORMATION TO BE PROVIDED ON REQUEST BY OFGEM

Documents to be provided by applicant and requirement to attend interview

1. Please provide certified copies of passports and driving licences for each director (including shadow directors within the meaning of section 251 of the Companies Act).

2. When attending the interview with Ofgem, please bring the following original company documentation:

- (a) Incorporation documents;
- (b) Resolutions;
- (c) Minutes from meetings
- (c) Annual Returns and Accounts;
- (c) Forms appointing and resigning directors;
- (f) Register of Directors; and
- (g) Register of Members.

Declaration

By checking this box I declare that:

- (1) I have due authority to make this application;
- (2) I have read and understood this application form and the guidance notes to this application form;
- (3) to the best of my knowledge and belief, all the details provided in this application form are true and complete and all the information or document(s) supplied with this application form are true and complete;
- (4) I have read and understood the relevant standard conditions of the licence that I am applying for; and
- (5) I understand that knowingly or recklessly making a false, incomplete or misleading statement in support of this application may lead to the grant of the licence being refused or revoked and may result in criminal proceedings being instituted under section 43 of the Gas Act 1986.

Signature.....

Name in Capital letters.....

Capacity of signatory.....

Date.....

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

SUMMARY GUIDANCE FOR GAS LICENCE APPLICANTS
Notes on completing this application form and submitting your gas licence application

These notes aim to answer the key questions you may have in making a gas licence application. All applicants are encouraged to also read our full guidance on licence applications which is available on the Ofgem website **before** completing this form.

You may use this gas licence application form to make an application for the following types of gas licences:

A gas supplier’s licence - allows the licensee to supply to any premises gas which has been conveyed to those premises through pipes . A supply licence may authorise the holder to supply gas to non-domestic premises or to domestic and non domestic premises.

A gas shipper’s licence - allows the licensee to arrange with any gas transporter for gas to be introduced into, conveyed by means of or taken out of a pipe-line system operated by that transporter, either generally or for purposes connected with the supply of gas to any premises specified in the licence.

A gas transporter’s licence - allows the licensee to:

- convey gas through pipes to any premises within an area specified in the licence held by the gas transporter, and
- convey gas through pipes to any pipeline system operated by another gas transporter, or to any other pipeline system specified in the licence

A gas interconnector licence - allows the licensee to participate in the operation of a gas interconnector. Participating in the operation of a gas interconnector is defined as:

- co-ordinating and directing the conveyance of gas into or through a gas interconnector, or
- making such an interconnector available for use for the conveyance of gas.

You may also use this form to make an application for the extension or restriction of an existing gas supply or gas transporter licence.

Please note: An application may not be made on the same form for more than one licence - use a separate form for each licence application.

Completing the application form

- Please ensure that you answer all relevant questions as fully as possible. The table below provides an overview of what sections need to be completed.

Tier 1	All applicants must complete this section
Tier 1 – Licence specific information	Applicants need only complete the parts relevant to the type of application being made.
Tier 2 and 3	Applicants only need to complete this section if and when requested by Ofgem We may ask you to provide the additional information set out in Tier 2 and 3 if your application is moved to tier 2 or 3. This may happen if during: <ul style="list-style-type: none"> ○ our initial checks of your application for completeness; or ○ the course of processing your application, the overall risk assessment score for the application is equal to or above the minimum threshold for Tier 2/3.

- All fields are mandatory unless indicated otherwise.
- Please enter N/A in response to any questions that you consider not applicable rather than leave blank.
- Where the required information is being provided in the form of a separate attachment – please check the relevant box on the application form to indicate that you are including attachments and ensure that the attachments accompany your application.
- **Applicants should note that we will not commence processing an application until all relevant information/documents as set out in the application form have been provided and the relevant application fee has been received in cleared funds.**

How to submit your application

The application may be submitted in one of the following ways

1. By post to the address given below
2. By email to the email address given below (hard copy may follow by post)
3. Electronically via the Point of Single Contact website (at a website address to be advised by Ofgem)

Paying the application fee

Payment can be made in one of the following ways:

1. Payment by BACS or CHAPS to:

Bank: Citibank, 25 Canada Square, Canary Wharf, London, E14 5LB
Account Name: GBS Re Ofgem
Account Number: 12316110
Sort Code: 08-33-00

Swift code: CITIGB22
IBAN: GB40CITI08330012316110

2. Payment by cheque payable to **GBS Re Ofgem**.

If you pay by BACS or CHAPS, please confirm the date and full amount of the payment together with the sender's bank account number and sort code.

What happens next?

- We will contact you to confirm whether the application is complete/incomplete. Where incomplete, we will advise you of what information is outstanding.
- Once the application is considered complete – we will provide you with a template with suggested wording for your notice of application. You then have 10 working days to arrange for this to be published on the Ofgem website or your own website.

How long will the application take?

For the following licence types:

Gas shipper
Gas Supply
Gas Interconnector

We aim to reach a decision on whether to grant a licence in 100% of cases within 45 working days. The 45 working day time period commences on the first working day after we send you notice that we consider your application has been 'duly made' subject to any notification by us to the contrary at any time during the assessment of your application. The time period will end at close of business on the 45th working day. If after sending you this notice we find, during the assessment of your application, that your application contains any discrepancy or any information is omitted which we consider render the application incomplete, the 45 working day time period will restart once the outstanding information or documents have been provided to us.

Gas Transporter licences the applications will take longer and we will keep applicants informed of progress.

Our contact details

Should you have any general queries about your licence application, you can contact us using the details below.

However, please note that Ofgem cannot provide legal advice. If you need advice on what to put in answer to a question, or whether documents are sufficient to answer a question, please seek independent legal advice.

Ofgem
Licensing and Industry Codes
9 Millbank
London
SW10 3GE
Email: Licensing@ofgem.gov.uk / Telephone: 020 7901 7000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the information, and other documents that are required to be submitted with applications for supplier, shipper, transporter and interconnector licences (and for extensions or restrictions of supplier, shipper and transporter licences) under the Gas Act 1986, as amended by the Utilities Act 2000 and the Energy Act 2004. They specify the form and manner of such applications. These Regulations also set out the manner in which notices of applications are to be published.

These Regulations come into force on 22 September 2010.

Regulation 1 provides for the citation, commencement and revokes the previous Regulations.

Regulation 2 makes transitional provisions for applications made but not determined before the Regulations come into force.

Regulation 3 provides for general interpretation.

Regulation 4 deals with the manner of applications.

Regulation 5 concerns the form of applications, and incorporates the Schedule that specifies their form, and the information and documents to accompany them.

Regulation 6 specifies the additional information and documents to accompany applications.

Regulation 7 specifies the fees payable in respect of applications.

Regulation 8 provides for the notice period and publication requirements for applications. It requires applicants to ensure notice of the application is published either on the Ofgem website or their own website. If the application is for a restriction the applicant must also publish the notice in local newspapers.