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## STATUTORY INSTRUMENTS

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# 1996 No. 275

## The Gas (Northern Ireland) Order 1996

### PART II

#### GAS SUPPLY AND ASSOCIATED ACTIVITIES

##### *Licensing of supply of gas and associated activities*

##### **Licences authorising supply, etc.**

**8.—**(1) The [<sup>F1</sup>Authority] may grant a licence authorising any person to do all or any of the following, namely—

- (a) to convey gas from one place to another in an area authorised by the licence;
- (b) to store gas in a specified gas storage facility;
- (c) to supply gas to specified persons or premises [<sup>F2</sup>];
- [<sup>F3</sup>(d) to operate an LNG facility.]

In this paragraph and paragraph (2) “specified” means specified in the licence, or of a class or description, or in an area, so specified.

(2) The [<sup>F4</sup>Authority] may—

- (a) extend a licence granted under paragraph (1) (a) or (c) by increasing the area authorised by the licence; or
- (b) extend a licence granted under paragraph (1)(b) by adding to the specified gas storage facilities;
- (c) extend a licence granted under paragraph (1)(c) by adding to the specified persons or premises [<sup>F5</sup>];

[<sup>F6</sup>(d) extend a licence granted under paragraph (1)(d) by adding to the specified LNG facility.]

(3) An application for a licence or extension shall be made in the prescribed manner and shall be accompanied by such fee (if any) as may be prescribed; and within 14 days from the making of such an application, the applicant shall publish a copy of the application in the prescribed manner.

(4) Before granting a licence or extension under this Article, [<sup>F7</sup>the Authority] shall give notice—

- (a) stating that [<sup>F8</sup>the Authority] proposes to grant the licence or extension;
- (b) stating the reasons why it is proposed to grant the licence or extension; and
- (c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed licence or extension may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

*Status: Point in time view as at 12/04/2013. This version of this provision has been superseded.*

*Changes to legislation: The Gas (Northern Ireland) Order 1996, Section 8 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F9</sup>(4A) A licence shall not be granted or extended unless the applicant therefor and, if appropriate, the construction or operation of any pipeline, facility or associated apparatus used or to be used in connection with any activity carried out under the licence meets the published criteria.]

(5) A licence or extension shall be in writing and, unless previously revoked in accordance with any term contained in it, a licence shall continue in force for such period as may be specified in or determined by or under the licence.

(6) As soon as practicable after granting or extending a licence, [<sup>F10</sup>the Authority] shall give notice stating that the licence or extension has been granted.

(7) A notice under paragraph (4) or (6) shall be given by publishing the notice in such manner as [<sup>F11</sup>the Authority] considers appropriate for bringing it to the attention of persons likely to be affected by the grant or extension of the licence.

[<sup>F12</sup>(7A) Where <sup>F13</sup> . . . the Authority refuses to grant to any applicant a licence or an extension, the <sup>F13</sup> . . . Authority <sup>F14</sup> . . . shall by notice in writing—

- (a) inform the person making the application of the fact;
- (b) give him the reasons for that refusal; and
- (c) inform him of any right to challenge the refusal.

(7B) In paragraph (4A) “published criteria” means the criteria determined by the Department from time to time for the purposes of and in accordance with—

- (a) Article 4(2) of the Directive; or
- (b) in relation to the construction or operation of a direct line (within the meaning of the Directive), [<sup>F15</sup>Article 38(2)] of the Directive,

and published by it.

(7C) Paragraph (4A) shall not apply in relation to any—

- (a) direct line used for a supply of gas to which Article 1 of the Commission Decision for the time being applies; or
- (b) direct line, pipeline or facility used for a supply of gas to which Article 2 of the Commission Decision for the time being applies.]

(8) Neither the requirement to consult imposed by paragraph (1) nor paragraphs (3) and (4) shall apply to the granting of any licences which are granted in the period of 3 months beginning with the day on which this Article comes into operation.

(9) Any sums received by the Director under this Article shall be paid into the Consolidated Fund.

**F1** Words in art. 8(1) substituted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 58**

**F2** Art. 8(1)(c): "semicolon" substituted for "full stop" (12.4.2013) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/92\)](#), **reg. 17(1)**

**F3** Art. 8(1)(d) added (12.4.2013) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/92\)](#), **reg. 17(1)**

**F4** Words in art. 8(2) substituted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 58**

**F5** Art. 8(2): "semicolon" substituted for "full stop" (12.4.2013) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/92\)](#), **reg. 17(2)**

**F6** Art. 8(2)(d) added (12.4.2013) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/92\)](#), **reg. 17(2)**

**F7** Words in art. 8(4) substituted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 59(a)**

*Status: Point in time view as at 12/04/2013. This version of this provision has been superseded.*

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- F8** Words in art. 8(4)(a) substituted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 59(b)**
- F9** Art. 8(4A) inserted (1.10.2006) by Gas Order 1996 (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006/358), **reg. 5(1)**
- F10** Words in art. 8(6) substituted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 60**
- F11** Words in art. 8(7) substituted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 61**
- F12** Art. 8(7A) - (7C) inserted (1.10.2006) by Gas Order 1996 (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006/358), **reg. 5(2)**
- F13** Words in art. 8(7A) omitted (15.4.2011) by virtue of Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 62**
- F14** Words in art. 8(7A) omitted (15.4.2011) by virtue of Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 62**
- F15** Words in art. 8(7B)(b) substituted (15.4.2011) by Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011 (S.R. 2011/155), **reg. 86**

**Status:**

Point in time view as at 12/04/2013. This version of this provision has been superseded.

**Changes to legislation:**

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