

SCHEDULES

SCHEDULE 2

ORDERS ALTERING LICENSABLE ACTIVITIES

Application by Authority for order including new activities

2.—(1) If the Authority proposes to make an application for an order providing for activities to become licensable activities, it shall give notice—

- (a) stating that it proposes to make an application for an order providing for the activities to become licensable activities;
- (b) setting out any conditions which it would expect to be included in such licences; and
- (c) specifying a reasonable period (not being less than 28 days from the date of publication of the notice) within which representations or objections may be made with respect to the proposal,

and shall consider any representations or objections which are duly made and not withdrawn.

(2) In the case of an order under Article 40, the notice shall also set out the conditions which the Authority would expect such an order to determine to be standard conditions for the purposes of licences authorising the undertaking of the activities.

(3) The notice shall be given by serving a copy on the Council and by publishing it in such manner as the Authority considers appropriate for bringing it to the attention of—

- (a) persons appearing to it to be carrying on, or be intending to carry on, the activities; and
- (b) any other persons appearing to it to be likely to be affected by an order providing for the activities to become licensable activities.

(4) If an objection has been duly made (and not withdrawn) by a person who is carrying on or intends to carry on the activities, the Authority shall make a reference to the [F1CMA] under paragraph 3 before making the application.

(5) In any other case where the Authority considers it appropriate to make a reference to the [F2CMA] under paragraph 3 before making the application, the Authority may make such a reference.

(6) If a reference is made to the [F3CMA], the application shall not be made unless the [F3CMA] has reported on the reference that the fact that the activities to which the application relates are not licensable activities operates, or may be expected to operate, against the public interest.

(7) The application shall set out—

- (a) the activities which the Authority considers should become licensable activities; and
- (b) the conditions which the Authority would expect to be included in such licences.

(8) In the case of an application for an order under Article 40 the application shall also set out the conditions which the Authority would expect to be determined to be standard conditions for the purposes of licences authorising the undertaking of the activities in question.

F1 Word in Sch. 2 para. 2(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 26(4), 103(3), Sch. 6 para. 170(3)(a); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Changes to legislation: *There are currently no known outstanding effects for the The Energy (Northern Ireland) Order 2003, Paragraph 2. (See end of Document for details)*

- F2** Word in Sch. 2 para. 2(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 26(4), 103(3), **Sch. 6 para. 170(3)(b)**; S.I. 2014/416, **art. 2(1)(d)** (with Sch.)
- F3** Word in Sch. 2 para. 2(6) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 26(4), 103(3), **Sch. 6 para. 170(3)(b)**; S.I. 2014/416, **art. 2(1)(d)** (with Sch.)

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