

SCHEDULE 11

Energy

Interpretation

1. In this Schedule—

“aggregation” means combining multiple customer loads or generated electricity for sale, purchase or auction in the electricity market of Great Britain;

“downstream oil activity” means any of the following activities—

- (a) the import of any of crude oil, intermediates, components and finished fuels;
- (b) the storage of any of crude oil, intermediates, components and finished fuels;
- (c) the production of intermediates, components and finished fuels through refining or blending processes;
- (d) the distribution of petroleum-based fuels to storage sites by road, pipeline, rail or ship;
- (e) the delivery of petroleum-based fuels to retail sites, airports or end users;

“existing upstream petroleum facility” means an upstream petroleum facility that began operating before the first day of the month that is 12 calendar months before the month in which a person gains control, by virtue of one or more of the cases described in subsection (2), (5) or (6) of section 8 of the Act, of the qualifying entity;

“gas” means any substance which is or (if it were in a gaseous state) would be gas within the meaning set out in section 48(1) of the Gas Act 1986;⁽¹⁾

“gas interconnector” has the meaning set out in section 5(8) of the Gas Act 1986⁽²⁾;

“gas processing facility” has the meaning set out in section 90(1) of the Energy Act 2011⁽³⁾;

“gas processing operation” has the meaning set out in section 90(2) of the Energy Act 2011;

“generate” in relation to electricity means carrying on an act within section 4(1)(a) of the Electricity Act 1989⁽⁴⁾;

“generating asset” means an asset used to generate electricity;

“group undertaking” has the meaning set out in section 1161(5) of the Companies Act 2006⁽⁵⁾;

“LNG import or export facility” has the meaning set out in section 12(6) of the Gas Act 1995⁽⁶⁾ but does not include facilities in the territorial sea adjacent to Great Britain or the sea in any area designated under section 1(7) of the Continental Shelf Act 1964⁽⁷⁾;

“new upstream petroleum facility” means an upstream petroleum facility that had not begun operating before the first day of the month that is 12 calendar months before the month in which a person gains control, by virtue of one or more of the cases described in subsection (2), (5) or (6) of section 8 of the Act, of the qualifying entity;

(1) 1986 c. 44.

(2) Subsection (8) was substituted by section 149(1) and (3) of the Energy Act 2004 (c. 20).

(3) 2011 c. 16.

(4) 1989 c. 29. Section 4 was amended by sections 28(2) and 28(3)(a) of the Utilities Act 2000 (c.27), sections 89(2), 135(2), 135(3), 135(4), 145(2) and 145(3) of the Energy Act 2004 and section 147(2) of the Energy Act 2013 (c. 32). There are other amendments which are not relevant.

(5) 2006 c. 46.

(6) 1995 c. 45. Section 12 of the Gas Act 1995 was amended by section 92(11)(b) of the Energy Act 2011 (c. 16).

(7) 1964 c. 29. Section 1(7) of the Continental Shelf Act 1964 was amended by Schedule 3, paragraph 1 to the Oil and Gas (Enterprise) Act 1982 (c. 23) and section 103 of the Energy Act 2011 (c. 16).

“oil equivalent” means petroleum and, for the purposes of assessments of throughput, where petroleum is in a gaseous state 1,100 cubic meters of this petroleum at a temperature of 15 degrees Celsius and pressure of one atmosphere is counted as equivalent to one tonne;

“petroleum” has the same meaning as in Part 1 of the Petroleum Act 1998⁽⁸⁾, and includes petroleum that has undergone any processing;

“petroleum licence” means a licence granted under section 3 of the Petroleum Act 1998⁽⁹⁾ or section 2 of the Petroleum (Production) Act 1934⁽¹⁰⁾;

“petroleum production project” has the meaning set out in section 90(2) of the Energy Act 2011;

“terminal” has the meaning set out in section 90(2) of the Energy Act 2011, but does not include gas processing facilities in the United Kingdom or LNG import or export facilities;

“upstream petroleum facility” means a terminal, upstream petroleum pipeline or unit of infrastructure that is or will be necessary to a petroleum production project;

“upstream petroleum pipeline” has the meaning set out in section 90(2) of the Energy Act 2011, but does not include gas interconnectors.

⁽⁸⁾ 1998 c. 17.

⁽⁹⁾ Section 3 was amended by sections 48(3)(a), 48(3)(b) and 48(4) of the Scotland Act 2016 (c. 11) and SI 2016/898.

⁽¹⁰⁾ 1934 c. 36. This Act was repealed by section 51 of and Schedule 5 to the Petroleum Act 1998 (c. 17), subject to the savings provisions set out in Schedule 3.