



Energy Act 2008

2008 CHAPTER 32

PART 1

GAS IMPORTATION AND STORAGE

CHAPTER 2

IMPORTATION AND STORAGE OF COMBUSTIBLE GAS

Activities requiring a licence

2 Prohibition on unlicensed activities

- (1) No person may carry on an activity within subsection (3) except in accordance with a licence.
- (2) But subsection (1) is subject to [F1sections 3 and 3A].
- (3) The activities are—
 - (a) the use of a controlled place for the unloading of gas to an installation or pipeline;
 - (b) the use of a controlled place for the storage of gas;
 - (c) the conversion of any natural feature in a controlled place for the purpose of storing gas;
 - (d) the recovery of gas stored in a controlled place;
 - (e) the exploration of a controlled place with a view to, or in connection with, the carrying on of activities within paragraphs (a) to (d);
 - (f) the establishment or maintenance in a controlled place of an installation for the purposes of activities within this subsection.

- (4) In this section—

“controlled place” means a place in, under or over—

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2008, Cross Heading: Activities requiring a licence. (See end of Document for details)

- (a) the territorial sea, or
- (b) waters in a Gas Importation and Storage Zone (within the meaning of section 1(5));

“gas” means any combustible substance which is gaseous at a temperature of 15°C and a pressure of 101.325 kPa (1013.25 mb) and which consists wholly or mainly of—

- (a) methane,
- (b) ethane,
- (c) propane,
- (d) butane,
- (e) a substance designated for the purposes of this section by an order made by the Secretary of State, or
- (f) a mixture of two or more of the substances mentioned in paragraphs (a) to (e).

Textual Amendments

- F1** Words in s. 2(2) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 14(2)**, 115(7); S.I. 2015/994, art. 6(d)

Commencement Information

- II** S. 2 in force at 13.11.2009 for specified purposes by [S.I. 2009/2809](#), **art. 2** (with [arts. 3, 4](#))

3 Exception for activities carried on partly on land etc

- (1) This Chapter does not apply in relation to—
- (a) the use of a controlled place for the unloading of gas to an installation which is connected with land by a permanent structure providing access at all times and for all purposes;
 - (b) the conversion of a natural feature of which part is in a controlled place and part under land, if the operations necessary for the conversion take place wholly or mainly on, over or under land;
 - (c) the use of a place for the storage of gas, or the recovery of gas so stored, where—
 - (i) the gas was, or is to be, introduced into the store by means of a well on land, and
 - (ii) part of the place is a controlled place and part is under land;
 - (d) the establishment or maintenance of an installation for the purposes of activities falling within paragraph (a).
- (2) In this section—
- “land” means—
- (a) land in England;
 - (b) land in Wales;
 - (c) land in Scotland landward of the low water mark;
- “well” includes a borehole.

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2008, Cross Heading: Activities requiring a licence. (See end of Document for details)

Commencement Information

I2 S. 3 in force at 13.11.2009 for specified purposes by [S.I. 2009/2809](#), [art. 2](#) (with [art. 4](#))

[^{F2}3A Exception for unloading to an installation in certain circumstances

The prohibition in section 2(1) does not apply to a person (“A”) who uses a controlled place for the unloading of gas to an installation if—

- (a) the installation is maintained by another person (“B”) who has a licence in respect of the maintenance of the installation and the use of a controlled place for the unloading of gas to it, and
- (b) B consents to the use by A of the controlled place for the unloading of gas to the installation.]

Textual Amendments

F2 [S. 3A](#) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 14\(1\)](#), 115(7); [S.I. 2015/994](#), [art. 6\(d\)](#)

Status:

Point in time view as at 26/05/2015.

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2008, Cross Heading: Activities requiring a licence.