

*These notes refer to the Energy Act 2011 (c.16)
which received Royal Assent on 18 October 2011*

ENERGY ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Security of Energy Supplies

Chapter 4: Downstream Gas Processing Facilities

Section 92: Acquisition of rights to use gas processing facilities for downstream purposes

258. **Section 92** amends section 12 of the Gas Act 1995.
259. *Subsection (2)* amends the heading of section 12 to clarify that this section now applies only where access to a gas processing facility is sought for a downstream purpose. *Subsections (4), (6), and (7)* ensure that section 12 only applies in such cases.
260. *Subsections (3), (8), (9) and (10)* amend section 12 so that obligations under that section will be enforceable by the Gas and Electricity Markets Authority, under the regime in sections 28 to 30F of the Gas Act 1986.
261. *Subsection (5)* requires the owner of a gas processing facility to publish in draft the conditions on which access will be granted to their facility, and take any representations into account, before finalising those conditions. This implements, in relation to downstream gas processing facilities, the consultation requirement in Article 33 of Directive [2009/73/EC](#).
262. *Subsection (10)* also amends section 12 to insert a new subsection (5A), which provides for the meaning of “downstream purpose”.
263. *Subsections (11) and (12)* amend and supplement, as necessary, the existing definitions in section 12.