
STATUTORY INSTRUMENTS

2009 No. 2809

**The Energy Act 2008 (Commencement No. 4
and Transitional Provisions) Order 2009**

Transitional provisions: storage activities

3.—(1) Section 2(1) and section 8 of the Act, so far as they relate to a storage activity, do not apply to a qualifying person before the deferred date (but this is subject to the condition in paragraph (2)).

(2) The condition is that, within 12 months of the commencement date, an application is made to the Secretary of State for a licence in respect of that storage activity.

(3) If the application is refused, the Secretary of State must specify (in a written notice of refusal given to the applicant) the date by which the storage activity must cease.

(4) In this article—

(a) “storage activity” means—

(i) the use of a controlled place for the storage of gas;

(ii) the recovery of gas stored in a controlled place; or

(iii) the maintenance in a controlled place of an installation for the purposes of the storage or recovery of gas;

(b) “qualifying person” means a person who, immediately before the commencement date, is carrying on the storage activity;

(c) “deferred date” means—

(i) the date on which the licence that is applied for comes into effect; or

(ii) if the application is refused, the date specified in accordance with paragraph (3); and

(d) “licence” means a licence under section 4 of the Act.