

SCHEDULE 1

Regulation 3

Designated Competent Authorities

Column 1 Relevant sectors	Column 2 subsectors	Column 3 designated competent authorities
Energy	Electricity	The [^{F1} Secretary of State for Energy Security and Net Zero] (England and Wales and Scotland) and the Gas and Electricity Markets Authority (acting jointly). The Department of Finance (Northern Ireland)
	Oil	The [^{F1} Secretary of State for Energy Security and Net Zero] (England and Wales and Scotland) The Department of Finance (Northern Ireland)
	Gas	The [^{F1} Secretary of State for Energy Security and Net Zero] for the essential services specified in Schedule 2, paragraph 3, sub-paragraphs (5) to (8) (England and Wales and Scotland). Otherwise, the [^{F1} Secretary of State for Energy Security and Net Zero] and The Gas and Electricity Markets Authority (acting jointly). The Department of Finance (Northern Ireland)
Transport	Air Transport	The Secretary of State for Transport and The Civil Aviation Authority (acting jointly) (United Kingdom).
	Rail Transport	The Secretary of State for Transport (England and Wales and Scotland) The Department of Finance (Northern Ireland)
	Water Transport	The Secretary of State for Transport (United Kingdom)
	Road Transport	The Secretary of State for Transport (England and Wales) The Scottish Ministers (Scotland) The Department of Finance (Northern Ireland)
Health Sector	Health care settings (including hospitals, private clinics and online settings)	The Secretary of State for Health (England) The Welsh Ministers (Wales) The Scottish Ministers (Scotland) The Department of Finance (Northern Ireland)
Drinking water supply and distribution	Drinking water supply and distribution	The Secretary of State for Environment, Food and Rural Affairs (England) The Welsh Ministers (Wales) The Drinking Water Quality Regulator for Scotland (Scotland)

Digital Infrastructure	Digital Infrastructure	The Department of Finance (Northern Ireland) Office of Communications (United Kingdom)
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Textual Amendments

- F1** Words in Sch. 1 table substituted (3.5.2023) by [The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions \(National Security and Investment Act 2021 etc\) Order 2023 \(S.I. 2023/424\)](#), art. 1(2), [Sch. para. 63](#) (with art. 17)

SCHEDULE 2

Regulation 8

Essential Services and Threshold Requirements

The electricity subsector

1.—(1) This paragraph describes the threshold requirements which apply to specified kinds of essential services in the electricity subsector.

(2) For the essential service of electricity supply the threshold requirements are—

(a) in Great Britain—

- (i) electricity undertakings that carry out the function of supply to more than 250,000 final customers; or
- (ii) electricity undertakings that carry out the function of supply, and generation via generators that when cumulated with the generators operated by affiliated undertakings would have a total capacity, in terms of input to a transmission system, greater than or equal to 2 gigawatts;

(b) in Northern Ireland—

- (i) the holder of a supply licence under Article 10(1)(c) of the Electricity (Northern Ireland) Order 1992 ^{M1} who supplies electricity to more than 8,000 consumers; and
- (ii) the holder of a generation licence under Article 10(1)(a) of the Electricity (Northern Ireland) Order 1992 with a generating capacity equal to or greater than 350 megawatts.

(3) For the essential service of the single electricity market in Northern Ireland, the threshold requirement is the holder of a Single Electricity Market operator licence under Article 10(1)(d) of the Electricity (Northern Ireland) Order 1992 ^{M2}.

(4) For the essential service of electricity transmission, the threshold requirements are—

(a) in Great Britain—

- (i) transmission system operators with a potential to disrupt delivery of electricity to more than 250,000 final customers;
- (ii) holders of offshore transmission licences where the offshore transmission systems of that licence holder and its affiliated undertakings are directly connected to generators that have a total cumulative capacity, in terms of input to a transmission system, greater than or equal to 2 gigawatts; or

- (iii) holders of interconnector licences where the electricity interconnector to which the licence relates has a capacity, in terms of input to a transmission system, greater than or equal to 1 gigawatt;
 - (b) in Northern Ireland, the holder of a transmission licence under Article 10(1)(b) of the Electricity (Northern Ireland) Order 1992 ^{M3}.
- (5) For the essential service of electricity distribution, the threshold requirements are—
 - (a) in Great Britain, distribution system operators with the potential to disrupt delivery of electricity to more than 250,000 final customers;
 - (b) in Northern Ireland, the holder of a distribution licence under Article 10(1)(bb) of the Electricity (Northern Ireland) Order 1992 ^{M4}.
- (6) Nuclear electricity generators and generators that are not connected to a transmission system are excluded from the threshold described in sub-paragraph (2)(a)(ii).
- (7) Transmission systems for which an offshore transmission licence or interconnector licence applies are excluded from the threshold described in sub-paragraph (4)(a)(i).
- (8) In this paragraph—
 - (a) “affiliated undertaking” has the meaning given by Article 2(12) of Directive 2013/34/EU^{M5} of the European Parliament and of the Council on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC;
 - (b) “distribution” has the meaning given by Article 2(5) of Directive 2009/72/EC of the European Parliament and of the Council concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC^{M6}, (“the Electricity Directive”);
 - (c) “distribution system operator” has the meaning given by Article 2(6) of the Electricity Directive;
 - (d) “electricity undertaking” has the meaning given by Article 2(35) of the Electricity Directive;
 - (e) “final customer” has the meaning given by Article 2(9) of the Electricity Directive;
 - (f) “generation” has the meaning given by Article 2(1) of the Electricity Directive and includes the generation of electricity from stored energy, and “generator” must be interpreted accordingly;
 - (g) “interconnector licence” means a licence granted under section 6(1)(e) of the Electricity Act 1989 ^{M7};
 - (h) “offshore transmission licence” and “offshore transmission” have the meaning given by section 6C(5) and (6) of the Electricity Act 1989 ^{M8}, respectively;
 - (i) “stored energy” means energy that—
 - (aa) was converted from electricity, and
 - (bb) is stored for the purpose of its future reconversion into electricity;
 - (j) “supply” has the meaning given by Article 2(19) of the Electricity Directive;
 - (k) “transmission” has the meaning given by Article 2(3) of the Electricity Directive; and
 - (l) “transmission system operator” has the meaning given by Article 2(4) of the Electricity Directive.

Marginal Citations

- M1** S.I. 1992/231 (N.I. 1). Article 10(1)(c) was substituted by regulation 6(1) of S.R. 2007 No. 321; there are other amendments to this instrument but none are relevant.
- M2** Article 10(1)(d) was inserted by article 4(4)(b) of S.I.2007/913 (N.I. 7).
- M3** Article 10(1)(b) was substituted by article 28(4) of S.I. 2003/419 (N.I. 6) and was amended by article 4(4)(a) of S.I. 2007/913 (N.I. 7).
- M4** Article 10(1)(bb) was inserted by regulation 19(a) of S.R. 2011 No. 155.
- M5** OJ No. L 182, 29.6.2013, p. 19.
- M6** OJ No. L 211, 14.08.2009, p. 55.
- M7** 1989 c. 29. Section 6 of the Electricity Act 1989 was substituted by the Utilities Act 2000 (c. 30) and amended by the Energy Act 2004 (c. 20). There are other amendments not relevant to this instrument.
- M8** Section 6C of the Electricity Act 1989 (c. 29) was inserted by section 92 of the Energy Act 2004 (c. 20).

The oil subsector

2.—(1) This paragraph describes the threshold requirements which apply to specified kinds of essential services in the oil subsector.

(2) For the essential service of the conveyance of oil through relevant upstream petroleum pipelines, the threshold requirement, in the United Kingdom is the operator of a relevant upstream petroleum pipeline which has a throughput of more than 3,000,000 tonnes of oil equivalent per year excluding natural gas, if that operator does not fall within another threshold requirement in relation to this pipeline under this Schedule.

(3) For the essential service of oil transmission by pipeline, the threshold requirements are—

- (a) in Great Britain, operators of any pipeline with throughput ^{F2}... of more than 500,000 tonnes of crude oil based fuel per year [^{F3}not including transmission of crude oil]; and
- (b) in Northern Ireland, operators of any pipeline with throughput ^{F4}... of more than 50,000 tonnes of crude oil based fuel per year.

(4) For the essential service of the operation of relevant oil processing facilities, the threshold requirement in the United Kingdom is in the case of—

- (a) a relevant oil processing facility, [^{F5}an operator of a facility with a throughput of more than 3,000,000 tonnes of oil equivalent per year,] or
- (b) a relevant upstream petroleum pipeline which is connected to and operated from a relevant oil processing facility, [^{F6}an operator of a pipeline with a throughput of more than 3,000,000 tonnes of oil equivalent per year.]

^{F7} ...

(5) For the essential service of [^{F8}crude oil based fuel] production, refining, [^{F9}onshore] storage and transmission the threshold requirements are—

- (a) in Great Britain, operators of any facility where that facility has a capacity greater than any of the following values—
 - (i) storage of 500,000 tonnes of crude oil based fuel;
 - (ii) production of 500,000 tonnes of crude oil based fuel per year; or
 - (iii) supply of 500,000 tonnes of crude oil based fuel per year;
- (b) in Northern Ireland, the operator of a facility which has a storage capacity of greater than 50,000 tonnes of crude oil based fuel.

(6) For the essential service of the operation of petroleum production projects (other than projects which are primarily used for the storage of gas), the threshold requirement in the United Kingdom is, in the case of—

- (i) a relevant offshore installation which is part of a petroleum production project [^{F10}, an operator of an installation with a throughput of more than 3,000,000 tonnes of oil equivalent per year,] or
- (ii) a relevant upstream petroleum pipeline which is connected to and operated from such an installation, [^{F11}an operator of a pipeline with a throughput of more than 3,000,000 tonnes of oil equivalent per year]

^{F12}

(7) In sub-paragraph (5), the following are included within the description of the essential service—

- (a) storage of crude oil based fuel;
- (b) production of crude oil based fuels through a range of refining or blending processes, but excluding processes for rendering the oil suitable for transportation; and
- (c) supply of crude oil based fuels to retail sites, airports or other users within the United Kingdom.

(8) In this paragraph—

- (a) “carbon dioxide pipeline” has the meaning given by section 90(2) of the Energy Act 2011 ^{M9};
- (b) “crude oil” means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation, and includes—
 - (i) crude oils from which distillate fractions have been removed, and
 - (ii) crude oils to which distillate fractions have been added;
- (c) “crude oil based fuel” means [^{F13}substances derived from crude oil, not including crude oil itself;]
- (d) “foreign sector of the continental shelf” has the meaning given by section 90(1) of the Energy Act 2011 ^{M10};
- ^{F14}(e) “gas processing facility” has the meaning given by section 12(6) of the Gas Act 1995;]
- (f) “gas processing operation” means any of the following operations—
 - (i) purifying, blending, odourising or compressing gas for the purpose of enabling it to be introduced into a pipeline system operated by a gas transporter or to be conveyed to an electricity generating station, a gas storage facility or any place outside the United Kingdom;
 - (ii) removing from gas for that purpose any of its constituent gases, or separating from gas for that purpose any oil or water;
 - (iii) determining the quantity or quality of gas which is or is to be so introduced, or so conveyed, whether generally or by, or on behalf of, a particular person;
 - (iv) separating, purifying, blending, odourising or compressing gas for the purpose of—
 - (aa) converting it into a form in which a purchaser is willing to accept delivery from a seller, or
 - (bb) enabling it to be loaded for conveyance to another place (whether inside or outside the United Kingdom); or
 - (v) loading gas—

- (aa) at a facility which carries out operations of a kind mentioned in paragraph (iv), or
 - (bb) piped from such a facility
- for the purpose of enabling the gas to be conveyed to another place (whether inside or outside the United Kingdom);
- (g) “gas transporter” has the meaning given by section 7(1) of the Gas Act 1986^{M11};
 - (h) “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;
 - (i) “oil processing facility” means any facility which carries out oil processing operations;
 - (j) “oil processing operations” means any of the following operations—
 - (i) initial blending and such other treatment of petroleum as may be required to produce stabilised crude oil to the point at which a seller could reasonably make a delivery to a purchaser of such oil;
 - (ii) receiving stabilised crude oil piped from an oil processing facility carrying out operations of a kind mentioned in sub-paragraph (i), or storing oil so received, prior to their conveyance to another place (whether inside or outside the United Kingdom);
 - (iii) loading stabilised crude oil piped from a facility carrying out operations of a kind mentioned in sub-paragraph (i) or (ii) for conveyance to another place (whether inside or outside the United Kingdom);
 - [^{F15}(ja) “operator” means—
 - (i) in relation to a pipeline—
 - (aa) the person who is to have or (once any fluid or any mixture of fluids is conveyed) has control over the conveyance of any fluid or any mixture of fluids in the pipeline;
 - (bb) until that person is known, the person who is to commission or (where commissioning has started) commissions the design and construction of the pipeline; or
 - (cc) when a pipeline is no longer used or is not for the time being used, the person last having control over the conveyance of fluid or any mixture of fluids in it;
 - (ii) in relation to a production installation—
 - (aa) the person appointed by the licensee of the operator or by any other person to manage and control directly the execution of the main functions of a production installation; or
 - (bb) the licensee, where it is not clear to the designated competent authority that one person has been appointed to perform the functions described in paragraph (aa) or, in the opinion of that authority, the person appointed to perform the functions described in that paragraph is incapable of performing those functions satisfactorily;]
 - (k) “petroleum” has the same meaning as in section 1 of the Petroleum Act 1998^{M12}, and includes petroleum that has undergone any processing;
 - (l) “petroleum production project” means a project carried out by virtue of a licence granted under—
 - (i) section 3 of the Petroleum Act 1998^{M13},

- (ii) section 2 of the Petroleum (Production) Act 1934 ^{M14}, or
 - (iii) section 2 of the Petroleum (Production) Act (Northern Ireland) 1964 ^{M15},
and includes such a project which is used for the storage of gas;
 - (m) “piped gas” means gas which—
 - (i) originated from a petroleum production project (or an equivalent project in a foreign sector of the continental shelf), and
 - (ii) has been conveyed only by means of pipes;
 - (n) “pipeline” means a pipe or system of pipes for the conveyance of anything;
 - [^{F16}(na) “production installation” has the meaning given by regulation 2(1) of the Offshore Installations (Safety Case) Regulations 2005;]
 - (o) “relevant offshore installation” means an offshore installation within the meaning of section 44 of the Petroleum Act 1998 ^{M16} which carries on the activities mentioned in subsection (3)(a) or (c) of that section and is a relevant offshore installation only to the extent it is used to carry on those activities;
 - (p) “terminal” includes—
 - (i) facilities for such initial blending and other treatment as may be required to produce stabilised crude oil to the point at which a seller could reasonably make a delivery to a purchaser of such oil;
 - (ii) oil processing facilities;
 - (iii) gas processing facilities; and
 - (iv) a facility for the reception of gas prior to its conveyance to a place outside the United Kingdom;
 - (q) “upstream petroleum pipeline” means a pipeline or one of a network of pipelines which is—
 - (i) operated or constructed as part of a petroleum production project (or an equivalent project in a foreign sector of the continental shelf) and is not a carbon dioxide pipeline;
 - (ii) used to convey petroleum from the site of one or more such projects—
 - (aa) directly to premises, in order for that petroleum to be used at those premises for power generation or for an industrial process;
 - (bb) directly to a place outside the United Kingdom;
 - (cc) directly to a terminal; or
 - (dd) indirectly to a terminal by way of one or more other terminals, whether or not such intermediate terminals are of the same kind as the final terminal; or
 - (iii) used to convey gas directly from a terminal to a pipeline system operated by a gas transporter or to any premises.
- (9) In sub-paragraph (8)(f), (l), (m), (p) and (q) “gas” means any substance which is or, if it were in a gaseous state, would be gas within the meaning of Part 1 of the Gas Act 1986 ^{M17}.
- (10) In this paragraph an upstream petroleum pipeline, oil processing facility, or gas processing facility is “relevant” if and in so far as it is situated in—
- (a) the United Kingdom;
 - (b) the territorial sea adjacent to the United Kingdom; or

(c) the sea [^{F17}(including the seabed and subsoil)] in any area designated under section 1(7) of the Continental Shelf Act 1964 ^{M18}.

[^{F18}(11) In this paragraph, “Great Britain” includes—

- (a) Great Britain;
- (b) the territorial sea adjacent to Great Britain; and
- (c) the sea (including the seabed and subsoil) in any area designated under section 1(7) of the Continental Shelf Act 1964.]

Textual Amendments

- F2** Word in Sch. 2 para. 2(3)(a) omitted (31.12.2020) by virtue of The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(i)(aa)** (with reg. 21)
- F3** Words in Sch. 2 para. 2(3)(a) inserted (31.12.2020) by The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(i)(aa)** (with reg. 21)
- F4** Word in Sch. 2 para. 2(3)(b) omitted (31.12.2020) by virtue of The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(i)(bb)** (with reg. 21)
- F5** Words in Sch. 2 para. 2(4)(a) inserted (31.12.2020) by The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(ii)(aa)** (with reg. 21)
- F6** Words in Sch. 2 para. 2(4)(b) inserted (31.12.2020) by The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(ii)(bb)** (with reg. 21)
- F7** Words in Sch. 2 para. 2(4) omitted (31.12.2020) by virtue of The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(ii)(cc)** (with reg. 21)
- F8** Words in Sch. 2 para. 2(5) substituted (31.12.2020) by The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(iii)(aa)** (with reg. 21)
- F9** Word in Sch. 2 para. 2(5) substituted (31.12.2020) by The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(iii)(bb)** (with reg. 21)
- F10** Words in Sch. 2 para. 2(6)(i) substituted (31.12.2020) by The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(iv)(aa)** (with reg. 21)
- F11** Words in Sch. 2 para. 2(6)(ii) inserted (31.12.2020) by The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(iv)(bb)** (with reg. 21)
- F12** Words in Sch. 2 para. 2(6) omitted (31.12.2020) by virtue of The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(iv)(cc)** (with reg. 21)
- F13** Words in Sch. 2 para. 2(8)(c) substituted (31.12.2020) by The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(v)(aa)** (with reg. 21)
- F14** Sch. 2 para. 2(8)(e) substituted (31.12.2020) by The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(v)(bb)** (with reg. 21)
- F15** Sch. 2 para. 2(8)(ja) inserted (31.12.2020) by The Network and Information Systems (Amendment and Transitional Provision etc.) Regulations 2020 (S.I. 2020/1245), regs. 1(1), **20(a)(v)(cc)** (with reg. 21)

- F16** Sch. 2 para. 2(8)(na) inserted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(a)(v)(dd)** (with reg. 21)
- F17** Words in Sch. 2 para. 2(10)(c) inserted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(a)(vi)** (with reg. 21)
- F18** Sch. 2 para. 2(11) inserted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(a)(vii)** (with reg. 21)

Marginal Citations

- M9** 2011 c. 16. There are no amendments relevant to this instrument.
- M10** 2011 c. 16. There are no amendments relevant to this instrument.
- M11** 1986 c. 44. Section 7(1) was substituted by section 76 of the [Utilities Act 2000 \(c. 27\)](#). There are other amendments not relevant to this instrument.
- M12** 1998 c. 17.
- M13** Section 3 of the [Petroleum Act 1998 \(c. 17\)](#) was amended by the [Scotland Act 2016 \(c. 11\)](#) and [S.I. 2016/898](#).
- M14** 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.
- M15** 1964 c. 28 (N.I.).
- M16** There are amendments to section 44 of the [Petroleum Act 1998 \(c. 17\)](#) not relevant to this instrument.
- M17** 1986 c. 44.
- M18** 1964 c. 29. Section 1(7) of the [Continental Shelf Act 1964](#) was amended by section 37 of, and Schedule 3 to, the [Oil and Gas \(Enterprise\) Act 1982 \(c. 23\)](#), and section 103 of the [Energy Act 2011 \(c. 16\)](#).

The gas subsector

3.—(1) This paragraph describes the threshold requirements which apply to specified kinds of essential services in the gas subsector.

- (2) For the essential service of gas supply the threshold requirements are—
- in Great Britain, supply undertakings that supply gas to more than 250,000 final customers;
 - in Northern Ireland, the holder of a supply licence under Article 8(1)(c) of the [Gas \(Northern Ireland\) Order 1996](#)^{M19} who supplies gas to more than 2,000 customers.
- (3) For the essential service of gas transmission the threshold requirements are—
- in Great Britain—
 - transmission system operators with a potential to disrupt delivery to more than 250,000 final customers; or
 - holders of interconnector licences where the gas interconnector to which the licence relates has the technological capacity to input more than 20 million cubic metres of gas per day to a transmission system; and
 - in Northern Ireland, the holder of a gas conveyance licence under Article 8(1)(a) of the [Gas \(Northern Ireland\) Order 1996](#).
- (4) For the essential service of gas distribution the threshold requirements are—
- in Great Britain, distribution system operators with a potential to disrupt delivery to more than 250,000 final customers; and
 - in Northern Ireland the holder of a licence under Article 8(1)(a) of the [Gas \(Northern Ireland\) Order 1996](#).
- (5) For the essential service of the operation of gas storage facilities, the threshold requirements are—

- (a) in Great Britain, storage system operators where the storage facility has the technological capacity to input more than 20 million cubic metres of gas per day to a transmission system; and
 - (b) in Northern Ireland the holder of a licence under Article 8(1)(b) of the Gas (Northern Ireland) Order 1996 ^{M20}.
- (6) For the essential service of the operation of LNG facilities, the threshold requirements are—
- (a) in Great Britain, LNG system operators where the LNG facility has the technological capacity to input more than 20 million cubic metres of gas per day to a transmission system; and
 - (b) in Northern Ireland the holder of a licence under Article 8(1)(d) of the Gas (Northern Ireland) Order 1996 ^{M21}.
- (7) For the essential service of the operation of relevant gas processing facilities, the threshold requirement in the United Kingdom is in the case of—
- ^{F19}(a) an operator of a relevant gas processing facility, an operator of a facility with a throughput of more than 3,000,000 tonnes of oil equivalent per year; or
 - (b) a relevant upstream pipeline and associated infrastructure that is connected to and operated from such a relevant gas processing facility, and critical to the continued operation of that facility, an operator of a pipeline with a throughput of more than 3,000,000 tonnes of oil equivalent per year],

an operator of a facility or pipeline with a throughput of more than 3,000,000 tonnes of oil equivalent per year.

(8) For the essential service of the operation of petroleum production projects (other than projects which are primarily used for the storage of gas), the threshold requirement in the United Kingdom is—

- (a) in the case of—
 - (i) a relevant offshore installation which is part of a petroleum production project (other than a project which is primarily used for the storage of gas), or
 - (ii) a relevant upstream petroleum pipeline which is connected to and operated from such an installation,

an operator of an installation or pipeline with a throughput of more than 3,000,000 tonnes of oil equivalent per year.

(9) In sub-paragraph (3)(a)(i) the threshold requirement does not include transmission systems for which an interconnector licence applies.

(10) In this paragraph—

- (a) “carbon dioxide pipeline” has the meaning given by section 90(2) of the Energy Act 2011 ^{M22},
- (b) “crude oil” means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation, and includes—
 - (i) crude oils from which distillate fractions have been removed, and
 - (ii) crude oils to which distillate fractions have been added;
- (c) “distribution” has the meaning given by Article 2(5) of Directive [2009/73/EC](#) of the European Parliament and of the Council concerning common rules for the internal market in natural gas and repealing Directive [2003/55/EC](#) ^{M23}, “the Gas Directive”;
- (d) “distribution system operator” has the meaning given by Article 2(6) of the Gas Directive;
- (e) “final customer” has the meaning given by Article 2(27) of the Gas Directive;

- (f) “foreign sector of the continental shelf” has the meaning given by section 90(1) of the Energy Act 2011 ^{M24};
- (g) “gas processing facility” means any facility which—
 - (i) carries out gas processing operations in relation to piped gas;
 - (ii) is operated otherwise than by a gas transporter; and
 - (iii) is not an LNG import or export facility (within the meaning of section 12 of the Gas Act 1995 ^{M25});
- (h) “gas processing operation” means any of the following operations—
 - (i) purifying, blending, odorising or compressing gas for the purpose of enabling it to be introduced into a pipeline system operated by a gas transporter or to be conveyed to an electricity generating station, a gas storage facility or any place outside the United Kingdom;
 - (ii) removing from gas for that purpose any of its constituent gases, or separating from gas for that purpose any oil or water;
 - (iii) determining the quantity or quality of gas which is or is to be so introduced, or so conveyed, whether generally or by, or on behalf of, a particular person;
 - (iv) separating, purifying, blending, odorising or compressing gas for the purpose of—
 - (aa) converting it into a form in which a purchaser is willing to accept delivery from a seller, or
 - (bb) enabling it to be loaded for conveyance to another place (whether inside or outside the United Kingdom); or
 - (v) loading gas—
 - (aa) at a facility which carries out operations of a kind mentioned in paragraph (iv), or
 - (bb) piped from such a facility,for the purpose of enabling the gas to be conveyed to another place inside or outside the United Kingdom;
- (i) “gas transporter” has the meaning given by section 7(1) of the Gas Act 1986 ^{M26};
- (j) “interconnector licence” means a licence granted under section 7ZA of the Gas Act 1986 ^{M27};
- (k) “LNG facility” has the meaning given by Article 2(11) of the Gas Directive;
- (l) “LNG system operator” has the meaning given by Article 2(12) of the Gas Directive;
- (m) “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;
- (n) “oil processing facility” means any facility which carries out oil processing operations;
- (o) “oil processing operations” means any of the following operations—
 - (i) initial blending and such other treatment of petroleum as may be required to produce stabilised crude oil to the point at which a seller could reasonably make a delivery to a purchaser of such oil;
 - (ii) receiving stabilised crude oil piped from an oil processing facility carrying out operations of a kind mentioned in sub-paragraph (i), or storing oil so received, prior to their conveyance to another place (whether inside or outside the United Kingdom);

- (iii) loading stabilised crude oil piped from a facility carrying out operations of a kind mentioned in sub-paragraph (i) or (ii) for conveyance to another place (whether inside or outside the United Kingdom);

[^{F20}(oa) “operator” means—

- (i) in relation to a pipeline—

- (aa) the person who is to have or (once any fluid or any mixture of fluids is conveyed) has control over the conveyance of any fluid or any mixture of fluids in the pipeline;
- (bb) until that person is known, the person who is to commission or (where commissioning has started) commissions the design and construction of the pipeline; or
- (cc) when a pipeline is no longer used or is not for the time being used, the person last having control over the conveyance of fluid or any mixture of fluids in it;

- (ii) in relation to a production installation—

- (aa) the person appointed by the licensee of the operator or by any other person to manage and control directly the execution of the main functions of a production installation; or
- (bb) the licensee, where it is not clear to the designated competent authority that one person has been appointed to perform the functions described in paragraph (aa) or, in the opinion of that authority, the person appointed to perform the functions described in that paragraph is incapable of performing those functions satisfactorily;]

(p) “petroleum” has the same meaning as in section 1 of the Petroleum Act 1998 ^{M28}, and includes petroleum that has undergone any processing;

(q) “petroleum production project” means a project carried out by virtue of a licence granted under—

- (i) section 3 of the Petroleum Act 1998 ^{M29};
- (ii) section 2 of the Petroleum (Production) Act 1934 ^{M30}; or
- (iii) section 2 of the Petroleum (Production) Act (Northern Ireland) 1964 ^{M31};

and includes such a project which is used for the storage of gas;

(r) “piped gas” means gas which—

- (i) originated from a petroleum production project (or an equivalent project in a foreign sector of the continental shelf); and
- (ii) has been conveyed only by means of pipes;

(s) “pipeline” means a pipe or system of pipes for the conveyance of anything;

[^{F21}(sa) “production installation” has the meaning given by regulation 2(1) of the Offshore Installations (Safety Case) Regulations 2005;]

(t) “relevant offshore installation” means an offshore installation within the meaning of section 44 of the Petroleum Act 1998 ^{M32} which carries on the activities mentioned in subsection (3)(a) or (c) of that section and is a relevant offshore installation only to the extent it is used to carry on those activities;

(u) “storage facility” has the meaning given by Article 2(9) of the Gas Directive;

(v) “storage system operator” has the meaning given by Article 2(10) of the Gas Directive;

- (w) “supply” has the meaning given by Article 2(7) of the Gas Directive;
 - (x) “supply undertaking” has the meaning given by Article 2(8) of the Gas Directive;
 - (y) “terminal” includes—
 - (i) facilities for such initial blending and other treatment as may be required to produce stabilised crude oil to the point at which a seller could reasonably make a delivery to a purchaser of such oil;
 - (ii) oil processing facilities;
 - (iii) gas processing facilities; and
 - (iv) a facility for the reception of gas prior to its conveyance to a place outside the United Kingdom;
 - (z) “transmission” has the meaning given by Article 2(3) of the Gas Directive; and
 - (aa) “transmission system operator” has the meaning given by Article 2(4) of the Gas Directive;
 - (bb) “upstream petroleum pipeline” means a pipeline or one of a network of pipelines which is—
 - (i) operated or constructed as part of a petroleum production project (or an equivalent project in a foreign sector of the continental shelf) and is not a carbon dioxide pipeline;
 - (ii) used to convey petroleum from the site of one or more such projects—
 - (aa) directly to premises, in order for that petroleum to be used at those premises for power generation or for an industrial process;
 - (bb) directly to a place outside the United Kingdom;
 - (cc) directly to a terminal; or
 - (dd) indirectly to a terminal by way of one or more other terminals, whether or not such intermediate terminals are of the same kind as the final terminal; or
 - (iii) used to convey gas directly from a terminal to a pipeline system operated by a gas transporter or to any premises.
- (11) In—
- (a) sub-paragraphs 2(a), 3(a), 4(a), 5(a) and 6(a), or in any provision of the Gas Directive to which these sub-paragraphs cross-refer, any reference to “gas” or “natural gas” means any substance in a gaseous state which consists wholly or mainly of—
 - (i) methane or hydrogen;
 - (ii) a mixture of two or more of those gases; or
 - (iii) a combustible mixture of one or more of those gases and air;
 - (b) sub-paragraphs 10(h), (q), (r), (y) and (bb), “gas” means any substance which is or, if it were in a gaseous state, would be gas within the meaning of Part 1 of the Gas Act 1986^{M33}.
- (12) In this paragraph an upstream petroleum pipeline, oil processing facility, or gas processing facility is “relevant” if and in so far as it is situated in—
- (a) the United Kingdom;
 - (b) the territorial sea adjacent to the United Kingdom; or
 - (c) the sea [^{F22}(including the seabed and subsoil)] in any area designated under section 1(7) of the Continental Shelf Act 1964^{M34}.
- [^{F23}(13) In this paragraph, “Great Britain” includes—
- (a) Great Britain;

- (b) the territorial sea adjacent to Great Britain; and
- (c) the sea (including the seabed and subsoil) in any area designated under section 1(7) of the Continental Shelf Act 1964.]

Textual Amendments

- F19** Sch. 2 para. 3(7)(a)(b) substituted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(b)(i)** (with reg. 21)
- F20** Sch. 2 para. 3(10)(oa) inserted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(b)(ii)(aa)** (with reg. 21)
- F21** Sch. 2 para. 3(10)(sa) inserted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(b)(ii)(bb)** (with reg. 21)
- F22** Words in Sch. 2 para. 3(12)(c) inserted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(b)(iii)** (with reg. 21)
- F23** Sch. 2 para. 3(13) inserted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(b)(iv)** (with reg. 21)

Marginal Citations

- M19** [S.I. 1996/275 \(N.I. 2\)](#). Article 8(1)(c) was amended by regulation 17(1) of [S.R. 2013 No. 92](#). There are other amendments to this instrument but none are relevant.
- M20** There are no relevant amendments.
- M21** Article 8(1)(d) was added by regulation 17(1) of [S.R. 2013 No. 92](#).
- M22** [2011 c. 16](#). There are no amendments relevant to this instrument.
- M23** [OJ No. L 211, 14.8.2009, p. 94](#).
- M24** [2011 c. 16](#). There are no amendments relevant to this instrument.
- M25** [1995 c. 45](#). Section 12 of the Gas Act 1995 was amended by the [Energy Act 2011 \(c. 16\)](#) and the [Utilities Act 2000 \(c. 27\)](#). There are other amendments not relevant to this instrument.
- M26** [1986 c. 44](#). Section 7(1) was substituted by section 76 of the [Utilities Act 2000 \(c. 27\)](#). There are other amendments not relevant to this instrument.
- M27** [1986 c. 44](#). Section 7ZA of the Gas Act 1986 was inserted by section 149 of the [Energy Act 2004 \(c. 20\)](#).
- M28** [1998 c. 17](#).
- M29** Section 3 of the [Petroleum Act 1998 \(c.17\)](#) was amended by the [Scotland Act 2016 \(c.11\)](#) and [S.I. 2016/898](#).
- M30** [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.
- M31** [1964 c. 28 \(N.I.\)](#).
- M32** There are amendments to section 44 of the Petroleum Act (c. 17) not relevant to this instrument.
- M33** [1986 c. 44](#).
- M34** [1964 c. 29](#). Section 1(7) of the Continental Shelf Act 1964 was amended by section 37 of, and Schedule 3 to, the [Oil and Gas \(Enterprise\) Act 1982 \(c. 23\)](#), and section 103 of the [Energy Act 2011 \(c. 16\)](#).

The air transport subsector

4.—(1) This paragraph describes the threshold requirements which apply to specified kinds of essential services in the air transport subsector.

(2) For the essential service of the provision of services by the owner or manager of an aerodrome, the threshold requirement in the United Kingdom is an owner or manager of an aerodrome with annual terminal passenger numbers greater than 10 million.

(3) For the essential service of the provision of air traffic services (as defined in the Transport Act 2000), the threshold requirement in the United Kingdom is—

- (a) an entity which is granted a licence by the Secretary of State or the Civil Aviation Authority to provide en-route air traffic services in the United Kingdom; or
 - (b) an air-traffic service provider at any airport which has annual terminal passenger numbers greater than 10 million.
- (4) For the essential service of the provision of services by air carriers, the threshold requirement in the United Kingdom is an air carrier which has—
- (a) more than thirty percent of the annual terminal passengers at any United Kingdom airport which has annual terminal passenger numbers greater than 10 million; and
 - (b) more than 10 million total annual terminal passengers across all United Kingdom airports.
- (5) In this paragraph—
- (a) “an aerodrome” has the same meaning as in the Civil Aviation Act 1982 ^{M35};
 - (b) “air carrier” has the same meaning as in Article 3(4) of Regulation (EC) No 300/2008 of the European Parliament and of the Council on common rules in the field of civil aviation security and repealing Regulation EC No 2320/2202 ^{M36}.

Marginal Citations

M35 1982 c.16.

M36 OJ No. L 97, 9.4.2008, p72.

The water transport subsector

5.—(1) This paragraph describes the threshold requirements which apply to specified kinds of essential services in the water transport subsector.

- (2) For the essential service of shipping in the United Kingdom, the threshold requirement is—
- (a) a shipping company which handles—
 - (i) over 5 million tonnes of total annual freight at United Kingdom ports; and
 - (ii) over thirty percent of the freight at any individual United Kingdom port which fulfils at least one of the following criteria—
 - (aa) it handles more than fifteen percent of the total roll-on roll-off traffic in the United Kingdom;
 - (bb) it handles more than fifteen percent of the total lift-on lift-off traffic in the United Kingdom;
 - (cc) it handles more than ten percent of the total liquid bulk traffic in the United Kingdom; or
 - (dd) it handles more than twenty percent of the total biomass fuel traffic in the United Kingdom; or
 - (b) a shipping company with over thirty percent of the annual passenger numbers at any individual United Kingdom port which has annual passenger numbers greater than 10 million.
- (3) For the essential service of the provision of services by a harbour authority for a port in the United Kingdom, the threshold requirement is—
- (a) a harbour authority for a port which has annual passenger numbers greater than 10 million; or
 - (b) a harbour authority for a port which fulfils at least one of the following criteria—

Changes to legislation: There are currently no known outstanding effects for the The Network and Information Systems Regulations 2018. (See end of Document for details)

- (i) it handles more than fifteen percent of the total roll-on roll-off traffic in the United Kingdom;
 - (ii) it handles more than fifteen percent of the total lift-on lift-off traffic in the United Kingdom;
 - (iii) it handles more than ten percent of the total liquid bulk traffic in the United Kingdom; or
 - (iv) it handles more than twenty percent of the total biomass fuel traffic in the United Kingdom.
- (4) For the essential service of the provision of services by an operator of a port facility in the United Kingdom, the threshold requirement is—
- (a) an operator of a port facility which handles passengers at a port which has annual passenger numbers greater than 10 million; or
 - (b) an operator of a port facility at a port which fulfils at least one of the following criteria—
 - (i) it handles more than fifteen percent of the total roll-on roll-off traffic in the United Kingdom;
 - (ii) it handles more than fifteen percent of the total lift-on lift-off traffic in the United Kingdom;
 - (iii) it handles more than ten percent of the total liquid bulk traffic in the United Kingdom; or
 - (iv) it handles more than twenty percent of the total biomass fuel traffic in the United Kingdom;and where that port facility operator handles the same type of freight for which the port fulfils one of the criteria mentioned in sub-paragraphs (i)-(iv).
- (5) For the essential service of vessel traffic services in the United Kingdom, the threshold requirement is—
- (a) an operator of vessel traffic services at a port which has annual passenger numbers greater than 10 million; or
 - (b) an operator of vessel traffic services at a port which fulfils at least one of the following criteria—
 - (i) it handles more than fifteen percent of the total roll-on roll-off traffic in the United Kingdom;
 - (ii) it handles more than fifteen percent of the total lift-on lift-off traffic in the United Kingdom;
 - (iii) it handles more than ten percent of the total liquid bulk traffic in the United Kingdom; or
 - (iv) it handles more than twenty percent of the total biomass fuel traffic in the United Kingdom.
- (6) In this paragraph—
- (a) “harbour authority” has the same meaning [^{F24}as] in section 313(1) of the Merchant Shipping Act 1995 ^{M37};
 - (b) “port facility” has the same meaning as in regulation 2 of the Port Security Regulations 2009 ^{M38};
 - (c) “vessel traffic services” has the same meaning as in regulation 2(1) of the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 ^{M39}.

Textual Amendments

F24 Word in Sch. 2 para. 5(6)(a) inserted (20.6.2018) by [The Network and Information Systems \(Amendment\) Regulations 2018 \(S.I. 2018/629\)](#), regs. 1, **2(12)(a)**

Marginal Citations

M37 [1995 c. 21](#). The definition for “harbour authority” was substituted by section 29(1) of, and paragraph 19(2)(a) of Schedule 6 to, the [Merchant Shipping and Maritime Security Act 1997 \(c. 28\)](#). There are other amendments not relevant to this instrument.

M38 [S.I. 2009/2048](#) as amended by [S.I. 2013/2815](#).

M39 [S.I. 2004/2110](#) as amended by [S.I. 2011/2616](#). There are other amendments not relevant to this instrument.

The rail transport subsector

6.—(1) This paragraph describes the threshold requirements which apply to specified kinds of essential services in the rail transport subsector.

(2) For the essential service of rail services the threshold requirements are—

(a) in Great Britain, any operator of a mainline railway asset but excluding operators of—

(i) railway assets solely for the provision of international rail services;

(ii) railway assets for metro, tram and other light rail, including underground, systems;

(iii) heritage, museum or tourist railways, whether or not they are operating solely on their own network; and

(iv) networks which are privately owned and exist solely for use by the infrastructure owner for its own freight operations or other passenger or freight services for third parties and operators of passenger or freight services on those networks (including high speed rail services);

(b) in Northern Ireland, any railway undertaking in Northern Ireland.

(3) For the essential service of high speed rail services the threshold requirement in the United Kingdom is an operator of a railway asset for high speed rail services.

(4) For the essential service of metros, trams and other light rail services (including underground services), the threshold requirement in the United Kingdom is an operator with more than 50 million annual passenger journeys.

(5) For the essential service of international rail services the threshold requirement in the United Kingdom is an operator of a Channel Tunnel train or the infrastructure manager of the Channel Fixed Link.

(6) In this paragraph—

(a) “operator” and “railway asset” have the same meaning as in section 6 of the Railways Act 1993 ^{M40};

(b) “international rail service” means a rail service where all carriages on the train cross a border of the United Kingdom and that of a Member State, and where the principal purpose of the service is to carry passengers or goods between stations located in the United Kingdom and a station in at least one Member State;

(c) “mainline railway” has the same meaning as in the Railways and Other Guided Transport Systems (Safety) Regulations 2006 ^{M41};

- (d) “railway undertaking” has the same meaning as in section 55 of the Transport Act (Northern Ireland) 1967^{M42} but excludes heritage railways operating solely on their own network; and
- (e) “Channel Tunnel train” has the same meaning as in article 2(1) of the Channel Tunnel (Security) Order 1994^{M43} and “Channel Fixed Link” has the same meaning as in section 1 of the Channel Tunnel Act 1987^{M44}.

Marginal Citations

- M40** 1993 c. 43. There are amendments not relevant to this instrument.
- M41** S.I. 2006/599 as amended by S.I.2013/950 and S.I. 2015/1682.
- M42** 1967 c. 37.
- M43** S.I. 1994/570.
- M44** 1987 c. 53.

The road transport subsector

7.—(1) For the essential service of road transport services, the threshold requirement in the United Kingdom is a road authority responsible for roads in the United Kingdom that have vehicles travelling more than 50 billion miles in total on them.

(2) For the essential service of road services provided by Intelligent Transport Systems, the threshold requirement in the United Kingdom is a road authority that provides Intelligent Transport Systems services which covers roads in the United Kingdom that have vehicles travelling more than 50 billion miles in total on them, per year.

- (a) (3) (a) “road authority” has the same meaning [^{F25}as] in Article 2(12) of Commission Delegated Regulation (EU) 2015/962 supplementing Directive 2010/40/EU of the European Parliament and the Council with regard to the provision of EU-wide real-time traffic information services^{M45}; and
- (b) “Intelligent Transport Systems” has the same meaning as in Article 4(1) of Directive 2010/40/EU of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport^{M46}.

Textual Amendments

- F25** Word in Sch. 2 para. 7(3)(a) inserted (20.6.2018) by [The Network and Information Systems \(Amendment\) Regulations 2018 \(S.I. 2018/629\)](#), regs. 1, **2(12)(b)**

Marginal Citations

- M45** OJ No. L 57, 23.6.2015, p. 21.
- M46** OJ No. L 207, 6.8.2010, p. 1.

The healthcare subsector

8.—(1) This paragraph describes the threshold requirements which apply to specified kinds of essential services in the healthcare settings sector.

- (2) For the essential service of healthcare services the threshold requirements are—

- (a) in England, an NHS Trust as defined in section 25 of the National Health Service Act 2006^{M47} or a Foundation trust as defined in section 30 of the National Health Service Act 2006^{M48},
- (b) in Wales, a Local Health Board or NHS Trust as defined in the National Health Service (Wales) Act 2006^{M49};
- (c) in Scotland—
 - (i) the Common Services Agency for the Scottish Health Service established under section 10 of the National Health Service (Scotland) Act 1978^{M50};
 - (ii) a Health Board, constituted under section 2 of the National Health Service (Scotland) Act 1978^{M51}; [^{F26}and
 - (iii) a Special Health Board, constituted under section 2 of the National Health Service (Scotland) Act 1978;]
- (d) in Northern Ireland, the Health and Social Care Trusts within the meaning of “HSC Trust” in section 31 of the Health and Social Care (Reform) Act (Northern Ireland) 2009^{M52}.

Textual Amendments

F26 Sch. 2 para. 8(2)(c)(iii) and word substituted for Sch. 2 para. 8(2)(c)(iii)-(vi) (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(c)** (with reg. 21)

Marginal Citations

M47 2006 c. 41.

M48 2006 c. 41.

M49 2006 c. 42.

M50 1978 c. 29. Section 10 was amended by sections 25 and 26 of the [Health Services Act 1980 \(c. 53\)](#) and section 65 of the [Health Act 1999 \(c. 8\)](#).

M51 There are no amendments relevant to this instrument.

M52 2009 c. 1 (N.I.). There are amendments not relevant to this instrument.

The drinking water supply and distribution subsector

9. The threshold requirement which applies to the essential service of the supply of potable water in the United Kingdom is the supply of water to 200,000 or more people.

The digital infrastructure subsector

10.—(1) This paragraph describes the threshold requirements which apply to specified kinds of essential services in the digital infrastructure subsector.

[^{F27}(2) For the essential service of a TLD Name Registry, irrespective of its place of establishment (whether within, or outside of, the United Kingdom), the threshold in the United Kingdom is a TLD Name Registry which services 14 billion or more queries from any devices located within the United Kingdom in any consecutive 168-hour period for domains registered within the Internet Corporation for Assigned Names and Numbers (“ICANN”).

(3) For the essential service of a DNS resolver service provided by a DNS service provider, irrespective of its place of establishment (whether within, or outside of, the United Kingdom), the threshold in the United Kingdom is a DNS resolver service which services 500,000 or more different Internet Protocol addresses used by persons in the United Kingdom in any consecutive 168-hour period.

(3A) For the essential service of a DNS authoritative hosting service provided by a DNS service provider, irrespective of its place of establishment (whether within, or outside of, the United Kingdom), the threshold in the United Kingdom is a DNS authoritative hosting service which services 100,000 or more domains registered to persons with an address in the United Kingdom.

(4) For the essential service of an IXP provided by an IXP operator, irrespective of its place of establishment (whether within, or outside of, the United Kingdom), the threshold in the United Kingdom is an IXP operator which has 30% or more market share amongst IXP operators in the United Kingdom, in terms of interconnected autonomous systems.]

(5) In this paragraph—

- (a) “DNS” is a reference to “[^{F28}Domain Name System]” which means a hierarchical distributed naming system [^{F28}which processes and responds to queries for DNS resolution];
- (b) “DNS service provider” is a reference to “[^{F29}Domain Name System] service provider” which means an entity which provides DNS services [^{F29}accessible via] the internet;
- (c) “IXP” is a reference to “internet exchange point” which means a network facility which—
 - (i) enables the interconnection of more than two independent autonomous systems, primarily for the purpose of facilitating the exchange of internet traffic;
 - (ii) provides interconnection only for autonomous systems; and
 - (iii) does not require the internet traffic passing between any pair of participating autonomous systems to pass through any third autonomous system nor does it alter or otherwise interfere with such traffic; ^{F30} ...
- [^{F31}(ca) “IXP Operator” means a person who provides an IXP to another person and, where one or more persons are employed or engaged to provide an IXP under the direction or control of another person, it means only that other person;]
- (d) “TLD Name Registry” is a reference to “top-level domain name registry” which means an entity which administers and operates the registration of internet domain names under a specific top-level domain.

Textual Amendments

- F27** Sch. 2 para. 10(2)-(4) substituted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(d)(i)** (with reg. 21)
- F28** Words in Sch. 2 para. 10(5)(a) substituted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(d)(ii)(aa)** (with reg. 21)
- F29** Words in Sch. 2 para. 10(5)(b) substituted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(d)(ii)(bb)** (with reg. 21)
- F30** Word in Sch. 2 para. 10(5) omitted (31.12.2020) by virtue of [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(d)(ii)(cc)** (with reg. 21)
- F31** Sch. 2 para. 10(5)(ca) inserted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **20(d)(ii)(cc)** (with reg. 21)

Changes to legislation:

There are currently no known outstanding effects for the The Network and Information Systems Regulations 2018.