

SCHEDULE 11

Energy

Conditions

- 4.—(1) This paragraph sets out the conditions referred to in paragraph 3.
- (2) The conditions referred to in paragraph 3(a) are that the existing upstream petroleum facility—
- (a) has a throughput of greater than 3,000,000 tonnes of oil equivalent over the 12 calendar months preceding 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; and
 - (b) is—
 - (i) situated in whole or in part in the United Kingdom; or
 - (ii) used in connection with the supply of petroleum to persons in the United Kingdom.
- (3) The condition referred to in paragraph (3)(a)(iv) is that the qualifying entity is an owner or operator of the existing upstream petroleum facility.
- (4) The conditions referred to in paragraph 3(b) are that the new upstream petroleum facility—
- (a) has an expected throughput of greater than 3,000,000 tonnes of oil equivalent in its first 12 calendar months of operation; and
 - (b) is or will be—
 - (i) situated in whole or in part in the United Kingdom; or
 - (ii) used in connection with the supply of petroleum to persons in the United Kingdom.
- (5) The condition referred to in paragraph 3(b)(iv) is that the qualifying entity is or will be an owner or operator of the new upstream petroleum facility.
- (6) The condition referred to in paragraph 3(d) is that—
- (a) the qualifying entity is an owner or operator of any individual generating asset that has a total installed capacity equal to or greater than 100 megawatts; or
 - (b) the relevant capacity of the qualifying entity is equal to or greater than one gigawatt.
- (7) For the purposes of sub-paragraph (6)(b), the “relevant capacity” of the qualifying entity is the total of—
- (a) the total installed capacity of any generating assets owned or operated by the qualifying entity;
 - (b) the total installed capacity of any generating assets owned or operated by the acquirer or group undertakings of the acquirer;
 - (c) the amount of customer load and generated electricity available to the qualifying entity for aggregation; and
 - (d) the amount of customer load and generated electricity available to the acquirer or group undertakings of the acquirer for aggregation.
- (8) The condition referred to in paragraph 3(f)(i) is that the gas processing facility has the technological capacity to carry on gas processing operations in relation to greater than 6 million cubic metres of gas per day.
- (9) The condition referred in paragraph 3(f)(ii) is that the LNG import or export facility has the technological capacity to carry on the importation, regasification or liquefaction of greater than 6 million cubic metres of gas per day.

Changes to legislation: There are currently no known outstanding effects for the The National Security and Investment Act 2021 (Notifiable Acquisition) (Specification of Qualifying Entities) Regulations 2021, Paragraph 4. (See end of Document for details)

- (10) The conditions referred to in paragraph 3(g) are that—
- (a) the qualifying entity carries on any downstream oil activity; and
 - (b) the qualifying entity—
 - (i) has capacity of greater than 500,000 tonnes; or
 - (ii) owns a facility in the United Kingdom that has capacity of greater than 50,000 tonnes.
- (11) For the purposes of sub-paragraph (10)—
- (a) a qualifying entity “has capacity of greater than” a specified number of tonnes if any downstream oil activity was carried on in the United Kingdom by that qualifying entity in relation to greater than that number of tonnes of oil in at least one of the three calendar years preceding the year 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; and
 - (b) a facility “has capacity of greater than” a specified number of tonnes if it was used for the purposes of any downstream oil activity in relation to greater than that number of tonnes of oil in at least one of the three calendar years preceding the year 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.

Commencement Information

II Sch. 11 para. 4 in force at 4.1.2022, see **reg. 1(2)**

Changes to legislation:

There are currently no known outstanding effects for the The National Security and Investment Act 2021 (Notifiable Acquisition) (Specification of Qualifying Entities) Regulations 2021, Paragraph 4.