

SCHEDULES

SCHEDULE 3

OTHER AMENDMENTS OF PART I OF 1986 ACT

Assignment of licences

1 After section 8 of the 1986 Act there shall be inserted the following section—

“8AA Assignment of licences

- (1) A licence shall be capable of being assigned either generally or—
- (a) in the case of a licence under section 7 above, so far as relating to the whole or any part of an authorised area or any specified pipeline system;
 - (b) in the case of a licence under section 7A above, so far as relating to any specified premises,

but only if it includes a condition authorising such assignment.

In this subsection “specified” means specified in the licence, or of a description, or situated in an area, so specified.

- (2) A licence shall not be capable of being assigned except with the consent of the Director.
- (3) In deciding whether to give his consent under subsection (2) above, the Director shall apply the same criteria as he would apply if—
- (a) in the case of a general assignment, he were deciding whether to grant a corresponding licence to the assignee;
 - (b) in the case of any other assignment, he were deciding whether—
 - (i) to grant to the assignee a licence corresponding to so much of the licence as is proposed to be assigned; and
 - (ii) to grant to the assignor a licence corresponding to so much of the licence as is proposed to be retained.
- (4) Subject to subsection (5) below, a consent under subsection (2) above may be given subject to compliance with—
- (a) such modification or other conditions as the Director considers necessary or expedient for the purpose of protecting the interests of consumers; and
 - (b) such incidental or consequential modification conditions as he considers necessary or expedient,

and in the case of an assignment other than a general assignment, modification conditions may make as respects so much of the licence as is proposed to be retained by the assignor provision different from that made as respects so much of the licence as is proposed to be assigned.

Status: This is the original version (as it was originally enacted).

- (5) The Director shall—
- (a) give the Health and Safety Executive not less than 28 days' notice of any proposal of his to give a consent under subsection (2) above; and
 - (b) give that Executive and the Secretary of State not less than 28 days' notice of any proposal of his to impose a modification condition;
- and if, before the expiry of the time specified in a notice given to the Secretary of State under paragraph (b) above, the Secretary of State directs the Director not to impose the condition, the Director shall comply with the direction.
- (6) A licence may include conditions which must be complied with before the licence can be assigned.
- (7) An assignment, or purported assignment, of a licence shall be void—
- (a) if the licence is not capable of assignment;
 - (b) if the assignment, or purported assignment, is in breach of a condition of the licence; or
 - (c) if there has, before the assignment or purported assignment, been a contravention of a condition subject to compliance with which the consent required by subsection (2) above is given.
- (8) A licence shall not be capable of being assigned under or by virtue of any other provision of this Act.
- (9) In this section—
- “assignment” includes any form of transfer and cognate expressions shall be construed accordingly;
 - “modification condition” means a condition requiring or otherwise providing for the making of modifications to the conditions of a licence.
- (10) Any reference in this section to “assignment” shall be construed in Scotland as a reference to assignation.”