



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 7

#### MISCELLANEOUS

##### *Costs of policing at gas facilities*

#### **85 Costs of policing at gas facilities: England and Wales**

- (1) This section applies where the Secretary of State considers—
  - (a) that the provision of extra police services at a gas facility in England or Wales is necessary because of a risk of loss of or disruption to the supply of gas connected with it, and
  - (b) that the loss or disruption would have a serious impact on the United Kingdom or any part of it.
- (2) In this section “extra police services” means—
  - (a) the services of the Ministry of Defence Police provided under an agreement with the Secretary of State for Defence under section 2(2)(e) of the Ministry of Defence Police Act 1987 (c. 4), or
  - (b) special police services provided under section 25(1) of the Police Act 1996 (c. 16) at the Secretary of State’s request.
- (3) The Secretary of State may require a designated gas transporter who has an interest in the gas facility to pay all or part of the costs incurred by the Secretary of State in respect of the provision of extra police services in or around the facility.
- (4) In this section “gas facility” means a facility used for the purposes of, or for purposes connected with, the transportation of gas from a gas shipper to a gas transporter or gas supplier.
- (5) The reference in subsection (3) to a designated gas transporter having an interest in a gas facility includes the facility being used for, or for purposes connected with, the supply of gas to the transporter.

**86 Costs of policing at gas facilities: Scotland**

- (1) This section applies where the Secretary of State considers—
  - (a) that the provision of extra police services at a gas facility in Scotland is necessary because of a risk of loss of or disruption to the supply of gas connected with it, and
  - (b) that the loss or disruption would have a serious impact on the United Kingdom or any part of it.
- (2) In this section “extra police services” means—
  - (a) the services of the Ministry of Defence Police provided under an agreement with the Secretary of State for Defence under section 2(2)(e) of the Ministry of Defence Police Act 1987 (c. 4), or
  - (b) police services provided under an agreement under section 13 of the Police (Scotland) Act 1967 (c. 77) for the guarding, patrolling and watching of the gas facility entered into at the request of the Secretary of State by—
    - (i) the occupier of, or of part of, the facility, and
    - (ii) the police authority, chief constable of the police force or joint police board for the police area in which it is situated.
- (3) The Secretary of State may require a designated gas transporter who has an interest in the gas facility to pay all or part of the costs incurred by the Secretary of State in respect of the provision of extra police services within subsection (2)(a) in or around the facility.
- (4) The Secretary of State, if so requested by the occupier, must require a designated gas transporter who has an interest in the gas facility to pay the reasonable costs incurred by the occupier under any such agreement as is mentioned in subsection (2)(b).
- (5) In this section “gas facility” means a facility used for the purposes of, or for purposes connected with, the transportation of gas from a gas shipper to a gas transporter or gas supplier.
- (6) References in this section to a designated gas transporter having an interest in a gas facility include the facility being used for, or for purposes connected with, the supply of gas to the transporter.

**87 Designated gas transporters**

- (1) The Secretary of State may by order designate a person who is the holder of a licence under section 7 of the Gas Act 1986 (c. 44) (licensing of gas transporters) as a designated gas transporter for the purposes of sections 85 to 90.
- (2) The order may provide for a person to be designated only in such capacity as may be specified in the order.
- (3) An order under this section is subject to negative resolution procedure.

**88 Costs of policing at gas facilities: recovery of costs**

- (1) The Secretary of State may determine—
  - (a) the amount of the costs to be paid by a designated gas transporter under section 85 or 86,
  - (b) the manner in which and the times at which those costs are to be paid, and

- (c) the person or persons to whom they are to be paid.
- (2) An occupier who incurs costs under an agreement under section 13 of the Police (Scotland) Act 1967 (c. 77) that are required to be paid by a designated gas transporter under section 86 may recover them directly from the designated gas transporter.
- (3) A designated gas transporter may, in determining its charges for conveying gas through pipes, take into account—
  - (a) any payments made by the designated gas transporter under section 85 or 86, and
  - (b) the reasonable costs incurred by it as party to an agreement under section 13 of the Police (Scotland) Act 1967 entered into at the Secretary of State’s request.

This applies despite anything in the conditions of the designated gas transporter’s licence under section 7 of the Gas Act 1986 (c. 44) that prevents the transporter from recovering such payments or costs.

- (4) The Secretary of State may direct the Gas and Electricity Markets Authority (“the Authority”)—
  - (a) to treat the payments or costs as costs of a kind specified by the Secretary of State for the purposes of the determination by the designated gas transporter of the transporter’s charges, or
  - (b) to allow the designated gas transporter to take into account payments made or costs incurred in or in relation to a period so specified in determining the transporter’s charges for a period so specified.
- (5) The Secretary of State must consult the designated gas transporter and the Authority before giving a direction under this section.

## **89 Costs of policing at gas facilities: supplementary provisions**

- (1) The Secretary of State must consult a designated gas transporter and the Authority—
  - (a) before the first time the Secretary of State requires the designated gas transporter to pay any costs under section 85 or 86,
  - (b) before the first time the Secretary of State requires the designated gas transporter to pay such costs in respect of a particular gas facility, and
  - (c) where extra police services were previously provided at a particular gas facility, before the first time the Secretary of State requires the designated gas transporter to pay such costs as the result of such services being provided on a subsequent occasion.
- (2) The Secretary of State is not required—
  - (a) to take into account representations made after the end of the period of 28 days beginning with the day on which the person making the representations was consulted under subsection (1);
  - (b) to consult anyone else before requiring a designated gas transporter to pay costs under section 85 or 86.
- (3) Sections 4AA to 4A of the Gas Act 1986 (c. 44) (principal objective and general duties of the Secretary of State and the Authority) do not apply in relation to anything done or omitted by the Secretary of State or the Authority in the exercise of functions under sections 85 to 89.

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

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- (4) Expressions used in those sections that are defined in Part 1 of the Gas Act 1986 have the same meaning as in that Part.

**90 Application of provisions to costs incurred before commencement**

Sections 85 to 89 apply in relation to costs incurred in the period—

- (a) beginning with 16th January 2007, and
  - (b) ending with the day before those sections come into force,
- as they apply in relation to costs incurred on or after that day.