



# Energy Act 2008

## 2008 CHAPTER 32

### PART 1

#### GAS IMPORTATION AND STORAGE

### CHAPTER 2

#### IMPORTATION AND STORAGE OF COMBUSTIBLE GAS

#### *Licensing*

#### **4 Licences**

- (1) The [F<sup>1</sup>OGA] may grant a person a licence in respect of one or more activities within section 2(3).
- (2) The controlled place in respect of which a licence is granted may be determined by reference to the provisions of a Crown lease which has been or may be granted.

[F<sup>2</sup>(3) For this purpose “Crown lease” means (as the case may be)—

- (a) a lease of property forming part of the Crown Estate, or an authorisation to exercise rights forming part of that Estate (whether by virtue of section 1 or otherwise), or
- (b) a lease of property forming part of the Scottish assets, or an authorisation to exercise rights forming part of those assets (whether by virtue of section 1 or otherwise).]

[F<sup>3</sup>(4) In subsection (3), “Scottish assets” means any property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies.]

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2008, Cross Heading: Licensing. (See end of Document for details)*

#### Textual Amendments

- F1** Words in s. 4(1) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 42](#); S.I. 2016/920, reg. 2(a)
- F2** S. 4(3) substituted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 39\(2\)\(a\)](#)
- F3** S. 4(4) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 39\(2\)\(b\)](#)

#### Commencement Information

- I1** S. 4 in force at 13.11.2009 for specified purposes by [S.I. 2009/2809](#), [art. 2](#) (with [art. 4](#))

## 5 Applications

[<sup>F4</sup>(1)] The Secretary of State may by regulations—

- (a) prescribe the persons, or classes of persons, by whom an application for a licence may be made;
- (b) prescribe requirements which must be met by, or in relation to, a person who makes an application;
- (c) prescribe the manner in which an application must be made;
- (d) prescribe the information which an application must contain and any documents which must accompany it;
- <sup>F5</sup>(e) .....

[<sup>F6</sup>(2) Before making any regulations under this section, the Secretary of State must consult the OGA.]

#### Textual Amendments

- F4** S. 5 renumbered as s. 5(1) (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 43\(2\)](#); S.I. 2016/920, reg. 2(a)
- F5** S. 5(1)(e) omitted (1.10.2016) by virtue of [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 43\(3\)](#); S.I. 2016/920, reg. 2(a)
- F6** S. 5(2) inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 43\(4\)](#); S.I. 2016/920, reg. 2(a)

#### Commencement Information

- I2** S. 5 in force at 13.11.2009 for specified purposes by [S.I. 2009/2809](#), [art. 2](#) (with [art. 4](#))

## 6 Terms and conditions

- (1) A licence may be granted on such terms and subject to such conditions as the [<sup>F7</sup>OGA] considers appropriate.
- (2) The provisions of a licence may be expressed by reference to provision made in a Crown lease, and, in particular, may provide—
  - (a) for the commencement of the licence to be conditional upon the commencement of a Crown lease which has been or may be granted in respect of the controlled place to which the licence relates or any part of that place;

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- (b) for the period of the licence to be determined by reference to the period of such a Crown lease.
- (3) A licence may authorise, in such circumstances and subject to such conditions as are specified, the transfer of the licence to another person (or the inclusion of another person as a joint licence holder).
- (4) The provisions of a licence may include—
- (a) provision requiring the licence holder to obtain the prior written consent of the [F7OGA] or another person for specified acts or omissions;
  - (b) provision providing that any such consent may be given subject to conditions.
- (5) The conditions imposed on a consent by virtue of subsection (4)(b) may include conditions requiring, or otherwise providing for, the modification of the licence in such manner as the [F7OGA] considers appropriate.
- (6) In this section—
- “Crown lease” has the same meaning as in section 4;
  - “specified”, in relation to a licence, means specified in, or determined in accordance with, the licence.

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**Textual Amendments**

- F7** Word in s. 6 substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 44](#); S.I. 2016/920, reg. 2(a)

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**Commencement Information**

- I3** S. 6 in force at 13.11.2009 for specified purposes by [S.I. 2009/2809](#), [art. 2](#) (with [art. 4](#))

## 7 Model clauses

- (1) The Secretary of State may make regulations prescribing model clauses for licences.
- (2) Subject to subsection (3), the model clauses, as they have effect at the time a licence is granted, are deemed to be incorporated into the licence.
- (3) The [F8OGA] may decide to exclude or modify one or more of those model clauses in the case of a particular licence.
- [F9(4) Before making any regulations under this section, the Secretary of State must consult the OGA.]

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**Textual Amendments**

- F8** Word in s. 7(3) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 45\(2\)](#); S.I. 2016/920, reg. 2(a)
- F9** S. 7(4) inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 45\(3\)](#); S.I. 2016/920, reg. 2(a)

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**Commencement Information**

- I4** S. 7 in force at 13.11.2009 for specified purposes by [S.I. 2009/2809](#), [art. 2](#) (with [art. 4](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2008, Cross Heading: Licensing.