

**2005 No. 68**

**GAS**

**The Gas (Designation of Pipelines) Order  
(Northern Ireland) 2005**

*Made* - - - - - *7th March 2005*

*Coming into operation* *19th March 2005*

The Department of Enterprise, Trade and Investment, in exercise of the powers conferred on it by Article 59(1) to (3) and (5) and (6) of the Energy (Northern Ireland) Order 2003(a) and of every power enabling it in that behalf, after having given notice in accordance with paragraph (4) of that Article and having considered any representations or objections which are duly made and not withdrawn, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Gas (Designation of Pipelines) Order (Northern Ireland) 2005 and shall come into operation on 19th March 2005.

(2) In this Order –

“assigned” has the meaning as in Article 12 of the Gas Order;

“the Energy Order” means the Energy (Northern Ireland) Order 2003;

“the Gas Order” means the Gas (Northern Ireland) Order 1996(b);

“the Insolvency Order” means the Insolvency (Northern Ireland) Order 1989(c); and

“relevant licensee” shall be construed in accordance with Article 3(1)(a).

**Designated pipeline**

2. The pipeline specified in column (1) of the Schedule, being a high pressure pipeline, is hereby designated as a pipeline to which Article 60 of the Energy Order applies for the period beginning on and including the date of commencement of this Order and ending on the date specified opposite thereto in column (2) of the Schedule.

**Cessation of Designation**

3.—(1) This Order shall cease to have effect where, on any date subsequent to the date on which this Order comes into operation –

(a) a licence granted under Article 8(1)(a) of the Gas Order authorising a person (“a relevant licensee”) to convey gas through that pipeline is revoked or assigned; or

(b) there is an insolvency event occurring in respect of a relevant licensee.

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(a) S.I. 2003/419 (N.I. 6)  
(b) S.I. 1996/275 (N.I. 2) as amended by S.R. 2002 No. 291 and the Energy Order (in particular Article 30)  
(c) S.I. 1989/2405 (N.I. 19)

(2) For the purpose of paragraph (1)(b) an “insolvency event” occurs in relation to a relevant licensee if it:

- (a) is deemed unable to pay its debts (within the meaning of Article 103(1) or (2) of the Insolvency Order) or if any voluntary arrangement is proposed in relation to it under Article 14 of the Insolvency Order;
- (b) has a receiver (which expression shall include an administrative receiver within the meaning of Article 5(1) of the Insolvency Order) of the whole or any material part of its assets or undertaking appointed;
- (c) has an administration order under Article 21 of the Insolvency Order made in relation to it;
- (d) has any resolution for winding up passed in relation to it; or
- (e) becomes subject to an order for winding up by a court of competent jurisdiction.

(3) In paragraph 2(a) the reference to Article 103(1) of the Insolvency Order shall be construed as, a reference to that provision as if in sub-paragraph (a) for “£750” there was substituted “£250,000”.

(4) For the purposes of paragraph (2)(a) a licensee shall not be deemed to be unable to pay its debts if any such demand as is mentioned in Article 103(1)(a) of the Insolvency Order, is being contested in good faith by that licensee with recourse to all appropriate measures and procedures.

**4.** In the Schedule to the Gas (Designation of Pipelines) Order (Northern Ireland) 2004, the first item (relating to part of the Scotland to Northern Ireland pipeline) shall be deleted.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 7th March 2005.

(L.S.)

*J. Pyper*

A senior officer of the Department of Enterprise, Trade and Investment

## SCHEDULE

Articles 2 and 4

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*Column (1)*

*Column (2)*

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That part of the pipeline known as the Scotland to Northern Ireland pipeline which runs from the low water mark at Castle Robin bay to (and including) the Pressure Reduction Station within the inner security fence at Ballylumford power station in Northern Ireland.

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31st December 2034

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

Article 8(1) of the Gas (Northern Ireland) Order 1996 authorises the holder of licenses issued under –

- (a) sub-paragraph (a) of that paragraph to participate in the conveyance of gas from one place to another;
- (b) under sub-paragraph (c) of that paragraph to store gas.

These licenses are subject to standard conditions. There are also conditions attaching to particular licenses. Article 60(1) of the Energy (Northern Ireland) Order 2003 provides for the Department of Enterprise, Trade and Investment, after consultation with the Northern Ireland Authority for Energy Regulation, to modify the conditions of particular licenses or the standard conditions where it considers necessary or expedient to do so for the purposes of implementing or facilitating the operation of arrangements designed to secure the prices charged in connection with the conveyance of gas through certain designated pipelines are in accordance with a common tariff which does not distinguish (whether directly or indirectly) between different parts of Northern Ireland or the extent of any such pipeline.

This Order designates part of the Scotland to Northern Ireland pipeline as a pipeline to which this power of modification applies. That part of the pipeline was previously designated for the same purpose by virtue of the Gas (Designation of Pipelines) Order (Northern Ireland) 2004. That designation, however, ceased to have effect when the licence granted under Article 8(1)(a) of the 1996 Order authorising the holder to convey gas through that pipeline was revoked.

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