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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 170**

**The Hydrocarbons Licensing Directive  
Regulations (Northern Ireland) 2010**

**Determination of applications**

4.—(1) Subject to paragraphs (3) to (5), every application for a licence shall be determined on the basis of criteria concerning—

- (a) the technical and financial capability of the applicant;
- (b) the way in which the applicant proposes to carry out the activities that would be authorised by the licence;
- (c) in a case where tenders are invited, the price the applicant is prepared to pay in order to obtain the licence; and
- (d) where the applicant holds, or has held a licence under the 1964 Act, any lack of efficiency and responsibility displayed by the applicant in operations under that licence,

and the Department may refuse an application for a licence.

(2) Applications for licences shall be considered and determined in the order in which they are made, unless two or more applications are made on the same day, or are treated as having been made on the same day pursuant to regulation 3(5), in which case the merits of the applications shall be compared according to the criteria provided for in paragraph (1) and, if applicable, paragraph (3) to the extent that they relate to the same area.

(3) In a case where two or more applications for a licence have equal merit when assessed according to the criteria provided for in paragraph (1), other relevant objective criteria may be applied in order to determine which application should be granted.

(4) Subject to paragraph (5), the Department shall not apply any of the criteria in paragraphs (1) and (3) in a discriminatory manner.

(5) An application for a licence may be refused on grounds of national security where the applicant is effectively controlled by, or by nationals of, a State other than an EEA State.

(6) Where an application for a licence is refused, the reasons for the decision shall be notified in writing to the applicant on request.