

2022 No. 248

GAS

**The Gas (Designation of Pipe-lines) Order (Northern Ireland)
2022**

Made - - - - - *12th October 2022*

Coming into operation - *2nd November 2022*

The Department for the Economy(**a**), in exercise of the powers conferred on it by Article 59(1), (2) and (5) of the Energy (Northern Ireland) Order 2003(**b**), makes the following Order.

The Department has consulted with the Northern Ireland Authority for Utility Regulation in accordance with Article 59(1) of the Energy Order and has given notice in accordance with Article 59(4) of that Order and has considered any representations or objections which are duly made and not withdrawn.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Gas (Designation of Pipe-lines) Order (Northern Ireland) 2022 and shall come into operation on 2nd November 2022.

(2) In this Order —

“assigned” has the same 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(**c**); and

“the Insolvency Order” means the Insolvency (Northern Ireland) Order 1989(**d**)

Designated pipe-line

2. The pipe-line specified in column (1) of the Schedule, being a high pressure pipe-line, is hereby designated as a pipe-line 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.

(a) The Department of Enterprise, Trade and Investment was renamed the Department for the Economy by section 1(3) of the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))

(b) S.I. 2003/419 (N.I. 6)

(c) S.I. 1996/275 (N.I. 2) as amended by Article 65 of, and paragraph 26 of Schedule 3 to, the Energy Order, together with other amendments which are not relevant

(d) S.I. 1989/2405 (N.I. 19)

Cessation of designation

3.—(1) This Order shall, subject to paragraph (2), cease to have effect where—

- (a) the licence granted under Article 8(1)(a) of the Gas Order authorising the holder to convey gas through the pipe-line designated by Article 2 is assigned or revoked; or
- (b) there is an insolvency event in relation to the holder.

(2) This Order shall not cease to have effect by virtue of paragraph (1)(a) where a licence granted under Article 8(1)(a) of the Gas Order authorising the holder to convey gas through the pipe-line is assigned or revoked but is immediately replaced by a further such licence granted to the same holder so as to preserve the continuity of the authorisation of that holder to convey gas through the pipe-line, or when an Energy Administration Order as defined in section 17 of the Energy Act (Northern Ireland) 2011(a) is in force.

(3) For the purpose of paragraph (1)(b) an “insolvency event” occurs in relation to the licence holder referred to in that sub-paragraph 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.

(4) In paragraph (3)(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”.

(5) For the purposes of paragraph (3)(a), a licence holder 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 holder with recourse to all appropriate measures and procedures.

Sealed with the Official Seal of the Department for the Economy on 12th October 2022.



Peter Russell
A senior officer of the
Department for the Economy

(a) 2011 c. 6 (N.I.)

SCHEDULE

<i>Description of the pipe-line</i>	<i>Date designation ending</i>
The pipe-line known as the Kilroot Transmission Pipe-line which runs for 3 kilometres, from (and including) the Offtake Connection on the Belfast Gas Transmission Pipe-line at Marshallstown to (and including) the Pipe-line Inspection Gauge reception facility at Kilroot.	31 st December 2051

EXPLANATORY NOTE

(This note is not part of the Order)

Article 8(1) of the Gas (Northern Ireland) Order 1996 (“the Gas Order”) authorises the holder of a licence issued under sub-paragraph (a) to participate in the conveyance of gas from one place to another.

Such licences are subject to standard conditions. There may also be conditions attaching to a particular licence. Article 60(1) of the Energy (Northern Ireland) Order 2003 provides for the Department for the Economy, after consultation with the Northern Ireland Authority for Utility Regulation, or that Authority with the consent of the Department, to modify the conditions of a particular licence, or the standard conditions where it considers it necessary or expedient to do so, for the purpose of implementing or facilitating the operation of arrangements designed to secure that prices charged in connection with the conveyance of gas through certain designated pipe-lines 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 use of any such pipe-lines.

Article 2 and the Schedule to this Order designates a pipe-line to which this power of modification applies.

The pipe-line in the Schedule is designated from the date of coming into operation of the Order until the date specified opposite the reference to the pipe-line in the Schedule. However, the Order specifies certain events on the happening of which the Order will cease to have effect. These events are set out in Article 3.

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