
DRAFT STATUTORY INSTRUMENTS

2011 No.

The Electricity and Gas (Internal Markets) Regulations 2011

PART 4

Gas facilities

Duty to allow others to use LNG import or export facilities

13.—(1) Section 19D of the Gas Act 1986 (acquisition of rights to use LNG import or export facilities)⁽¹⁾ is amended as follows.

(2) In subsection (1), for “LNG import facility” substitute “LNG import or export facility”.

(3) Before “liquid gas” (in each place) insert “gas or”.

(4) In subsection (11), at the end insert “; but this is subject to subsections (11A) and (11B)”.

(5) After subsection (11) insert—

“(11A) When considering whether the giving of directions under subsection (11) in respect of an LNG import or export facility would be prejudicial as mentioned in that subsection, the Authority must disregard any difficulties by virtue of which the owner of the facility may or must apply for an exemption under section 19DZA with respect to the facility.

(11B) The Authority must not give directions under subsection (11) in respect of an LNG import or export facility if—

- (a) such directions would prevent the owner from carrying out any public service obligation, within the meaning of paragraph (2) of Article 3 of the Gas Directive, which is imposed on the owner pursuant to that paragraph; or
- (b) an exemption is in force with respect to the facility under section 19DZA (regardless of whether that exemption was given before or after the application to the Authority under subsection (8) was made).”.

(1) Section 19D was inserted by regulation 2(2) to, and paragraph 1 of Schedule 2 to, [S.I. 2000/1937](#). Amendments have been made that are not relevant for these purposes.