
STATUTORY INSTRUMENTS

1992 No. 1190

GAS

The Gas Transit (EEC Requirements) Regulations 1992

<i>Made</i>	- - - -	<i>19th May 1992</i>
<i>Laid before Parliament</i>		<i>20th May 1992</i>
<i>Coming into force</i>	- -	<i>11th June 1992</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to the transit of natural gas between high pressure transmission grids, in exercise of the powers conferred by that section and all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Gas Transit (EEC Requirements) Regulations 1992 and shall come into force on 11th June 1992.

Interpretation

2. In these Regulations—

“the Commission” means the Commission of the European Communities;

“the Directive” means Council Directive No.91/296/EEC on the transit of natural gas through grids⁽³⁾;

“entity” means a body specified in the Annex to the Directive (as amended from time to time);

“gas transit” means the transport by a grid operator of natural gas between high pressure transmission grids, at least one of which is situated in the Economic Community, and across at least one frontier between member States;

“gas transit contract” means a contract providing for gas transit;

“high pressure transmission grid” means (in the case of a grid situated in the Economic Community) a grid specified in the Annex to the Directive (as amended from time to time); and

“grid operator” means an entity who is responsible for operating a high pressure transmission grid in the United Kingdom.

(1) S.I.1991/2289.

(2) 1972 c. 68.

(3) O.J. No. L147, 12.6.91, p.37.

Application

3. These Regulations apply where a request for gas transit is made to a grid operator by another entity.

Obligations of the grid operator

4. A grid operator that has received a request for gas transit shall without delay—
- (a) notify the Commission, the Secretary of State for Trade and Industry and the Director General of Gas Supply of the request;
 - (b) open negotiations on the conditions of the gas transit requested;
 - (c) inform the Commission, the Secretary of State for Trade and Industry and the Director General of Gas Supply of the conclusion of a gas transit contract; and
 - (d) in the event that a gas transit contract is not concluded within twelve months of receipt of the request for gas transit, inform the Commission, the Secretary of State for Trade and Industry and the Director General of Gas Supply of the reasons for the failure of the negotiations to result in the conclusion of a gas transit contract.
5. The conditions of a gas transit contract—
- (a) shall be non-discriminatory and fair for all parties concerned and shall not include unfair clauses or unjustified restrictions; and
 - (b) shall not endanger security of supply nor quality of service, and in particular, shall take full account of the utilization of reserve production and storage capacity and the most efficient operation of existing systems.

Conciliation

6. The conditions to be included in a gas transit contract shall, at the request of either the entity seeking gas transit or the grid operator, be subject to conciliation by the body set up for that purpose pursuant to article 3.4 of the Directive.

Enforcement

7. Compliance with any obligation in regulation 4 above shall be enforceable by civil proceedings by the Director General of Gas Supply for an injunction or interdict or for any other appropriate relief.

19th May 1992

Tim Eggar
Minister for Energy,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive No. [91/296/EEC](#) (O.J. 1991, No. L 147, 12.6.91, p.37), which requires member States to take the measures necessary to facilitate the transit of natural gas between high pressure transmission grids. At the date on which the Regulations were made, British Gas plc, the owner and operator of the only high pressure pipe-line grid in the United Kingdom, was the only grid operator in the United Kingdom to which these Regulations apply.

The grid operator, when any request for gas transit has been made, is placed under an obligation to notify the Commission, the Secretary of State for Trade and Industry and the Director General of Gas Supply (“the national authorities ”) of the request, open negotiations on the conditions of gas transit, and inform the national authorities of the conclusion of a relevant contract. If negotiations fail to result in the conclusion of a contract within twelve months of the request for gas transit, the grid operator must also inform the national authorities of the reasons for the negotiations to result in a contract. The Director General of Gas Supply is empowered to enforce any of these obligations in civil proceedings.