

2001 No. 3353

GAS

The Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 2001

Made - - - - - *28th September 2001*

Coming into force - - - *1st October 2001*

The Gas and Electricity Markets Authority(a), in exercise of the powers conferred on it by sections 7B(1), (2) and (11)(b), 47 and 48(1) of the Gas Act 1986(c), and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation, commencement and transitional and saving provisions for applications lodged before 1st October 2001

1.—(1) These Regulations may be cited as the Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 2001 and shall come into force on 1st October 2001.

(2) In relation to any application made before the date on which these Regulations come into force the Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 1996(d) shall continue to apply to the exclusion of these Regulations.

Revocation

2. Subject to regulation 1, the Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 1996 are hereby revoked.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires—

“the 2000 Act” means the Utilities Act 2000;

“the Act” means the Gas Act 1986;

“application” means an application for a licence, an application for an extension of a licence or an application for a restriction of a licence under the Act; and references to an application in respect of a licence shall be construed accordingly;

“the Authority” means the Gas and Electricity Markets Authority established by section 1 of the 2000 Act;

“domestic premises” means premises used wholly or mainly for domestic purposes;

“extension”, in relation to a gas transporter licence, means an extension of the licence under section 7(4) of the Act and, in relation to a gas supplier licence or a gas shipper licence, means an extension of the licence under section 7A(4) of the Act;

“gas shipper licence” means a licence granted or to be granted under section 7A(2) of the Act;

(a) The Gas and Electricity Markets Authority was established under section 1(1) of the Utilities Act 2000 (c. 27).

(b) This subsection inserted by section 74(7) of the Utilities Act 2000.

(c) 1986 c. 44

(d) S.I. 1996/476.

“gas supplier licence” means a licence granted or to be granted under section 7A(1) of the Act;

“gas transporter licence” means a licence granted or to be granted under section 7 of the Act; and

“restriction”, in relation to a gas transporter licence, means a restriction of the licence under section 7(4A) of the Act and, in relation to a gas supplier licence or a gas shipper licence, means a restriction of the licence under section 7A(6) of the Act.

(2) In these Regulations, unless the context otherwise requires, a reference to a standard condition is a reference to a standard condition in relation to licences under section 7, 7A(1) or 7A(2) of the Act, as the case may be, which is determined under section 81(2) of the 2000 Act, subject to such modifications of the standard conditions made under Part I of the Act or the 2000 Act after the determination under that section.

(3) Unless the context otherwise requires, other expressions appearing in these Regulations shall have the same meaning, if any, as they have in Part I of the Act.

(4) In these Regulations, unless the context otherwise requires—

- (a) any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations; and
- (b) any reference to a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference occurs.

Manner of application

4. An application shall be—

- (a) made in writing, addressed to the Authority and delivered or sent by prepaid post to the Authority at its principal office; and
- (b) signed and dated by or on behalf of the applicant, stating, where signed on behalf of the applicant, the capacity of the signatory.

Form of application

5. An application shall be—

- (a) in the form specified in Schedule 1 or a form to the like effect, and shall contain the information there specified; and
- (b) accompanied by the information and documents specified in Schedule 2.

Additional information and documents to accompany application

6.—(1) Subject to paragraphs (2) and (3)—

- (a) an application in respect of a gas supplier licence shall be accompanied by the information and documents specified in Part I of Schedule 3;
- (b) an application in respect of a gas shipper licence shall be accompanied by the information and documents specified in Part II of Schedule 3; and
- (c) an application in respect of a gas transporter licence shall be accompanied by the information and documents specified in Part III of Schedule 3.

(2) The obligation imposed by paragraph (1) shall, to the extent that information and documents are specified in Schedule 3 by reference to, or in relation to, a standard condition, apply—

- (a) subject to paragraph (3), in the case of an application for a licence, other than for a gas supplier licence of the type described in section 8(2) of the Act, as if the standard condition in question were to be included and have effect in any licence granted as a result of the application;
- (b) in the case of an application for an extension or restriction of a licence, in relation to such of the standard conditions in question as have been included and have effect in that licence.

(3) Where a modification to any standard condition is specified in accordance with paragraph 3(1) of Schedule 1, the obligation imposed by paragraph (2)(a) above shall be modified accordingly.

Application fees

7.—(1) Subject to paragraph (2), each application of the description specified in column 1 of Schedule 4 shall be accompanied by the corresponding fee specified in column 2 of that Schedule.

(2) Where more than one such fee would, apart from this paragraph, be payable in respect of a particular application, only the higher or highest such fee, as the case may be, shall be payable.

Notice of applications

8.—(1) The period prescribed for the purpose of section 7B(2) of the Act (notice of applications) is seven days.

(2) The notice of an application to be published within the prescribed period—

(a) in respect of an application for an extension of a gas transporter licence, shall be published—

(i) where the application relates solely to premises in any part of England and Wales, in the London Gazette; or

(ii) where the application relates solely to premises in any part of Scotland, in the Edinburgh Gazette; and

(b) in respect of any other notice of application, shall be published in the London and Edinburgh Gazettes.

(3) Notice of an application in respect of a gas supplier licence which would authorise, or authorises, the supply of gas to domestic premises to which gas is to be, or is, conveyed by a gas transporter shall also be published within the prescribed period—

(a) where the application relates to premises of a specified description and is not limited to premises situated in an area specified in the application, in such newspapers as are calculated to ensure that the notice is circulated throughout Great Britain;

(b) where the applications relates to premises situated in an area specified in the application, in such newspapers as are calculated to ensure that the notice is circulated throughout that area;

(c) where the application relates to particular premises, in such newspapers as are calculated to ensure that the notice is circulated throughout the area or areas in which those premises are situated.

(4) Notice of an application in respect of a gas transporter licence shall also be published within the prescribed period where the application relates to the conveyance of gas through pipes to premises in a specified area, in such newspapers as are calculated to ensure that the notice is circulated throughout that area.

(5) The applicant shall deliver, or send by prepaid post, a copy of the London and, if applicable, Edinburgh Gazettes and of each newspaper in which notice of the application is published in accordance with this regulation to the Authority at its principal office within seven days of their publication.

(6) In this regulation “the prescribed period” means the period referred to in paragraph (1).

The seal of the Gas and Electricity Markets Authority
here affixed is authenticated by the signature of

R. A. M. Ramsay,
A member of the Authority
28th September 2001



FORM OF APPLICATION IN RESPECT OF A GAS TRANSPORTER LICENCE, GAS SUPPLIER LICENCE OR GAS SHIPPER LICENCE UNDER THE GAS ACT 1986

GENERAL PARTICULARS

1. State—

(1) name and address of applicant in full; in the case of a partnership or other joint venture (other than a body corporate), give the names and addresses of each party concerned

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(2) name, address and telephone number of person to whom correspondence or enquiries concerning the application should be directed

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(3) whether the application is in respect of a gas supplier licence, a gas shipper licence or a gas transporter licence(a)

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(4) whether the application is for a licence, an extension of a licence or a restriction of a licence(b)

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(5) the date from which the licence or extension or restriction is desired to take effect

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(6) the kind of gas to which the application relates(c).

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2.—(1) State whether the applicant is a public limited company, private limited company, overseas company, other body corporate, partnership, unincorporated association, sole trader or other entity (and in the last case give particulars of the legal status).

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(2) If the applicant is a body corporate, state—

(a) the jurisdiction under which it is incorporated

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(b) if applicable, its registered number

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(c) the full names and addresses of its current directors (including any shadow directors within the meaning of section 741 of the Companies Act 1985(d) or, where applicable, the corresponding officers

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(a) An application may not be made on the same form in respect of more than one of these types of licence.
(b) An application may not be made for the extension of a licence which authorises only the supply to premises of gas which has been conveyed to the premises otherwise than by a public gas transporter.
(c) For example, natural gas, liquid petroleum gas, coal bed methane. Note that in certain circumstances a licence is not required in respect of the conveyance or supply of propane or butane.
(d) 1985 c. 6.

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(d) the name and registered office of any holding company (within the meaning of section 736 of the Companies Act 1985) of the applicant and the name and registered or principal office of any parent undertaking (within the meaning of section 258 of that Act) of the applicant.
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(3) If the applicant is neither a body corporate nor a sole trader, give the name(s) and address(es) of the person or persons in whom effective control of the applicant rests.
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(4) Where any person (other than a person whose name is given at paragraph 2(2)(d) or paragraph 2(3) (above) holds 20 per cent or more of any class of the shares(a) of the applicant, give the name and address of each such person, specifying in each case the number of shares so held and the percentage of the aggregate number of shares of that class represented thereby.
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(5) Give particulars of any licences under the Act or the Electricity Act 1989(b) held, applied for (whether or not successfully) or intended to be applied for by the applicant or (so far as is known to the applicant) by any person who is a related person in relation to the applicant(c).
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DETAILS OF APPLICATION

3.—(1) If the application is for a licence, other than a gas supplier licence of the type specified in section 8(2) of the Act, describe—

- (a) any modification requested to any of the standard conditions for the type of licence for the purposes of section 8(3) of the Act; and
- (b) the grounds on which the applicant believes that—
 - (i) any such modification is requisite to meet the circumstances of the particular case; and
 - (ii) if the application is for a gas shipper licence or gas supplier licence, any such modification is such that no other holder of such a licence would be unduly disadvantaged in competing with other holders of such licences (including the applicant).

(2) If the application is for a gas supplier licence of the type specified in section 8(2) of the Act, specify, with reasons, any standard conditions that in the applicant’s opinion should be included and have effect in the licence.
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- (a) In this sub-paragraph, references to shares—
 - (i) in relation to an applicant with a share capital, are to allotted shares;
 - (ii) in relation to an applicant with capital but no share capital, are to rights to share in the capital of the applicant;
 - (iii) in relation to an applicant without capital, are to interests—
 - (aa) conferring any right to share in the profits or liability to contribute to the losses of the applicant; or
 - (bb) giving rise to an obligation to contribute to the debts or expenses of the applicant in the event of a winding up.
 - (b) 1989 c. 29.
 - (c) In this sub-paragraph “related person” means—
 - (i) in relation to an applicant who is an undertaking within the meaning of section 259 of the Companies Act 1985 (“the principal undertaking”), a parent or subsidiary undertaking of the principal undertaking or a subsidiary undertaking of a parent undertaking of the principal undertaking, in each case within the meaning of section 258 of that Act; and
 - (ii) in relation to any applicant (including such an undertaking), a connected person of the applicant within the meaning of section 286 of the Taxation of Chargeable Gains Act 1992 (c. 12).

DOCUMENTS AND OTHER INFORMATION TO ACCOMPANY AN APPLICATION(a)

Financial Information

1. If the applicant is a company, where available, the documents specified in sub-paragraph (a) and, if the applicant is a subsidiary undertaking, also those specified in sub-paragraphs (b) and, if applicable, (c) below.

- (a) Copies of—
 - (i) the most recent audited annual report and accounts of the applicant in respect of which an auditors' report has been prepared, together with that auditors' report;
 - (ii) the audited annual report and accounts of the applicant for the two financial years preceding that to which the accounts referred to in paragraph (i) above relate, together with the appropriate auditors' reports; and
 - (iii) such interim accounts and management accounts (whether audited or not) as may have been prepared in respect of a period more recent than that covered by any of the documents specified in paragraph (i) and (ii) above.
- (b) Copies of—
 - (i) the most recent audited annual accounts in respect of the group of which the subsidiary undertaking forms part and in respect of which an auditors' report has been prepared, together with that report;
 - (ii) the audited annual accounts in respect of that group for the two financial years preceding that to which the accounts referred to in paragraph (i) above relate, together with the appropriate auditors' reports; and
 - (iii) such interim accounts and management accounts for that group (whether audited or not) as may have been prepared in respect of a period more recent than that covered by any of the documents specified in paragraphs (i) and (ii) above.
- (c) If the documents specified in sub-paragraph (b) above do not include the consolidated audited annual accounts for any parent undertaking or subsidiary undertaking of the applicant established outside Great Britain, copies of such accounts, together with any auditors' reports, as indicate the financial state of affairs of the group in question—
 - (i) at the time of the application; and
 - (ii) at the end of each of the three financial years preceding that time.

2. Where the applicant is not a company, such accounts and other information as indicate the financial state of affairs of the applicant and its profit and loss, and the statements for the most recent period, together with copies of the latest audited annual accounts where such accounts have been prepared, and of any person in whom effective control of the applicant resides—

- (a) at the time of the application; and
- (b) at the end of each of the three financial years preceding that time.

3. Where any of the documents mentioned in paragraph 1 or, where applicable, paragraph 2 above is not supplied, an explanation of why it is not supplied together with such financial information to the like effect as can reasonably be supplied.

4. A statement giving such further particulars (if any), whether by way of financial projections, sources of finance or otherwise, as will, in conjunction with such information and documents as is provided in accordance with paragraphs 1, 2 or 3 above, indicate whether the applicant would be likely to be able to finance the activities authorised by its licence if the application were granted.

Proposed business

5. Provide an outline statement of the business proposals, for that business of the applicant to which the application relates, for the next five years including annual forecasts of costs, sales and revenues and project financing, stating the assumptions underlying the figures provided. (The statement of the first year's forecasts of costs, sales and revenues and project financing to be broken down on a month by month basis.)

6. Details of any expected subsequent substantial capital outflows including major decommissioning costs.

7. Estimates of net annual cash flows for subsequent periods sufficient to demonstrate the financial security and feasibility of the project(s) to which the application relates.

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- (a) In paragraphs 1 to 4 and 8 below, if the application is for an extension or restriction of a licence, information and documents need only be given in so far as, in any material respect, they differ from or add to the most recent information or documents which were provided in relation to the same requirement—
 - (i) with an application made by the applicant in accordance with these Regulations; or
 - (ii) subsequent to such an application in pursuance of a condition of the applicant's licence.

Expertise of applicant

8. A statement giving such particulars of the applicant, and of any sub-contractors or other persons on whose expertise the applicant proposes to rely, as may indicate whether the applicant has or will acquire the necessary skills to undertake the activities in respect of which the application is made.

Interpretation

9. In this Schedule—

“annual accounts” has the meaning given by section 262(1) of the 1985 Act and shall be construed in accordance with section 261(2) of that Act;

“auditors’ report” means a report prepared under section 235(1) of the 1985 Act;

“company” means—

- (i) a company within the meaning of section 735 of the 1985 Act; or
- (ii) a body corporate, incorporated in and having a principal place of business in Great Britain, other than a body corporate mentioned in section 718(2) of the 1985 Act;

“group” has the meaning given by section 262 of the 1985 Act;

“group accounts” means such accounts as are required to be prepared by section 227 of the 1985 Act, or, as the case may be, delivered under section 228(2)(e) of that Act, together with any accounts required to be delivered in accordance with section 243(2) of that Act;

“parent undertaking” and “subsidiary undertaking” have the meanings given by section 258 of the 1985 Act; and

“the 1985 Act” means the Companies Act 1985(a).

SCHEDULE 3

Regulation 6

PART I

FURTHER INFORMATION AND DOCUMENTS TO ACCOMPANY AN APPLICATION IN RESPECT OF A GAS SUPPLIER LICENCE(b)

1. A gas supplier licence may authorise the holder to supply gas—
- (a) to any premises;
 - (b) only to premises specified in the licence, or to premises of a description so specified; or
 - (c) only to any premises situated in a specified area, or to premises of a specified description which are so situated.

(see section 7A(1) of the Act)

Please specify whether (a), (b) or (c) above is applicable. Provide a sufficient description adequately specifying (c) the premises or a description of the premises and the location of the premises intended to be supplied, and, in the case of an application that relates to (c) above, also the specified area. Also state whether the application relates to domestic premises.

2. For all applications for gas supplier licences, or extensions of such licences, state whether the licence or extension is to authorise the supply of gas to premises to which it is conveyed by a gas transporter, and if not, give details of any exemption under section 6A of the Act under which the gas is or will be conveyed.

3. Provide a statement of—
- (a) the approximate number of premises and expected maximum quantity of gas in kilowatt hours to be supplied to those premises for each of the next five years, separately giving the number of any such premises that are expected to be domestic premises;
 - (b) the forecast annual maximum quantity of gas in kilowatt hours to be supplied for each of the next five years, separately identifying any amount to be supplied to domestic premises; and
 - (c) where the application is for an extension to the gas supplier licence, the annual quantity in kilowatt hours of gas supplied by the applicant under the existing licence(s), separately identifying any amount supplied to domestic premises.

(a) 1985 c. 6.

(b) In this Part of this Schedule, if the application is for an extension or restriction of a licence, information and documents need only be given in so far as, in any material respect, they significantly differ from or add to the most recent information or documents which were provided in relation to the same requirement—

- (i) with an application made by the applicant in accordance with these Regulations; or
- (ii) subsequent to such an application in pursuance of a condition of the applicant’s licence.

(c) The description should enable the areas, location or premises concerned to be adequately and readily identified by map, if the applicant so desires, or by any other convenient means.

Supply to domestic premises

4. If the application relates to the supply of gas to domestic premises to which gas is, or is to be, conveyed by a gas transporter, the applicant shall provide—
- (a) particulars, where appropriate, of the bond, other instrument or arrangements proposed to be taken out or made by the applicant in accordance with standard condition 33 (Last Resort Supply: Security for Payments);
 - (b) a description of the applicant's proposed arrangements for acquiring the gas to be supplied, and for ensuring security and continuity of supply for domestic customers (including, where applicable, the steps to be taken in accordance with paragraph 4 of standard condition 32A (Security of Supply—Domestic Customers);
 - (c) a draft copy of the scheme proposed to be made by the applicant under paragraph 8 of Schedule 2B to the Act (terms and conditions to be incorporated in deemed contracts for consumers);
 - (d) particulars of the applicant's proposed arrangements for compliance with the applicable requirements of standard conditions 16 (Exchange of Information Between Licensee and Relevant Transporter and Shipper for Operation, Development or Maintenance of Pipe-line System and Detection and Prevention of Theft), 17 (Reading, Inspection and Testing of Meters), 24 (Arrangements in Respect of Powers of Entry), 24A (Authorisation of Officers), 24B (Exercise of Powers of Entry), 25 (Efficient Use of Gas), 26 (Record of and Report on Performance), 27 (Preparation, Review of and Compliance with Statements and Customer Service Codes), 34 (Metering Arrangements for Domestic Customers), 35 (Code of Practice on Payment of Bills and Guidance for Dealing with Customers in Difficulty), 36 (Code of Practice on the Use of Prepayment Meters), 37 (Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick), 37A (Pensioners Not to Have Supply of Gas Cut Off in Winter), 38 (Provision of Services for Persons who are Blind or Deaf), 39 (Complaint Handling Procedure) and 43 (Contractual Terms—Methods of Payment);
 - (e) details of the terms relating to directions under section 2(1)(b) of the Energy Act 1976(a) which the applicant proposes to include in contracts for the supply of gas in accordance with paragraph 4 of standard condition 14 (Security and Emergency Arrangements).

Supply of gas to premises which are not domestic premises

5. If the application relates to the supply of gas to any premises which are not domestic premises and to which gas is, or is to be, conveyed by a gas transporter, the applicant shall provide—
- (a) a description of the applicant's proposed arrangements for acquiring the gas to be supplied, and for ensuring security and continuity of supply for customers (including, where applicable, the steps to be taken in accordance with paragraph 5 of standard condition 14 (Security and Emergency Arrangements));
 - (b) details of the terms relating to pipe-line system emergencies and directions under section 2(1)(b) of the Energy Act 1976 which the applicant proposes to include in contracts for the supply of gas in accordance with paragraphs 3 and 4 of standard condition 14 (Security and Emergency Arrangements);
 - (c) a draft copy of the scheme proposed to be made by the applicant under paragraph 8 of Schedule 2B to the Act (terms and conditions to be incorporated in deemed contracts for consumers); and
 - (d) particulars of the applicant's proposed arrangements for compliance with the applicable requirements of standard conditions 16 (Exchange of Information Between Licensee and Relevant Transporter or Shipper for Operation, Development or Maintenance of Pipe-line System and Detection and Prevention of Theft), 17 (Reading, Inspection and Testing of Meters), 24 (Arrangements in Respect of Powers of Entry), 24A (Authorisation of Officers), 24B (Exercise of Powers of Entry), 25 (Efficient Use of Gas), 26 (Record of and Report on Performance), 27 (Preparation, Review of and Compliance with Statements and Customer Service Codes);

Restriction of a gas supplier licence

6. If the application is for a restriction of a licence—
- (a) an estimate of—
 - (i) the total number of premises to which the applicant supplies gas at the time of the application and which the applicant would cease to supply if the application were acceded to (“relevant premises”);
 - (ii) the annual aggregate quantity of gas in kilowatt hours which the applicant reasonably expects to be supplied to relevant premises in the twelve months following the application; and
 - (iii) the number of premises to which the applicant would supply gas, and the annual aggregate

(a) 1976 c. 76.

quantity of gas in kilowatt hours which would be supplied to those premises by him, in each of the three years following the coming into effect of the restriction if the application were acceded to; and

- (b) unless there are, at the date of the application, no relevant consumers (within the meaning of section 7A(10) of the Act) in relation to the applicant, a description of the applicant's proposed arrangements under section 7A(9) of the Act for—
- (i) ensuring continuity of supply for all such relevant consumers; and
 - (ii) in the case of each such consumer who is supplied with gas in pursuance of a contract (within the meaning of that section), securing such continuity on the same terms as nearly as may be as the terms of the contract.

PART II

FURTHER INFORMATION AND DOCUMENTS TO ACCOMPANY AN APPLICATION IN RESPECT OF A GAS SHIPPER LICENCE(a)

1. A gas shipper licence may authorise the holder to—
- (a) make arrangements generally with any gas transporter for gas to be introduced into, conveyed by means of or taken out of a pipe-line system operated by that transporter; or
 - (b) make such arrangements for purposes connected with the supply of gas to specified premises, being—
 - (i) any premises in a specified area;
 - (ii) any premises of a specified description (whether in a specified area or throughout Great Britain); or
 - (iii) particular premises.

(see section 7A(2) of the Act)

Provide a sufficient description adequately specifying the premises or a description of the premises, and also the specified area, if any, to which the application relates.

2. Provide a statement of—
- (a) particulars of the gas transporter(s) with whom the applicant intends for each of the next five years to ship gas;
 - (b) the approximate number of premises in respect of which gas is to be shipped for each of the next five years, separately giving the number of any such premises that are expected to be domestic premises;
 - (c) the forecast annual maximum quantity of gas in kilowatt hours to be shipped for each of the next five years, separately identifying any amount to be shipped to domestic premises; and
 - (d) where the application is for an extension to the gas shipper licence, the annual quantity in kilowatt hours of gas shipped by the applicant under the existing licence(s), separately identifying any amount shipped to domestic premises.

3. If the application is for a licence or an extension to a licence, details, in relation to each gas transporter in respect of whose pipe-line system the applicant proposes to make arrangements of the sort referred to in section 7A(2) of the Act, of—

- (a) whether the applicant proposes to comply with—
 - (i) the network code (within the meaning of standard condition 1 (Definitions and Interpretation)) established by that transporter; or
 - (ii) the terms of standard condition 6 (conveyance of Gas Otherwise than on Network Code or Similar Terms); and
- (b) if (a)(ii) above is the case, the manner in which the applicant proposes to comply with that standard condition.

4. A description of the applicant's proposed arrangements for compliance with the applicable requirements of standard conditions 3 (General Obligations in Respect of Use of Relevant Transporter's Pipe-line System), 8 (Information as Respects Premises Served), 11 (Supply and Return of, and Information etc Relating to, Gas Meters), 16 (Arrangements in Respect of Powers Entry), 16A (Authorisation of Officers), and 16B (Exercise of Powers of Entry).

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- (a) In this part of this Schedule, if the application is for an extension or restriction of a licence, information and documents need only be given in so far as, in any material respect, they differ from or add to the most recent information or documents which were provided in relation to the same requirement—
- (i) with an application made by the applicant in accordance with these Regulations; or
 - (ii) subsequent to such an application in pursuance of a condition of the applicant's licence.

5. A description of the applicant's proposed arrangements for compliance with the requirements of standard condition 5 (Obligations as Respects Emergencies etc) in relation to the handling of a pipe-line system emergency.

PART III

FURTHER INFORMATION AND DOCUMENTS TO ACCOMPANY AN APPLICATION IN RESPECT OF A GAS TRANSPORTER LICENCE(a)

1. A gas transporter licence may authorise the holder to convey gas—
 - (a) to premises in a specified area within the meaning of section 7(2) of the Act.
 - (b) to any pipe-line system operated by another gas transporter.
 - (c) to—
 - (i) any pipe-line system operated by another gas transporter in a specified area;
 - (ii) any pipe-line system so operated which is of a specified description (whether in a specified area or throughout Great Britain); or
 - (iii) one or more particular pipe-line systems so operated.

(see section 7 of the Act)

Provide a sufficient description adequately specifying the premises or pipe-line system or a description of the premises or pipe-line system and its location, and, in the case of an application that relates to (c) above, also the specified area. Also state whether the application relates to domestic premises. For applications within paragraph 1(c)(ii) above, also specify the description of pipe-line system to which the application relates (stating, in particular, whether it relates only to any system which is designed to receive gas at an operating pressure not exceeding 7 bar gauge).

2. Provide a statement of—
 - (a) particulars of the person or persons for whom the applicant intends for each of the next five years to convey gas; particulars for the arrangements made for the conveyance of gas;
 - (b) the approximate number of premises, if any, and expected maximum quantity of gas estimated to be conveyed through its pipe-line system for each of the next five years, separately giving the number of any such premises that are expected to be domestic premises;
 - (c) the forecast annual maximum quantity of gas in kilowatt hours to be conveyed for each of the next five years, separately identifying any amount to be conveyed to domestic premises;
 - (d) where the application is for an extension to the gas transporter licence, the annual quantity in kilowatt hours of gas conveyed by the applicant under the existing licence(s), separately identifying any amount conveyed to domestic premises;

Together with—

- (e) detailed map or maps, to scale sufficient to show—
 - (i) the proposed specified area, if any;
 - (ii) the actual or proposed configuration of the pipe-line system the applicant would operate if the application were granted, showing—
 - (aa) all pipes with a design operating pressure in excess of 7 bar gauge;
 - (bb) all pipes effecting connection to the system operated by another gas transporter; and
 - (cc) all points through which it is proposed that gas would be conveyed to the applicant's pipe-line system wholly or mainly for the purpose of being conveyed to the pipe-line system operated by another gas transporter.

3. Such particulars as will indicate whether any pipe-line system through which the applicant would be authorised to convey gas if the application were granted would be operated safely.

4. Particulars of the applicant's proposed arrangements to secure—
 - (a) the performance of any obligations in relation to escapes of gas imposed on him by Schedule 2B to the Act; and
 - (b) the achievement of pipe-line system security standards in accordance with standard condition 16 (Pipe-Line System Security Standards).

(a) In this part of this Schedule, if the application is for an extension or restriction of a licence, information and documents need only be given in so far as, in any material respect, they differ from or add to the most recent information or documents which were provided in relation to the same requirement—

- (i) with an application made by the applicant in accordance with these Regulations; or
- (ii) subsequent to such an application in pursuance of a condition of the applicant's licence.

5. Particulars of the applicant's proposed arrangements for compliance with the applicable requirements of standard conditions 4 (Charging of Gas Shippers-General), 4B (Connection Charges etc), 5 (System Development Obligations), 6 (Emergency Services and Enquiry Service Obligations), 7 (Provision of Information Relating to Gas Illegally Taken), 8 (Provision and Return of Meters), 9 (Network Code), 18 (Provision of Services for Persons who are of Blind or Deaf), 19 (Arrangements in Respect of Powers of Entry), 19A (Authorisation of Officers), 19B (Exercise of Powers of Entry), 20 (Standards of Performance) and 21 (Complaint Handling Procedure).

Restriction of a gas transporter licence

6. If the application is for a restriction of a licence—
- (a) an estimate of—
- (i) the total number of premises to which the applicant conveys gas at the time of the application and to which the applicant would cease to so convey if the application were acceded to (“the relevant premises”)
 - (ii) the aggregate maximum quantity of gas in kilowatt hours which the applicant reasonably expects to be conveyed to the relevant premises in the twelve months following the application; and
 - (iii) the number of premises to which the applicant would convey gas (separately giving the number of any such premises that are domestic premises), and the aggregate maximum quantity of gas in kilowatt hours which would be conveyed to those premises by him, in each of the three years following the coming into effect of the restriction, if the application were acceded to; and
- (b) unless there are, at the date of the application, no relevant consumers (within the meaning set out in sub-paragraph (c) below) in relation to the applicant, a description of the applicant's proposed arrangements to ensure compliance with section 10 of the Act (ensuring the connection to all such relevant consumers is maintained).
- (c) For the purposes of sub-paragraph (b), a person is a relevant consumer if—
- (i) immediately before the restriction takes effect, he is connected to the pipe-line system of the holder of the licence; and
 - (ii) his premises are to be excluded from the licence by the restriction.

SCHEDULE 4
APPLICATION FEES

Regulation 7

COLUMN 1 <i>Description of application</i>	COLUMN 2 <i>Fee payable, £</i>
<i>Gas Supplier</i>	
1. Application for licence or extension (not including authorisation to supply gas to domestic premises)	800
2. Application for licence or extension including authorisation to supply gas to domestic premises to which gas is, or is to be, conveyed otherwise than by a gas transporter	800
3. Application for licence including authorisation to supply gas to domestic premises to which gas is, or is to be, conveyed by a gas transporter	1,500
4. Application for extension of a licence which does not include authorisation to supply gas to domestic premises to which gas is conveyed by a gas transporter so as to include such authorisation	600
5. Application for any other extension or restriction	600
<i>Gas shipper</i>	
—Any application	800
<i>Gas transporter</i>	
1. Application for licence with specified area	2,000
2. Application for licence to convey gas only to any pipe-line system operated by another gas transporter	3,000
3. Application for any other extension or restriction	600

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the information, and other documents that are required to be submitted with applications for gas transporter, gas shipper and gas supplier licences (and for extensions or restrictions of supply and transporter licences) under the Gas Act 1986, as amended by the Utilities Act 2000. They specify the form and manner of such applications. These regulations also set out the manner in which applications are to be published.

These Regulations come into force on 1st October 2001. Regulation 1 provides for the citation, commencement, transitional and savings provisions, and regulation 3 provides for general interpretation.

Regulation 4 deals with the manner of applications.

Regulation 5 concerns the form of applications, and incorporates Schedules 1 and 2 that specify their form, and the information and documents to accompany them.

Regulation 6 specifies the additional information and documents to accompany applications. It incorporates Schedule 3, which covers, respectively, applications for:

- gas supplier licences, at Part I;
- gas shipper licences, at Part II; and
- gas transporter licences, at Part III.

Regulation 7 incorporates Schedule 4, which specifies the fees payable in respect of applications.

Regulation 8 provides for the notice period and publication requirements for applications.

£2.50

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