
EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force Chapter 2 of Part 1 of the Energy Act 2008 (importation and storage of combustible gas), and brings into force Schedule 1 to the Act so far as not already commenced. However, those provisions are not commenced so far as they relate to the unloading of gas to a pipeline, or to the establishment or maintenance of an installation for that purpose so far as it consists in apparatus, works or services associated with the operation of a pipeline.

The commencement date is 13th November 2009.

Article 3 contains transitional provisions concerning gas storage activities carried on immediately before that date. Such activities can, for the time being, continue to be carried on without a licence under section 4 of the Act, provided that an application for such a licence is made within one year of the commencement date.

Article 4 contains transitional provisions relating to operations already licensed under Part 2 of the Food and Environment Protection Act 1985 (“FEPA”). Such operations continue to be permitted as long as the FEPA licence continues in force without being varied. This is, however, without prejudice to the requirement for a licence under section 4 of the Energy Act 2008 for any operation not authorised by the FEPA licence, and does not apply in any event to any requirement for consent to the drilling of a borehole or well.