2003 No. 847

GAS

The Gas (Applications for Licences and Extensions and Restrictions of Licences) (Amendment) Regulations 2003

Made - - - - -	*13th March 2003*
Coming into force - -	*11th April 2003*

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

1.—(1) These Regulations may be cited as the Gas (Applications for Licences and Extensions and Restrictions of Licences) (Amendment) Regulations 2003 and shall come into force on 11th April 2003.

(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 2001(**d**) ("the principal Regulations") shall continue to apply in their unamended form.

Amendments to the principal Regulations

2. Regulation 8 of the principal Regulations (Notice of applications) shall be replaced by a new Regulation as follows—

"**Notice of applications**

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

(2) The applicant shall take all reasonable steps to ensure that notice of application is published within the prescribed period either on

(i) the website address of the Authority (at "www.ofgem.gov.uk" or at such other website address as may be notified to the applicant by the Authority in writing), or

(ii) together with a link from that website address to the website address of the applicant, on the website address of the applicant.

(3) In the event that it is not practicable to publish notice of application on the website address of the Authority, the Authority may specify by notice in writing an alternative means of publication.

(**a**) The Gas and Electricity Markets Authority was established under section 1(1) of the Utilities Act 2000 (c. 27).
(**b**) This subsection was inserted by section 74(7) of the Utilities Act 2000.
(**c**) 1986 c. 44.
(**d**) S.I. 2001/3353.

(4) Where an application is for the restriction of a licence, the applicant shall also ensure that notice of application is published within the prescribed period in such newspapers as are calculated to ensure that the notice is circulated throughout the area to which the proposed restriction relates."

(5) In this Regulation "working day" shall have the same meaning as in section 64 of the Electricity Act 1989(**a**)"

3. Schedule 1 to the principal Regulations shall be amended by the addition of the following paragraph—

"*CRIMINAL OFFENCES*

4. Give particulars of any criminal convictions (other than for offences under the Road Traffic Offenders Act 1988(**b**) or convictions in respect of which the person has become rehabilitated under the Rehabilitation of Offenders Act 1974(**c**) of the applicant or any person specified in paragraph 2(2)(c), 2(2)(d), 2(3) or 2(4)."

4. Schedule 2 to the principal Regulations shall be deleted save that such deletion shall not affect any condition in a licence having effect under the Act which refers to the provisions of the Schedule.

5.—(1) In Schedule 3 Part 1—

(a) delete paragraphs 3, 4, 5 and 6(a)(ii) and (iii);

(b) after paragraph 2 insert—

"**3.** 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 particulars of the applicant's proposed arrangements for compliance with the applicable requirements of standard conditions 24 (Arrangements in Respect of Powers of Entry), 24A (Authorisation of Officers), 24B (Exercise of Powers of Entry), 25 (Efficient Use of Gas), 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)."; and

(c) at the end of paragraph 6(a)(i) insert "; and".

(2) In Schedule 3 Part II delete paragraphs 2, 3, 4 and 5.

(3) In Schedule 3 Part III

(a) delete paragraphs 2, 3, 4, 5 and 6(a)(ii) and (iii);

(b) after paragraph 1 insert—

"**2.** Provide particulars of the applicant's proposed arrangements for compliance with the applicable requirements of standard conditions 8 (Provision and Return of Meters), 18 (Provision of Services for Persons who are Blind or Deaf), 19 (Arrangements in Respect of Powers of Entry), 19A (Authorisation of Officers), 19B (Exercise of Powers of Entry) and 21 (Complaint Handling Procedure)."; and

(c) at the end of paragraph 6(a)(i) insert "; and".

(**a**) 1989 c. 29.
(**b**) 1988 c. 53.
(**c**) 1974 c. 53.

6. Schedule 4 (application fees) shall be replaced by the following—

SCHEDULE 4

Regulation 7

APPLICATION FEES

COLUMN 1	COLUMN 2
Description of application	*Fee payable £*
Gas Supplier 1. Application for licence or extension (not including authorisation to supply gas to domestic premises)	400
2. Application for licence including authorisation to supply gas to domestic premises to which gas is, or is to be, conveyed otherwise than by a gas transporter	300
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	1,150
4. Application for extension of a licence so as to include authorisation to supply gas to domestic premises to which gas is conveyed by a gas transporter	1,000
5. Application for any other extension or restriction	400
Gas Shipper 6. Any application	300
Gas Transporter 7. Application (other than one for an extension or restriction) for a gas transporter licence	950
8. Application for extension or restriction of a gas transporter licence	125

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

L.S.

J. S. Neilson
A member of the Authority

13th March 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Gas (Applications for Licences and Extensions and Restrictions of Licences) Regulations 2001 ("the principal Regulations") which 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. These regulations amend the form and manner of such applications, the manner in which the applications are to be published as well as the fees for such applications.

Regulation 2, which replaces Regulation 8 of the principal Regulations, concerns the notice period and the publication requirements for applications. Paragraph 1 increases the notice period to 10 working days. Paragraph 2 introduces a requirement for that notice of application to be published on the website of the Authority or via a link from the website of the Authority to the website of the applicant, on that of the applicant. Applications for extensions must be published in local newspapers.

Regulation 3 requires applicants to give, with certain exceptions, particulars of any criminal convictions.

Regulation 5 reduces the additional information and documents which must accompany applications.

Regulation 6 fixes a new level of fees for applications.

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