STATUTORY RULES OF NORTHERN IRELAND

2019 No. 1

GAS

The Gas (Designation of Pipelines) Order (Northern Ireland) 2019

Made - - - -	*9th January 2019*
Coming into operation -	*4th February 2019*

The Department for the Economy ("the Department"), in exercise of the powers conferred on it by Article 59(1), (2) and (5) of the Energy (Northern Ireland) Order 2003(**a**), ("the Energy Order") and of every power enabling it in that behalf, hereby makes the following Order.

The Department has consulted with the Northern Ireland Authority for Utility Regulation in accordance with Article 59(1) of the Energy Order and has given notice in accordance with Article 59(4) of that Order and has considered any representations or objections which are duly made and not withdrawn.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Gas (Designation of Pipelines) Order (Northern Ireland) 2019 and shall come into operation on 4th February 2019.

(2) In this Order—

"assigned" has the same meaning as in Article 12 of the Gas Order;

"the Energy Order" means the Energy (Northern Ireland) Order 2003;

"the Gas Order" means the Gas (Northern Ireland) Order 1996(**b**); and

"the Insolvency Order" means the Insolvency (Northern Ireland) Order 1989(**c**).

Designated pipeline

2. The pipeline specified in column (1) of the Schedule, being a high pressure pipeline, is hereby designated as a pipeline to which Article 60 of the Energy Order applies for the period beginning on and including the date of commencement of this Order and ending on the date specified opposite thereto in column (2) of the Schedule.

(**a**) S.I. 2003/419 (N.I. 6)
(**b**) S.I. 1996/275 (N.I. 2) as amended by S.R. 2002 No 291 and the Energy Order (in particular Article 30)
(**c**) S.I. 1989/2405 (N.I. 19)

Cessation of designation

3.—(1) This Order shall, subject to paragraph (2), cease to have effect where—

(a) the licence granted under Article 8(1)(a) of the Gas Order authorising the holder to convey gas through the pipeline designated by Article 2 is assigned or revoked; or

(b) there is an insolvency event in relation to the holder.

(2) This Order shall not cease to have effect by virtue of paragraph (1)(a) where a licence granted under Article 8(1)(a) of the Gas Order authorising the holder to convey gas through the pipeline is assigned or revoked but is immediately replaced by a further such licence granted to the same person so as to preserve the continuity of the authorisation of that person to convey gas through the pipeline, or when an Energy Administration Order as defined in Part 2 section 17 of the Energy Act (Northern Ireland) 2011(**a**) is in force.

(3) For the purpose of paragraph (1)(b) an "insolvency event" occurs in relation to the licence holder referred to in that sub-paragraph if it:—

(a) is deemed unable to pay its debts (within the meaning of Article 103(1) or (2) of the Insolvency Order) or if any voluntary arrangement is proposed in relation to it under Article 14 of the Insolvency Order;

(b) has a receiver (which expression shall include an administrative receiver within the meaning of Article 5(1) of the Insolvency Order) of the whole or any material part of its assets or undertaking appointed;

(c) has an administration order under Article 21 of the Insolvency Order made in relation to it;

(d) has any resolution for winding up passed in relation to it; or

(e) becomes subject to an order for winding up by a court of competent jurisdiction.

(4) In paragraph (3)(a) the reference to Article 103(1) of the Insolvency Order shall be construed as a reference to that provision as if in sub-paragraph (a) for "£750" there was substituted "£250,000".

(5) For the purposes of paragraph (3)(a), a person shall not be deemed to be unable to pay his debts if any such demand as is mentioned in Article 103(1)(a) of the Insolvency Order, is being contested in good faith by that person with recourse to all appropriate measures and procedures.

Sealed with the Official Seal of the Department for the Economy on 9th January 2019.

(L.S.)

June Ingram
A senior officer of the
Department for the Economy

(**a**) 2011 c.6 (N.I.)

SCHEDULE 1

Description of the pipeline	*Date designation ending*
The pipeline known as the West Pipeline consisting of two sections, which run for 27.5 kilometres approximately from (and including) the Offtake Connection at Portadown to (and including) the Pressure Reduction Station at Dungannon, and for 50.5 kilometres approximately from (and including) Dungannon Tee to (and including) the Pressure Reduction Station at Tullykenneye (and including) the Tullybroom Pressure Reduction Station.	11th February 2055

EXPLANATORY NOTE

(This note is not part of the Regulations)

Article 8(1) of the Gas (Northern Ireland) Order 1996 ("the Gas Order") authorises the holder of a licence issued under sub-paragraph (a) to participate in the conveyance of gas from one place to another.

Such licences are subject to standard conditions. There may also be conditions attaching to a particular licence. Article 60(1) of the Energy (Northern Ireland) Order 2003 provides for the Department for the Economy ("the Department"), after consultation with the Northern Ireland Authority for Utility Regulation ("the Authority"), or the Authority with the consent of the Department, to modify the conditions of a particular licence, or the standard conditions where it considers it necessary or expedient to do so, for the purpose of implementing or facilitating the operation of arrangements designed to secure that prices charged in connection with the conveyance of gas through certain designated pipelines are in accordance with a common tariff which does not distinguish (whether directly or indirectly) between different parts of Northern Ireland or the extent of use of any such pipelines.

Article 2 and the Schedule to this Order designates a pipeline to which this power of modification applies.

The pipeline in the Schedule is designated from the date of coming into operation of the Order until the date specified opposite the reference to the pipeline in the Schedule. However, the Order specifies certain events on the happening of which the Order will cease to have effect. These events are set out in Article 3.

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