

Gas Act 1986 c. 44

s. 7 Licensing of public gas transporters.



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Subjects

Utilities

Keywords

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7.— Licensing of public gas transporters.

(1) In this Part [*gas transporter*]² means the holder of a licence under this section except where the holder is acting otherwise than for purposes connected with—

- (a) the carrying on of activities authorised by the licence;
- (b) the conveyance of gas through pipes which—
 - (i) are situated in an authorised area of his; or
 - (ii) are situated in an area which was an authorised area of his, or an authorised area of a previous holder of the licence, and were so situated at a time when it was such an area; or
- (c) the conveyance through pipes of gas which is in the course of being conveyed to or from a country or territory outside Great Britain.

(2) Subject to [subsections (3) and (3A)]³ below, the [Authority]⁴ may grant a licence authorising any person to do either or both of the following, namely—

- (a) to convey gas through pipes to any premises in an authorised area of his, that is to say, [any area specified in the licence as it has effect for the time being;]⁵
- (b) to convey gas through pipes either to any pipe-line system operated by another [gas transporter]⁶, or to any pipe-line system so operated which is specified in the licence or an extension of the licence.

(3) A licence shall not be granted under this section to a person who is the holder of a licence under [section 7ZA or 7A]⁷ below.

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(3A) A licence authorising the conveyance of gas through pipes to any premises must not be granted under this section to a person who is a gas producer unless it is a condition of the licence that the person must not convey gas through pipes to 100,000 or more sets of premises.

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(4) [Subject to subsection (3A), the]⁹ [Authority]⁴ may, with the consent of the licence holder, direct that any licence under this section shall have effect—

- (a) as if any area or pipe-line system specified in the direction were specified in the licence;
- (b) in the case of a licence under subsection (2)(a) above, as if it were also a licence under subsection (2)(b) above and any pipe-line system specified in the direction were specified in the licence; or
- (c) in the case of a licence under subsection (2)(b) above, as if it were also a licence under subsection (2)(a) above and any area specified in the direction were specified in the licence;

and references in this Part to, or to the grant of, an extension under this section, or an extension of such a licence, shall be construed as references to, or to the giving of, such a direction.

[
(4A) The Authority may, with the consent of the licence holder, direct that any licence under this section shall have effect as if any area or pipe-line system specified in the direction were not specified in the licence; and references in this Part to, or to the grant of, a restriction under this section, or a restriction of such a licence, shall be construed as references to, or to the giving of, such a direction.

] ¹⁰

(5) Before granting a licence [...] ¹¹ under this section, the [Authority] ⁴ shall give notice—

- (a) stating that he proposes to grant the licence [...] ¹¹ ;
- (b) stating the reasons why he proposes to grant the licence [...] ¹¹ ; and
- (c) specifying the time from the date of publication of the notice (not being less than two months [...] ¹¹) within which representations or objections with respect to the proposed licence [...] ¹¹ may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(6) A notice under subsection (5) above shall be given—

- (a) by publishing the notice in such manner as the [Authority] ⁴ considers appropriate for bringing it to the attention of persons likely to be affected by the grant of the licence [...] ¹¹ ; and
- (b) by sending a copy of the notice to the Secretary of State, to the Health and Safety Executive and to any [gas transporter] ⁶ whose area includes the whole or any part of the area proposed to be specified in the licence [...] ¹¹ .

[...] ¹²

(9) As soon as practicable after the granting of a licence under this section, the [gas transporter] ⁶ shall publish, in such manner as the [Authority] ⁴ considers appropriate for bringing it to the attention of persons who are likely to do business with the transporter, a notice—

- (a) stating that the licence has been granted; and
- (b) explaining that, as a result, it might be necessary for those persons to be licensed under [section 7A](#) below.

(10) In this section—[

- (za) “*gas producer*” means a person who—

(i) gets natural gas from its natural condition in strata otherwise than as an unintended consequence of the storage of gas, and requires a licence under [section 3](#) of the [Petroleum Act 1998](#) (licences to search and bore for and get petroleum) to do so or would require such a licence if getting the gas in Great Britain; or

(ii) produces any other gas, including in particular biomethane, which is suitable for conveyance through pipes to premises in accordance with a licence under [section 7](#);

] ¹³

(a) 'relevant main' has the same meaning as in [section 10](#) below;

(b) references to an area specified in a licence or direction include references to an area included in an area so specified; and

(c) references to a pipe-line system specified in a licence or direction include references to a pipe-line system of a description, or situated in an area, so specified.

[...] ¹²] ¹

Notes

- 1 Substituted by Gas Act 1995 c. 45 [s.5](#) (March 1, 1996)
- 2 Words substituted by Utilities Act 2000 c. 27 [Pt V s.76\(2\)](#) (October 1, 2001 subject to transitional provisions as specified in SI 2001/3266 arts 3-20)
- 3 Words substituted by Electricity and Gas (Internal Markets) Regulations 2011/2704 [Pt 5 reg.18\(2\)](#) (November 10, 2011)
- 4 Word substituted by Utilities Act 2000 c. 27 [Pt I s.3\(2\)](#) (December 20, 2000)
- 5 Words substituted by Utilities Act 2000 c. 27 [Pt V s.76\(3\)](#) (October 1, 2001 subject to transitional provisions as specified in SI 2001/3266 arts 3-20)
- 6 Words substituted by Utilities Act 2000 c. 27 [Sch.6\(I\) para.4](#) (October 1, 2001 subject to transitional provisions as specified in SI 2001/3266 arts 3-20)
- 7 Words inserted by Energy Act 2004 c. 20 [Pt 3 c.2 s.149\(5\)](#) (December 1, 2004)
- 8 Added by Electricity and Gas (Internal Markets) Regulations 2011/2704 [Pt 5 reg.18\(3\)](#) (November 10, 2011)
- 9 Word substituted by Electricity and Gas (Internal Markets) Regulations 2011/2704 [Pt 5 reg.18\(4\)](#) (November 10, 2011)
- 10 Added by Utilities Act 2000 c. 27 [Pt V s.76\(4\)](#) (October 1, 2001 subject to transitional provisions as specified in SI 2001/3266 arts 3-20)
- 11 Words repealed subject to transitional provisions as specified in SI 2001/3266 arts 3-20 by Utilities Act 2000 c. 27 [Sch.8 para.1](#) (October 1, 2001: repeal has effect as SI 2001/3266 subject to transitional provisions as specified in SI 2001/3266 arts 3-20)
- 12 Repealed subject to transitional provisions as specified in SI 2001/3266 arts 3-20 by Utilities Act 2000 c. 27 [Sch.8 para.1](#) (October 1, 2001: repeal has effect as SI 2001/3266 subject to transitional provisions as specified in SI 2001/3266 arts 3-20)
- 13 Added by Electricity and Gas (Internal Markets) Regulations 2011/2704 [Pt 5 reg.18\(5\)](#) (November 10, 2011)

Part I GAS SUPPLY > Licensing of activities relating to gas > s. 7 Licensing of public gas transporters.

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