



Oil and Gas (Enterprise) Act 1982

1982 CHAPTER 23

PART II

GAS

Use by other persons of pipe-lines belonging to Gas Corporation

17 Acquisition of rights to use pipe-lines belonging to Gas Corporation

- (1) If a person applies to the Secretary of State for directions under this section which enable the applicant to secure a right to have conveyed, by a pipe-line belonging to the Gas Corporation, during a period specified in the application quantities so specified of gas which is of a kind so specified and is of, or of a kind similar to, the kind which the pipe-line is designed to convey, it shall be the duty of the Secretary of State—
- to decide whether the application is to be considered further or rejected;
 - to serve notice of his decision on the applicant; and
 - in the case of a decision that the application is to be considered further, to give the Corporation notice that it is to be so considered and an opportunity of being heard about the matter.
- (2) Where, after further considering an application under subsection (1) above, the Secretary of State is satisfied that the giving of directions under this section would not prejudice the conveyance by the pipe-line of—
- the quantities of gas which the Gas Corporation requires or may reasonably be expected to require to be conveyed by the pipe-line in order to secure the performance by the Corporation of its statutory duties and contractual obligations ; and
 - the quantities of gas which any person who has a right to have gas conveyed by the pipe-line is entitled to require to be so conveyed in the exercise of that right,

the Secretary of State may give such directions to the Corporation.

- (3) Directions under this section may—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) specify the terms on which the Secretary of State considers the Gas Corporation should enter into an agreement with the applicant for all or any of the following purposes—
 - (i) for securing to the applicant the right to have conveyed by the pipe-line during the period specified in the directions the quantities so specified of gas which is of the kind so specified ;
 - (ii) for securing that the exercise of that right is not prevented or impeded ;
 - (iii) for regulating the charges which may be made for the conveyance of gas by virtue of that right;
 - (iv) for securing to the applicant the right to have a pipe-line of his connected to the pipe-line by the Corporation;
 - (b) specify the sums or the method of determining the sums which the Secretary of State considers should be paid by way of consideration for any such right; and
 - (c) require the Corporation, if the applicant pays or agrees to pay those sums within a period specified in that behalf in the directions, to enter into an agreement with him on the terms so specified.
- (4) Where the Secretary of State proposes to give directions to the Gas Corporation under section 15(4) or 16 above, it shall be his duty before doing so—
- (a) in the case of directions under section 15(4) above, to give to any person whom he proposes to specify in the directions particulars of the requirement he proposes so to specify and an opportunity of making an application under subsection (1) above in respect of the proposed pipe-line; and
 - (b) in the case of directions under section 16 above, to give to the applicant particulars of the modifications he proposes to specify in the directions and an opportunity of making such an application in respect of the pipeline ;
- and subsections (1) to (3) above shall have effect in relation to such an application made by virtue of this subsection as if for references to a pipe-line there were substituted references to the proposed pipe-line or, as the case may be, the pipe-line as it would be with those modifications.
- (5) Any reference in this section to a right to have a quantity of gas of any kind conveyed by a pipe-line is a reference to a right—
- (a) to introduce that quantity of gas of that kind at one point in the pipe-line ; and
 - (b) to take off such quantity as may be appropriate of gas of, or of a kind similar to, that kind at another point in the pipe-line.
- (6) Any reference in a deed or other instrument or document to the functions of the Gas Corporation shall be taken to include a reference to any obligations arising under an agreement entered into by the Corporation in pursuance of directions given under this section.