



Energy Act 2004

2004 CHAPTER 20

PART 3

ENERGY REGULATION

CHAPTER 2

INTERCONNECTORS FOR ELECTRICITY AND GAS

Gas interconnectors

149 Operators of gas interconnectors to be licensed

- (1) The Gas Act 1986 (c. 44) is amended as follows.
- (2) In subsection (1) of section 5 (prohibition on unlicensed activities)—
 - (a) in paragraph (a), at the beginning insert “ otherwise than by means of a gas interconnector ”; and
 - (b) after that paragraph insert—
 - “(aa) participates in the operation of a gas interconnector;”.
- (3) After subsection (5) of that section insert—
 - “(6) A reference in this Part to participating in the operation of a gas interconnector is a reference to—
 - (a) co-ordinating and directing the conveyance of gas into or through a gas interconnector; or
 - (b) making such an interconnector available for use for the conveyance of gas.
 - (7) For the purposes of subsection (6)(b) a person shall not be regarded as making something available just because he consents to its being made available by another.

Changes to legislation: Energy Act 2004, Section 149 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (8) In this Part “gas interconnector” means so much of any pipeline system as—
 - (a) is situated at a place within the jurisdiction of Great Britain; and
 - (b) subsists wholly or primarily for the purposes of the conveyance of gas (whether in both directions or in only one) between Great Britain and another country or territory.
- (9) For the purposes of this section a place is within the jurisdiction of Great Britain if it is in Great Britain, in the territorial sea adjacent to Great Britain or in an area designated under section 1(7) of the Continental Shelf Act 1964.
- (10) In this section “pipe-line system” includes the pipes and any associated apparatus comprised in that system.”
- (4) In section 6A(1) (power of the Secretary of State to grant exemptions from licensing), after “paragraph (a)” insert “, (aa) ”.
- (5) In section 7(3) (no licence may be issued to holder of licence under section 7A), after “under section” insert “ 7ZA or ”.
- (6) After section 7 insert—

“7ZA Licences for operation of gas interconnectors

- (1) Subject to subsection (2), the Authority may grant a licence authorising any person to participate in the operation of a gas interconnector.
- (2) A licence shall not be granted under this section to a person who is the holder of a licence under section 7 or 7A.
- (3) A licence under this section—
 - (a) must specify the interconnector or interconnectors in relation to which participation is authorised; and
 - (b) may limit the forms of participation in the operation of an interconnector which are authorised by the licence.”
- (7) In section 7A(3) (no licence may be issued to holder of licence under section 7), after “section 7” insert “ or 7ZA ”.
- (8) In—
 - (a) the definitions of “licence” in sections 4AA(8) and 48(1), and
 - (b) section 36(1) and (2)(d),
 after “section 7” insert “, 7ZA ”.
- (9) In section 24(1A)(a) (references to the Competition Commission for licence modifications), after sub-paragraph (i) insert—

“(ia) licences under section 7ZA above.”.
- (10) In section 41C(4) (addition of activities to prohibited activities), after paragraph (a) insert—

“(aa) participation in the operation of a gas interconnector;”.
- (11) In section 48(1) (interpretation) after the definition of “gas fittings” insert—

““gas interconnector” has the meaning given by section 5(8);”.

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Commencement Information

- I1** S. 149(1)(3)(5)-(9)(11) in force at 1.12.2004 by S.I. 2004/2575, art. 2(2), **Sch. 2**
- I2** S. 149(2)(4)(10) in force at 14.8.2006 by S.I. 2006/1964, art. 2, **Sch.**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)