
STATUTORY INSTRUMENTS

2011 No. 2704

The Electricity and Gas (Internal Markets) Regulations 2011

PART 5

Distribution

Independence of gas transporters authorised to convey gas to premises

18.—(1) Section 7 of the Gas Act 1986 (licensing of gas transporters)(1) is amended as follows.

(2) In subsection (2), for “subsection (3)” substitute “subsections (3) and (3A)”.

(3) After subsection (3) insert—

“(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.”.

(4) In subsection (4), for “The” substitute “Subject to subsection (3A), the”.

(5) In subsection (10), before paragraph (a) insert—

“(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;”.

Independence of electricity distributors

19. In section 6(2) of the Electricity Act 1989 (licences authorising supply, etc)(2), for “a supply licence” substitute—

“—

(a) a generation licence; or

(b) a supply licence.”.

(1) Section 7 was amended by the Gas Act 1995 (c. 45), section 5; and the Energy Act 2004, section 149(1) and (5). Other amendments have been made that are not relevant for these purposes.

(2) 1989 c. 29. Section 6 was substituted for section 6 as originally enacted by the Utilities Act 2000 (c. 27), section 30. Other amendments have been made that are not relevant for these purposes.