

Notice under Article 8(4) of the Gas (Northern Ireland) Order 1996

The Northern Ireland Authority for Utility Regulation (hereinafter referred to as “the Authority”) pursuant to Article 8(4) of the Gas (Northern Ireland) Order 1996 as amended (“the Order”), hereby gives notice as follows:

The Authority proposes to extend the licence area contained within the licence (“the licence”) granted under Article 8(1) of the Order to **Phoenix Natural Gas Limited** (“the licensee”) to include the following:

- 1) The premises at The Cranmore Pet Crematorium, 45 Tullyrusk Road, Dundrod, Crumlin, BT29 4OH;
- 2) The land in, on or over which The Cranmore Pet Crematorium Pipeline is situated;
- 3) Any premises which are, at any given location, situated within a 50 meter radius of The Cranmore Pet Crematorium Pipeline.

For the avoidance of doubt, “The Cranmore Pet Crematorium Pipeline” means the distribution pipeline of the licensee which pipeline follows the route from the junction of Budore Road and Tullyrusk Road, continuing along the Tullyrusk Road to (and terminating at) the premises specified in 1) above.

Reason

The reason for the proposed extension is to allow for the construction of the pipeline infrastructure necessary to facilitate the conveyance of gas to The Cranmore Pet Crematorium.

The proposed amendments to the licence in respect of this extension are appended to this Notice.

Representations or objections to the proposed extension can be made before 13 March 2012 to Carl Hashim by way of post at The Utility Regulator, Queens House, 14 Queen Street, Belfast BT1 6ED or e-mail at carl.hashim@uregni.gov.uk.

Dated this day 14 February 2012

Shane Lynch
For and on behalf of the Authority

Extract of PNGL licence: Condition 1.16, followed by Schedule 1

1.16 Definitions

Except where expressly stated to the contrary and unless the context otherwise requires, the following terms shall have the meanings ascribed to them below:

- "affiliate" means, in relation to any person, any company which is a subsidiary of such person or a company of which such person is a subsidiary or a company which is another subsidiary of a company of which such person is a subsidiary;
- "amount" means, in relation to gas the energy content thereof expressed in therms or kilowatt hours; except with effect from 1st January 2000, it means the said content expressed in kilowatt hours;
- "auditors" means the Licensee's auditors for the time being holding office in accordance with the requirements of the Companies (Northern Ireland) Order 1986;
- “Authority” means the Northern Ireland Authority for Utility Regulation;
- "authorisation of persons" means the power of the Licensee to authorise persons, pursuant to Schedule 5 of the Order;
- “balancing” means (in relation to the Network and relevant period for balancing under the Network Code) taking such measures as may be available to the Licensee, in particular measures:
- (i) for managing the relationship between deliveries of gas to and offtakes from the Network during that period; and

(ii) to maintain pressures in the Network at all levels;

which will in the reasonable opinion of the Licensee, ensure the safety and efficiency of the Network in that or any subsequent relevant period;

"consumer"	means any person supplied with gas to premises;
"Department"	means the Department of Enterprise, Trade and Investment;
"development plan"	means the Licensee's plan to develop the Network under Schedule 4;
"distribution pipeline"	means any pipeline which is not a transmission pipeline.
"district"	means an area so designated in an approved map under Schedule 1;
"domestic consumer"	means a person who is supplied with gas conveyed to premises at a rate which is reasonably expected not to exceed 2,500 therms a year;
"Electoral Ward"	means the spatial unit used to elect local government councillors into district council areas, as at 15 March 2006. Any dispute as to the boundaries of such spatial unit shall be determined by the Authority by reference to the map of such spatial unit held at the Northern Ireland Statistics and Research Agency;
"Energy Order"	means the Energy (Northern Ireland) Order 2003;
"Exclusive Area"	means the area referred to in paragraphs 1.1(a), 1.1(e) and 1.2(b)-(gi) of Schedule 1 (as comprising part of the Licensed Area) which is designated under Article 9 of the Order as being the area in

which the Licensee has exclusive authority to carry on the conveyance of gas in accordance with the provisions of this Licence Document.

2. The areas to which conveyance exclusivity under the licence is to be extended (until 31 December 2016) are:

(a) the areas within the boundaries of the following Electoral Wards:

- (i) Comber North;
- (ii) Comber South;
- (iii) Comber East;
- (iv) Comber West; and
- (v) Lisbane; and

(b) the Temple Quarry area comprising:

- (i) the premises at the Temple Quarry, 26 Ballycarngannon Road, Lisburn, BT27 6YA;
- (ii) the land in on or over which the Quarry Pipeline is situated;
- (iii) any premises which are, at any given location, situated within a 50 metre radius of the Quarry Pipeline; and
- (iv) the land in on or over which pipelines are situated for the purpose of conveying gas to premises specified in paragraph (b)(iii) above,

where “the Quarry Pipeline” means the distribution pipeline of the Licensee which

pipeline follows the route of the A24 (as proceeding South from the boundary of the area described in paragraph 1.1(a) of Schedule 1) continuing South along the A24 to the junction of the Carr Road, continuing North-West along the Carr Road to the junction with the B178, continuing South-West along the B178 to the junction with the Ballycarngannon Road and continuing south along the Ballycarngannon Road to (and terminating at) the premises specified in paragraph (b)(i) above.

- (c) the McQuillan Quarry area comprising:
- (i) the premises at the McQuillan Quarry, 15 Sycamore Road, Budore, BT29 4JE;
 - (ii) the land in on or over which the McQuillan Quarry Pipeline is situated;
 - (iii) any premises which are, at any given location, situated within a 50 metre radius of the McQuillan Quarry Pipeline; and
 - (iv) the land in on or over which pipelines are situated for the purpose of conveying gas to premises specified in paragraph (c)(iii) above,

where “the McQuillan Quarry Pipeline” means the distribution pipeline of the Licensee which pipeline follows the route of the Upper Springfield Road, Divis Road, Tornaroy Road, Wheelers Road, Tornagrough Road, Tullyrusk Road and continuing along the Sycamore Road to (and terminating at) the premises specified in paragraph (c)(i) above.

(d) the Cranmore Pet Crematorium area
comprising:

(i) the premises at the Cranmore Pet
Crematorium, 45 Tullyrusk Road,
Dundrod, Crumlin, BT29 4OH;

(ii) the land in on or over which the
Cranmore Pet Crematorium Pipeline is
situated;

(iii) any premises which are, at any given
location, situated within a 50 metre
radius of the Cranmore Pet
Crematorium Pipeline; and

(iv) the land in on or over which pipelines
are situated for the purpose of
conveying gas to premises specified in
paragraph (d)(iii) above,

where “the Cranmore Pet Crematorium Pipeline”
means the distribution pipeline of the Licensee
which pipeline follows the route from the
junction of Budore Road and Tullyrusk Road,
continuing along the Tullyrusk Road to (and
terminating at) the premises specified in
paragraph (d)(i) above.

“exemption holder”

means the holder of an exemption under Article 7 of the Order;

"exercise of powers of entry"

means the Licensee entering any premises, in accordance with the powers conferred by Schedule 5 of the Order;

"gas supplier"	means any person authorised by licence under Article 8 of the Order or by exemption under Article 7 of the Order to supply gas;
“General Consumer Council”	means the General Consumer Council for Northern Ireland.
"Grant"	means the commencing section of this Licence Document by which the Department grants the Licensee the licence;
“holding company”	has the same meaning as given to it under Article 4 of the Companies (Northern Ireland) Order 1986;
"information"	includes documents, accounts, estimates, returns, reports or other information;
"Licence Document"	means the Grant of this conveyance licence to the Licensee and Parts 1 and 2 of this conveyance licence together with the Schedules thereto;
"Licensed Area"	means the area in which the Licensee is authorised to convey gas pursuant to Schedule 1 of this Licence Document;
“Licensed Business”	means the activities connected with the conveyance of gas pursuant to the conveyance licence granted under paragraph 1(a) of the Grant;
"Licensee"	means Phoenix Natural Gas Limited;
"Network"	“means all the pipe-lines (as defined by the Gas (Northern Ireland) Order 1996, and shall also include any plant, equipment or apparatus used for, or for any purposes connected with, the conveyance of gas) within the Licensed Area that are owned and/or operated by any licensee,

which pipe-lines shall, in the case of conveyance to consumer's premises and for the purposes of this definition, be deemed to terminate immediately prior to the inlet of the first gas meter at such premises.”

- "Order" means the Gas (Northern Ireland) Order 1996;
- "person" means any company, firm, partnership, association, body corporate or individual;
- "quarter" means a period of three calendar months;
- "related undertaking" means any undertaking in which any person has a participating interest as defined by Article 268 of the Companies (Northern Ireland) Order 1986;
- "separate accounts" means the accounts which are to be prepared for each Separate Business;
- "Separate Business" means each of the activities of the Licensee connected with:
- (a) the conveyance of gas by means of distribution pipeline pursuant to a licence granted in accordance with Article (8)(1)(a) of the Order; and
 - (b) the storage of gas pursuant to a licence granted in accordance with Article 8(1)(b) of the Order.

each taken separately from one another and from any other business of the Licensee or any affiliate or related undertaking of the Licensee, but so that where all or any part of any such business is carried

on by an affiliate or related undertaking of the Licensee (save in respect of an affiliate or related undertaking which has a separate licence or exemption), such part of the business as is carried on by that affiliate or related undertaking shall be consolidated with any other such business of the Licensee (and of any other affiliate or related undertaking of the Licensee) so as to form a single Separate Business; and

"subsidiary"

has the same meaning as given to it in Article 4 of the Companies (Northern Ireland) Order, 1986.

“transmission pipeline”

means any pipeline having a design operating pressure exceeding 7 bar gauge.

“ultimate controller”

means, in respect of the Licensee:

(a) any holding company of the Licensee, which is not itself a subsidiary of another company; and/or

(b) any person who (whether alone or with a person or persons connected with him) is in a position to control, or to exercise significant influence over, the policy of the Licensee, or any holding company of the Licensee, by virtue of:

(i) rights under contractual arrangements to which he is a party or of which he is a beneficiary;

(ii) rights of ownership (including rights attached to or deriving

from securities or rights under a trust)
which are held by him or of which he is
a beneficiary,

but shall exclude any director or employee of a
corporate body in his capacity as such and any
minister, ministry, department, agency, authority,
official or statutory person.

A person shall be considered to be connected with
another person if they are party to any arrangement
regarding the exercise of any such rights as are
described in (i) and/or (ii) above.

SCHEDULE 1

Licensed Area for the Conveyance of Gas

The Licensed Area

1.1 The Licensed Area comprises:

- (a) the districts shown for the purposes of identification only, on the map attached as Annex 1 to this Schedule 1 and more particularly described on the map approved by the Department for these purposes and deposited with the Authority or any copy of the approved map certified by the Authority as a true copy;
- (b) the areas within the boundaries of the following Electoral Wards (as falling within the district of Larne):
 - (i) Carncastle;
 - (ii) Kilwaughter;
 - (iii) Ballycarry;
 - (iv) Glenarm; and
 - (v) Glynn;
- (c) the area within the boundary of the Electoral Ward of Millisle (as falling within the district of Ards); and
- (d) the following premises:
 - (i) 26 Site 1 Boghill Road, Newtownabbey, Co. Antrim, BT36 4QS;
 - (ii) Tarmac Northern Ltd, 40a Boghill Road, Newtownabbey, Co. Antrim, BT36 4QS;
 - (iii) Ballyearl Sports Centre, Doagh Road, Newtownabbey, Co. Antrim;
 - (iv) Ashers Baking Co, 581 Doagh Road, Newtownabbey, Co. Antrim, BT36 5RZ;

- (v) 583, Doagh Road, Newtownabbey, Co. Antrim BT36 5RZ;
 - (vi) Miles Ash Ltd, 576 Doagh Road, Newtownabbey, Co. Antrim BT36 5BU;
 - (vii) Newtownabbey Council Depot, 570 Doagh Road, BT36 5BU; and
 - (viii) 50 Carnmoney Road North.
- (e) The area within the boundaries of each of the electoral wards of Comber North, Comber South, Comber West, Comber East and Lisbane.

1.2 The Licensed Area shall also comprise:

- (a) the land in on or over which pipe-lines are situated for the purpose of conveying gas to the premises listed in paragraph 1.1(d) above;
- (b) the premises at The Temple Quarry, 26 Ballycarnannon Road, Lisburn, BT27 6YA;
- (c) the premises at The McQuillan Quarry, 15 Sycamore Road, Budore, BT29 4JE;
- (d) the premises at The Cranmore Pet Crematorium, 45 Tullyrusk Road, Dundrod, Crumlin, BT29 4OH;
- ~~(d)~~(e) the land in on or over which The McQuillan Quarry Pipeline is situated;
- ~~(e)~~(f) the land in on or over which The Quarry Pipeline is situated;
- (g) the land in on or over which The Cranmore Pet Crematorium Pipeline is situated;
- ~~(f)~~(h) any premises which are, at any given location, situated within a 50 metre radius of either The Quarry Pipeline or The McQuillan Quarry Pipeline or The Cranmore Pet Crematorium Pipeline; and
- (i) the land in on or over which pipelines are situated for the purpose of conveying gas to premises specified in paragraph 1.2(~~fh~~) above.

~~(g)~~ —

1.3 In paragraph 1.2:

“The Quarry Pipeline”

means the distribution pipeline of the Licensee which pipeline follows the route of the A24 (as proceeding South from the boundary of the area described in 1.1(a) above) and continuing South along the A24 to the junction of the Carr Road, continuing North-West along the Carr Road to the junction with the B178, continuing South-West along the B178 to the junction with the Ballycarngannon Road and continuing south along the Ballcarngannon Road to (and terminating at) the premises specified in paragraph 1.2(b) above.

“The McQuillan Quarry Pipeline” means the distribution pipeline of the Licensee which pipeline follows the route of the Upper Springfield Road, Divis Road, Tornaroy Road, Wheelers Road, Tornagrough Road, Tullyrusk Road and continuing along the Sycamore Road to (and terminating at) the premises specified in 1.2(c) above.

“The Cranmore Pet Crematorium Pipeline” means the distribution pipeline of the Licensee which pipeline follows the route from the junction of Budore Road and Tullyrusk Road, continuing along the Tullyrusk Road to (and terminating at) the premises specified in 1.2(d) above.

Schedule 1
Annex 1
Map

