

Annexe A

SGN Evolve Network Ltd

Proposed Modifications



This Annex sets out the proposed modifications to the SGN Evolve Network Ltd conveyance licence.

Proposed deletions are indicated by ~~red text~~ which has been struck through.

Proposed additions are indicated by red text which has been underlined.

This Annex only includes those provisions/conditions (in whole or in part) to which modifications have been proposed.

1.1.6 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 kilowatt hours;
- "auditors"** means the Licensee's auditors for the time being holding office in accordance with the requirements of the Chapter 2 of Part 16 of the Companies Act 2006;
- "authorisation of persons"** means the power of the Licensee to authorise persons, pursuant to Schedule 5 of the Order;
- "Authority"** means the Northern Ireland Authority for Utility Regulation;
- "balancing"** means (in relation to the Network Code and relevant period for balancing under the Network Code) taking such measures as may be available to the Licensee, in particular measures:
- (a) for managing the relationship between deliveries of gas to and offtakes from the Network during that period; and
 - (b) to maintain pressures in the Network at all levels,

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

"company" means a company within the meaning of section 1(1) of the Companies Act 2006 or any other body corporate;

"Competition and Markets Authority" or "CMA" means the body of that name established by Section 25 of the Enterprise and Regulatory Reform Act 2013.

"consumer" means any person supplied with gas to premises;

"conveyance charges" means the charges made by the Licensee for the conveyance of gas;

"conveyance services" means all services provided by the Licensee of conveying gas to, through and within the Licensed Area;

"Department" means the Department ~~of Enterprise, Trade and Investment~~ for the Economy;

"distribution system operator" means any person authorised to convey gas through local or regional pipe-lines by virtue of holding a licence granted under Article 8(1)(a) of the Order;

"domestic consumer" means a consumer supplied, or requiring to be supplied, with gas at Domestic Premises;

"domestic premises" means premises where the supply of gas is taken wholly or mainly for domestic purposes;

"Energy Order" means the Energy (Northern Ireland) Order 2003;

"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;
"financial year"	has the meaning given to it in Condition 1.2;
"gas supplier"	means any person authorised by licence under Article 8(1)(c) of the Order or by exemption under Article 7 of the Order to supply gas including the Licensee as so authorised or exempted;
"Grant"	means the commencing section of this licence by which the Authority grants the Licensee the licence;
"High Pressure Conveyance Licence"	means the gas conveyance licence originally granted, on the same date as the Grant, to Northern Ireland Energy Holdings Limited;
"High Pressure Conveyance Licensee"	means the person from time to time authorised to convey gas under the High Pressure Conveyance Licence;
"high pressure pipe-line"	means any pipe-line having a design operating pressure exceeding 7 bar gauge;
"information"	includes documents, accounts, estimates, returns, reports or other information;
"licence"	means the Grant together with the Conditions and the Schedules;
"Licensed Area"	means the area in which the Licensee is authorised to convey gas in accordance with Schedule 1;

- "Licensed Business"** means the activities connected with the conveyance of gas pursuant to the licence, including (without limitation) the development, construction, operation and maintenance of the Network, the connection of premises to the Network, and the provision and maintenance of gas meters (but not meter reading);
- "Licensee"** means the person referred to as such in the Grant, and/or any person to whom the Licence is subsequently assigned in accordance with the Order, the Energy Order or the Licence;
- "LNG Facility"** means a facility or terminal used for the liquefaction of gas or the importation, offloading and re-gasification of LNG and includes ancillary services and temporary storage for the re-gasification process and delivery to the gas conveyance system comprising of high pressure pipe-lines but does not include any part of the facility used for the storage of gas;
- "low pressure pipe-line"** means any pipe-line which is not a high pressure pipe-line;
- "Network"** means the network of low pressure pipe-lines within the Licensed Area that are owned and/or operated by the Licensee (and shall also include any plant, equipment or apparatus used for, or for any purposes connected with, the conveyance of gas through such pipe-lines) 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 to the first gas meter at such premises;

"Network Code"	means the document prepared by the Licensee under Condition 2.4;
“non-domestic consumer”	means a consumer who is not a domestic consumer;
“non-domestic premises”	means premises which are not domestic premises;
"non standard gas credit meter"	means a gas credit meter owned by the Licensee which is not a standard gas credit meter;
"non standard gas meter"	means either a non standard gas credit or pre-payment meter;
"non standard gas pre-payment meter"	means a gas pre-payment meter owned by the Licensee which is not a standard gas pre-payment meter;
"Order"	means the Gas (Northern Ireland) Order 1996;
"owned"	means in relation to any gas meter title in or control over a meter and includes meters leased to a person;
"person"	means any company, firm, partnership, association, body corporate or individual;
"related undertaking"	means any undertaking in which any person has a participating interest within the meaning of section 421A of the Financial Services and Markets Act 2000;
"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 a high pressure pipe-line pursuant to a licence granted in accordance with Article (8)(1)(a) of the Order;
- (b) the conveyance of gas by means of a low pressure pipe-line pursuant to a licence granted in accordance with Article (8)(1)(a) of the Order;
- (c) the storage of gas pursuant to a licence granted in accordance with Article 8(1)(b) of the Order; and
- (d) the supply of gas pursuant to a licence granted in accordance with Article 8(1)(c) 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;

"Storage Facility"

means a facility used for the storage of gas and includes any part of a LNG Facility used for storage but does not include:

- (a) any part of the facility that is used for production of gas; and
- (b) any facility which is reserved exclusively by or for the Licensee in carrying out functions authorised by the Licence;

"standard gas credit meter" means a gas credit meter of a type so specified and owned by the Licensee;

"standard gas meter" means either a standard gas credit or pre-payment meter;

"standard gas pre-payment meter" means a gas pre-payment meter of a type so specified and owned by the Licensee;

"subsidiary" has the same meaning as given to it in section 1159 of the Companies Act 2006;

"transportation arrangements" means the arrangements which licence holders or exemption holders may have with the Licensee to have gas introduced into, conveyed by means of and taken out of the Network; and

"working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971.

Condition 1.14: Notices

1.14.1 Notices

All notices to be given under any Condition shall be given in wWriting ~~and shall be deemed to have been properly given if delivered in person or sent by registered mail or transmitted by facsimile~~ to the relevant party at the address set out below or at such other address as that party may from time to time specify in writing to the others:

Licensee: ~~Scottia Gas Networks Northern Ireland Ltd (A private limited company)~~**SGN Evolve Network Ltd,**

~~Blackwater House,~~

~~14 Silverwood Industrial Estate,~~

~~Lurgan, BT66 6LN~~

~~St Lawrence House,~~

~~Station Approach,~~

~~Horley,~~

~~Surrey,~~

~~RH6 9HU~~

~~Facsimile Telephone Number (01293) 818500~~

Authority: **Northern Ireland Authority for Utility Regulation,**

Queens House,

14 Queens Street,

Belfast, BT1 6ED

~~Facsimile Telephone Number (02890) 311575~~

Department: ~~Department of Enterprise, Trade and Investment~~ for the Economy,

Energy ~~Division~~ Group,

Adelaide House,

39/49 Adelaide Street,

Belfast BT2 8FD

~~Netherleigh House,~~

~~Massey Avenue,~~

~~Belfast, BT4 2JP~~

~~Facsimile Telephone Number (02890) 529549~~

Writing includes writing sent or received by Electronic Communication

Electronic Communication means a message comprising text that:

- (a) is sent over a Public Electronic Communications Network;
- (b) can be stored in that network or in the recipient's terminal equipment until it is collected by the recipient; and
- (c) is in a particular form and is used for a particular purpose and the recipient of it has expressed a willingness, to the sender, to receive it in that form and for that purpose.

Public Electronic Communications Network has the meaning given in section 151 of the Communications Act 2003.

1.14.2 Receipt

Any notice given under the provisions of Condition 1.14.1 shall be deemed to have been duly delivered and received:

- (i) at the actual time of delivery, if delivered personally;
- (ii) three (3) working days subsequent to the date of posting, if sent by registered mail; and
- (iii) at the time of receipt, if ~~sent by Electronic Communication transmitted by facsimile where there is confirmation of uninterrupted transmission by a transmission report and provided that the original of the notice is then delivered personally or sent by registered mail as soon as reasonably practicable.~~ sent by Electronic Communication