

2009 No. 2195

GAS

PREVENTION AND SUPPRESSION OF TERRORISM

**The Counter-Terrorism Act 2008 (Designation of a Gas
Transporter) Order 2009**

<i>Made</i> - - - -	<i>5 August 2009</i>
<i>Laid before Parliament</i>	<i>13 August 2009</i>
<i>Coming into force</i> - -	<i>3 September 2009</i>

The Secretary of State, in exercise of the powers conferred by section 87 of the Counter-Terrorism Act 2008(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the Counter-Terrorism Act 2008 (Designation of a Gas Transporter) Order 2009 and shall come into force on 3 September 2009.

Designation of a Gas Transporter

2. National Grid Gas plc (company registered number 2006000) is designated as a designated gas transporter for the purposes of sections 85 to 90 of the Counter-Terrorism Act 2008 for so long as it holds a licence under section 7 of the Gas Act 1986(b).

5 August 2009

Joan Ruddock
Minister of State,
Department of Energy and Climate Change

(a) 2008 c. 28.
(b) 1986 c. 44. Section 7 was substituted by the Gas Act 1995 (c. 45), section 5, and was amended by the Utilities Act 2000, sections 3 and 76, and Schedule 6, Part 1, paragraphs 1 and 4, and Schedule 8, and the Energy Act 2004, sections 149 and 197(9), and Schedule 23, Part 1.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates National Grid Gas plc (“NGG”) as a designated gas transporter for the purposes of sections 85 to 90 of the Counter-Terrorism Act 2008 (“the Act”). These sections relate to the costs of policing at gas facilities in Great Britain. No gas transporter has previously been designated under the Act.

Section 85 (in respect of a gas facility in England or Wales), or section 86 (in respect of a gas facility in Scotland), applies where the Secretary of State considers that the provision of extra police services at the gas facility in question is necessary because of a risk of loss of or disruption to the supply of gas connected with it, and that the loss or disruption would have a serious impact on the United Kingdom or any part of it. Each section provides for the Secretary of State to require a designated gas transporter to pay all or part of the costs incurred in respect of the extra police services in or around the gas facility if that gas transporter has an interest in it.

Section 88 provides for the recovery by the designated gas transporter of costs paid under section 85 or 86. Section 89 requires consultation with a designated gas transporter and the Gas and Electricity Markets Authority before the Secretary of State first requires that designated gas transporter to pay any costs under section 85 or 86, and in certain other specified circumstances. By virtue of section 90, sections 85 to 86 apply to costs incurred between 16th January 2007 and the day before those provisions came into force as they would apply in relation to costs incurred on or after that date.

An Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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