
STATUTORY INSTRUMENTS

1977 No. 596 (N.I. 7)

NORTHERN IRELAND

The Gas (Northern Ireland) Order 1977

Laid before Parliament in draft

Made 30th March 1977

Coming into Operation 13th April 1977

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At the Court of Saint James, the 30th day of March 1977

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953(a), was pleased, by Letters Patent dated the 3rd day of February 1977, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorised

(a) 1937 c. 16; 1943 c. 42; 1953 c. 1 (2 & 3 Eliz. 2).

thereto by the said Letters Patent, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(a), and of all other powers enabling Her Majesty in that behalf, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title and commencement

1. This Order may be cited as the Gas (Northern Ireland) Order 1977 and shall come into operation on the fourteenth day after the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“calorific value” means the number of British thermal units (gross) produced by the combustion of one cubic foot of gas measured at 60 degrees Fahrenheit (15.5 degrees Centigrade) under a pressure of thirty inches of mercury and, except as may be otherwise directed by the Department in relation to gas supplied from any undertaking specified in the direction, saturated with water vapour;

“the Committee” means the Committee of Justices of Belfast established under section 5 of the Sale of Gas Act 1859(c);

“the Department” means the Department of Commerce;

“gas fittings” means gas pipes, fittings, meters, apparatus and appliances designed for use by consumers of gas for lighting, heating, motive power and other purposes for which gas may be used;

“modify” means making additions, omissions, amendments or substitutions;

“notice” means notice in writing;

“officer” includes a servant;

“owner” means the person for the time being receiving the rack rent of the land in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the land were let at a rack rent;

“prescribed” means prescribed by regulations;

“public body” means a body (other than undertakers) established by or under any transferred provision;

“regulations” means regulations made under this Order by the Department;

“road” means a road maintainable at the public expense;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“telegraphic line” has the meaning assigned to it by section 2 of the Telegraph Act 1878(d);

“therm” means one hundred thousand British thermal units;

“transferred officer” means an officer transferred to the employment of the Department under Article 22(1);

“transferred provision” has the meaning assigned to it by section 1(g) of the Interpretation Act (Northern Ireland) 1954;

“undertakers” means any district council, company, body or person authorised to supply gas by or under any transferred provision.

(a) 1974 c. 28. (b) 1954 c. 33 (N.I.). (c) 1859 c. 66. (d) 1878 c. 76.

PART II

PROVISIONS AS TO SUPPLY AND USE OF GAS

Supply by undertakers

Supply of gas

3.—(1) Subject to paragraph (2), the provisions of Schedule 1 shall have effect as respects the supply of gas by undertakers.

(2) Without prejudice to section 17(5) of the Interpretation Act (Northern Ireland) 1954, the Department may by order provide that such provision of Schedule 1 as may be specified in the order shall not apply to any undertaker so specified.

(3) Subject to paragraph (4), the Department for the purpose of securing, as far as is reasonably practicable, a uniform statutory code applicable to undertakers, may by order subject to affirmative resolution modify or repeal the provisions of any local or private Act relating to undertakers.

(4) An order under paragraph (3) shall not affect any provision of a local or private Act which makes special provision for the protection of any person unless that provision is inconsistent with the provisions of this Order.

Methods of charge

4.—(1) Subject to the provisions of this Article and Article 5, undertakers shall charge for the gas supplied by them according to the number of therms supplied.

(2) For the purposes of paragraph (1) the number of therms shall be calculated in the prescribed manner on the basis of the declared calorific value of the gas.

(3) Regulations shall—

- (a) make provision as to the time when and the manner in which the calorific value of gas supplied by undertakers is to be declared and is to be brought to the notice of consumers and as to the time when any such declaration is to take effect; and
- (b) provide for the adjustment of charges for gas in cases where an alteration in the declared calorific value occurs in the course of a period for which such charges are made.

Tariffs

5.—(1) Subject to the following provisions of this Article, the prices to be charged by undertakers for the supply of gas shall be in accordance with tariffs fixed by the undertakers.

(2) The tariffs shall be published in such manner as in the opinion of the undertakers will secure adequate publicity for them.

(3) The tariffs shall be so framed as to show the methods by which and the principles on which the charges are to be made as well as the prices which are to be charged and, in addition to the charge for the actual gas supplied, may include—

- (a) a standing charge; and
- (b) a rent or other charge in respect of any gas meter or other gas fittings provided by the undertakers on the premises of the consumer.

(4) Undertakers in fixing tariffs shall not show undue preference to any person or class of persons and shall not exercise any undue discrimination against any person or class of persons.

(5) Where by virtue of the revision of a tariff (whether by variation, replacement or otherwise) the charge for gas supplied to any consumer is increased, the increased charge shall not apply to gas supplied to that consumer before the first inspection of the meter for the purpose of ascertaining the quantity of gas supplied to that consumer which is made after the publication of the revised tariff.

(6) Where at any time an officer of undertakers attempts to gain access to a meter in order to ascertain the amount of gas registered on that meter as having been consumed or supplied and is for any reason unable to gain access at that time—

(a) the undertakers shall have power to estimate the amount of gas registered on that meter to the time at which that attempt was made, to calculate the charges due on the basis of that estimate and to enforce payment of those charges in like manner as charges based on an inspection of the meter;

(b) for the purposes of paragraph (5) the meter shall be deemed to have been inspected at the time at which that attempt is made.

(7) Every account furnished by undertakers to a consumer giving particulars of the charges due by that consumer for gas supplied to him shall show how those charges relate to the tariff in accordance with which they are calculated.

(8) Notwithstanding anything in this Article, undertakers may, where the tariffs in force are not appropriate owing to special circumstances, enter into a special agreement with any consumer for the supply of gas to him on terms specified in the agreement.

(9) Without prejudice to section 29 of the Interpretation Act (Northern Ireland) 1954, nothing in this Article shall prevent any special agreement for the supply of gas in force immediately before the coming into operation of this Order from continuing in force until it is terminated or replaced by another such agreement under paragraph (8).

Areas of supply

Supply of piped gas in area of other undertakers

6.—(1) Subject to paragraph (5), a person other than the undertakers shall not supply gas through pipes to any premises situated in an area supplied by those undertakers except—

(a) with the consent of the Department; and

(b) in accordance with the conditions, if any, attached to that consent.

(2) Before giving, or attaching any conditions to, its consent under paragraph (1), the Department shall consult with the undertakers in whose area the premises are situated.

(3) Conditions which are attached to a consent given to a person under paragraph (1) may be modified or revoked by the Department after consultation with that person and the undertakers in whose area the premises are situated.

(4) Where in pursuance of this Article a consent is given to any person and a condition which is attached to the consent is not observed, the consent shall not have effect and any proceedings may be brought as if the consent had not been given.

(5) This Article shall not apply to the supply of gas through pipes—

(a) to any premises, where the supply of gas to the premises by the person in question was begun before the coming into operation of this Order; or

(b) to any part or parts of a building from any place in that building or within its curtilage; or

(c) between premises which are occupied by the same person;

and for the purposes of this paragraph associated companies shall be deemed to be the same person.

(6) For the purposes of this Article any two companies shall be taken to be associated companies if one is a subsidiary of the other, or both are subsidiaries of a third company.

(7) In this Article "gas" includes liquefied petroleum gas, "company" includes any body corporate, and "subsidiary" has the same meaning as, by virtue of section 148 of the Companies Act (Northern Ireland) 1960(a), it has for the purposes of that Act.

Quality control of gas

Standards of quality

7.—(1) Regulations shall prescribe standards of pressure, purity and uniformity of calorific value to be complied with by undertakers in supplying gas.

(2) Regulations may—

(a) prescribe other standards with respect to the properties, condition and composition of gas supplied by undertakers; and

(b) in the case of such supplies, being supplies provided for industrial purposes only, as may be specified and subject to such conditions as may be specified, provide for granting exemptions from the obligations to comply with any such standards.

(3) The Department, with the approval of the Department of the Civil Service as to numbers and salaries, shall appoint competent persons as gas examiners and may assign to them their functions; and in particular it shall be the duty of a gas examiner to carry out tests for the purpose of ascertaining whether the gas supplied by undertakers is of the declared calorific value and conforms to the prescribed standards.

(4) Undertakers shall pay to the Department in such manner as may be prescribed an amount equal to the expenses incurred by the Department in connection with the testing of gas for the purposes of this Article.

(5) For the purposes of paragraphs (1) and (2), regulations may—

(a) determine the places at which tests to ascertain whether gas supplied by undertakers is of the declared calorific value and conforms with the prescribed standards are to be carried out;

(b) require premises, apparatus and equipment to be provided and maintained by undertakers for the purpose of carrying out such tests;

(c) provide for persons representing undertakers to be present during the carrying out of such tests;

(d) make provision as to the manner in which the results of such tests are to be made available to the public;

(e) confer powers of entry on property of undertakers for the purpose of deciding where tests are to be carried out and otherwise for the purposes of this Article;

(f) provide for refunding to consumers or otherwise disposing of any excess revenue obtained by undertakers by reason of their failure to

maintain (whether by reason of their failure to maintain the standard of pressure of the gas or otherwise) the calorific value declared in respect of any gas supplied by them.

Meter testing and stamping

Meter examiners

8.—(1) The Department, with the approval of the Department of the Civil Service as to numbers and salaries, shall appoint competent persons as meter examiners and may assign to them their functions; and in particular it shall be the duty of a meter examiner, on being required to do so by any person and on payment of the prescribed fee,—

- (a) to examine any meter used or intended to be used for ascertaining the quantity of gas supplied to any person, other than a person under an agreement to which Article 9(2) applies;
- (b) to stamp the meter if the examiner is satisfied—
 - (i) that it is of such pattern and construction and is marked in such manner as is approved by the Department; and
 - (ii) that it conforms with such standards as may be prescribed.

(2) All fees payable in respect of the examination, stamping and re-examination of meters by meter examiners shall be paid to the Department.

(3) Regulations may—

- (a) provide for the re-examination of meters already stamped;
- (b) provide for cancelling the stamp on any meters which no longer conform with the prescribed standards;
- (c) require meters to be periodically overhauled;
- (d) revoke any approval given by the Department to any particular pattern or construction of meter and require existing meters of that pattern or construction to be replaced within such period as may be prescribed;
- (e) require every article used as testing equipment to have its accuracy periodically determined or re-determined in the prescribed manner and make provision for such an article to be treated as accurate during such period after its accuracy is so determined or re-determined as may be prescribed;
- (f) determine the fees to be paid for examining, stamping and re-examining meters and the persons by whom they are to be paid.

Stamping of meters

9.—(1) Subject to paragraph (2), a meter shall not be used for the purpose of ascertaining the quantity of gas supplied to any person unless it is stamped either by, or on the authority of, a meter examiner appointed under Article 8(1).

(2) This Article shall not have effect in relation to the supply of gas to a person under any agreement made with him (whether under Article 5(8) or otherwise) by undertakers if the agreement provides for the quantity of gas supplied to him to be ascertained otherwise than by means of a duly stamped meter.

(3) Until regulations otherwise provide,—

- (a) a certificate granted under section 6 of the Weights and Measures Act 1904(a) by virtue of section 12 of the Gas Regulation Act 1920(b); or

(a) 1904 c. 28.

(b) 1920 c. 28.

- (b) approval by the Secretary of State under section 30(2) of the Gas Act 1972(a);

in respect of any pattern and construction of gas meter shall be deemed for the purposes of this Order to be approval by the Department of that pattern and construction.

(4) Any meter which has before the coming into operation of this Order been stamped under the statutory provisions then in force shall be deemed to have been stamped under this Article.

(5) If any person, other than undertakers supplying gas under an agreement to which paragraph (2) applies, supplies gas through a meter which has not been stamped or deemed to have been stamped under this Article, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

Safety etc.

Safety regulations

10.—(1) Regulations may make provision to secure that the public is, so far as is practicable, protected from any injury from poison, fire, explosion or other dangers arising from the storage or distribution of gas, or from the use of gas supplied to a consumer.

(2) Without prejudice to the generality of paragraph (1), regulations may—

- (a) provide for the exercise of powers of entry and inspection by persons authorised to exercise functions under the regulations;
- (b) provide for the action which may be taken by such persons to avert danger to life or damage to property;
- (c) make provision for appeals against such action;
- (d) make provision for prohibiting or restricting any person from reconnecting or restoring the supply of gas where it is cut off by such action;
- (e) repeal or revoke any transferred provision which is inconsistent with or rendered redundant by the regulations.

(3) In this Article “gas” includes liquefied petroleum gas.

No obligation to supply gas to unsafe installations

11. Notwithstanding any provision in a contract to supply gas, a person supplying gas shall not be under an obligation—

- (a) to continue to give a supply of gas for an installation or an appliance which, in the opinion of that person, is unsafe or is being used under unsafe conditions; or
- (b) to pay compensation or damages for failure to continue to give a supply of gas in circumstances such as are mentioned in sub-paragraph (a).

Power to dispense from obligation to supply gas

12.—(1) Where it appears to the Department that, for the purpose of—

- (a) maintaining or making the best use of supplies of gas available for distribution, or
- (b) conserving and making the best use of supplies of fuel available for the manufacture of gas, or
- (c) preserving public safety,

it is necessary to limit the consumption of gas, the Department may by order authorise undertakers to disregard or fall short in discharging any obligation imposed by or under any transferred provision—

- (i) to give or continue to give supplies of gas, or
- (ii) to supply gas in accordance with any standards,

so long as, in so doing, they are acting under, and in accordance with, any general or special authority in writing granted for the purposes of the order by or on behalf of the Department.

(2) An authority granted for the purposes of an order under this Article may make the opinion of the undertakers material for the purposes of any action taken under the authority.

Consents to pipe laying

Laying of gas pipes across land

13.—(1) Undertakers may, subject to and in accordance with the provisions of this Article, lay any gas pipe below ground across any land.

(2) Before laying a gas pipe across any land, undertakers shall serve upon the owner and upon the occupier of the land notice of their intention so to lay the pipe, and giving a description of the nature of the pipe and of the position and manner in which it is intended to be laid.

(3) If within fourteen days after the service of the notice under paragraph (2) the owner and the occupier of the land give their consent to the laying of the pipe in accordance with the notice, either unconditionally or on terms and conditions acceptable to the undertakers, the undertakers may proceed to lay the pipe across the land in the position and manner stated in the notice.

(4) If the owner or occupier of the land refuses or, within the fourteen days mentioned in paragraph (3) fails, to give his consent, the undertakers may, with the consent of the Department but not otherwise, lay the pipe across the land in the position and manner stated in the notice.

(5) Where undertakers have, under any terminable agreement or arrangement made before or after the coming into operation of this Order, laid any gas pipe across any land, undertakers may, notwithstanding the termination of that agreement or arrangement, but subject to the provisions of this Article, retain the pipe across the land in the same position as during the continuance of the agreement or arrangement.

(6) The owner or the occupier of any land across which a gas pipe is or could be retained under this Article after the termination of an agreement or arrangement may, by notice served upon the undertakers within two months before or at anytime after the termination, object to the retention of the pipe across the land, and thereupon it shall not be lawful for the undertakers to retain the pipe across the land without the consent of the Department.

(7) Nothing in this Article shall make it lawful for undertakers to lay a gas pipe across, along, over or under any canal, inland navigation, navigable river, dock or harbour without the consent of the Department.

(8) Where under this Article the consent of the Department is required to the laying or retention of a gas pipe across any land, the Department may, if, after giving to all parties concerned an opportunity of being heard, the Depart-

ment thinks fit, give its consent either unconditionally or subject to terms and conditions (including conditions varying the proposed position of the pipe).

(9) The power of the Department to give its consent under paragraph (8) shall be construed as including power to review or revoke that consent or to vary the terms and conditions (if any) to which the consent was subject.

(10) Paragraph 1 of Schedule 1 shall apply to the execution of any works which will involve the laying of pipes below ground across any land under this Article as it applies to the execution of works which involve the laying of pipes in or under any road or bridge and for the purposes of this Article references in the said paragraph 1 to the Department of the Environment shall be construed as references to the owner and the occupier of the land.

(11) In this Article references to a terminable agreement or arrangement include references to any covenant or provision for the removal of a gas pipe upon the happening of some specified event, and references to the termination of an agreement or arrangement shall be construed as including references to the happening of such event.

PART III

UNDERTAKERS

Establishment, and alteration of constitution etc., of undertakers

14.—(1) The Department may, on the application of any person, by order—

- (a) declare that person to be an undertaker for the supply of gas;
- (b) make such provision in relation to the functions of that person in his capacity as an undertaker as appears to the Department to be necessary or expedient; and
- (c) apply to that person in his capacity as an undertaker, or to his undertaking, any transferred provisions, with or without modifications.

(2) The Department may, on the application of undertakers, by order make such provision in relation to the constitution, functions and property of the undertakers as appears to the Department to be necessary or expedient.

(3) Without prejudice to the generality of paragraph (2), an order under that paragraph may modify or repeal any transferred provision relating to the undertakers or their undertaking.

(4) Regulations may prescribe the procedure for applications under paragraph (1) or (2).

(5) An order under this Article shall be subject to affirmative resolution.

Appointment of officers of gas companies as directors

15.—(1) Subject to paragraphs (2) and (3) and notwithstanding anything in the Companies Clauses Consolidation Act 1845(a) as applied by any statutory provision to a company being undertakers,—

- (a) any person employed as chief engineer, general manager or secretary of the company may be appointed a director of the company whether he is a shareholder in the company or not, but not so as to increase the number of the directors beyond the maximum number prescribed by any statutory provision relating to the undertakers;

(a) 1845 c. 16.

- (b) a person appointed a director of the company by virtue of sub-paragraph (a) shall not cease to be a director by reason that he is employed as mentioned in that sub-paragraph;
 - (c) any such appointment may be made by the directors of the company as well as in the manner provided by the said Act of 1845;
 - (d) the provisions of the said Act of 1845 requiring directors to retire by rotation shall have effect as if a person appointed by virtue of this Article were not a director.
- (2) Not more than one director of the company shall hold office at the same time by virtue of this Article.
- (3) Any person appointed by the directors by virtue of this Article shall cease to be a director as from the date of the next ordinary general meeting of the company, unless the appointment is approved at that meeting by a majority of the votes of the shareholders of the company entitled to vote and voting, whether personally or by proxy, at the meeting.

Compulsory acquisition of land by undertakers

16.—(1) Undertakers may acquire compulsorily in accordance with the following provisions of this Article any land which they may require for the purposes of their functions under this Order.

(2) Where undertakers in exercise of the power conferred by paragraph (1) desire to acquire any land otherwise than by agreement, they may apply to the Department for an order (in this Article referred to as a “vesting order”) vesting the land in the undertakers and the Department shall have power to make a vesting order.

(3) Schedule 6 to the Local Government Act (Northern Ireland) 1972(a) shall apply for the purposes of the acquisition of land by means of a vesting order made under this Article in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act subject to the following modifications—

- (a) for any reference to the district council there shall be substituted a reference to the undertakers;
 - (b) for any reference to be construed as a reference to the Department concerned there shall be substituted a reference to the Department;
 - (c) for any reference to that Act there shall be substituted a reference to this Order.
- (4) The power to make a vesting order in respect of land—
- (a) which is the property of any public body which has power under any transferred provision to acquire land compulsorily; or
 - (b) which is declared by or under any transferred provision to be inalienable;
- shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of the Assembly.

(5) Nothing in this Article shall authorise the acquisition, without the consent of the Department of the Environment, of any land on or in which there

(a) 1972 c. 9 (N.I.).

is, to the knowledge of the Department, any historic monument or archaeological object.

(6) In paragraph (5), “historic monument” and “archaeological object” have the same meanings as in the Historic Monuments Act (Northern Ireland) 1971(a).

Powers of entry, etc.

17.—(1) Subject to Articles 18 and 19, an officer of undertakers authorised in writing by them may, on production if required of his credentials, at any reasonable time enter—

- (a) any premises in which there is a service pipe connected with the gas mains of the undertakers,—
 - (i) subject to paragraph (2), to inspect the gas fittings on the premises;
 - (ii) to ascertain the quantity of gas consumed or supplied;
 - (iii) where either a person occupying the premises ceases to require a supply of gas or a person entering into occupation of the premises does not take a supply of gas from the undertakers or hire such of the gas fittings on the premises as belong to the undertakers, to remove any such gas fittings;
 - (iv) where the undertakers are authorised to cut off the supply of gas from the premises, to cut off the supply of gas and to remove such of the gas fittings on the premises as belong to the undertakers; or
- (b) any premises in which there is a service pipe which has been disconnected from the meter by the undertakers and which has not been reconnected with the meter by the undertakers, to inspect the service pipe in order to ensure that it has not been reconnected with the meter without the consent of the undertakers and, if necessary, to disconnect the service pipe;
- (c) any premises in which the undertakers have reasonable cause to suspect that gas is escaping, to inspect the gas fittings and to do any work necessary to prevent the escape of gas;
- (d) any land, to survey, value or examine the land in connection with any proposal by the undertakers to acquire the land under Article 16.

(2) The powers of inspection mentioned in paragraph (1)(a)(i) shall, in relation to any premises or part of any premises which are or is wholly occupied as a factory within the meaning of the Factories Act (Northern Ireland) 1965(b), extend only to the inspection of—

- (a) such of the meters on the premises or on that part of the premises, as the case may be, as are used by the undertakers for measuring gas supplied by them; and
- (b) the pipes and other fittings by which those meters are connected with the gas mains of the undertakers.

(3) The power mentioned in paragraph (1)(d) may also be exercised by any person, not being an officer of undertakers, who is authorised in writing by them to act on their behalf, and the power to survey land mentioned in that subparagraph shall include power to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil, and to take and carry away for examination specimens of the subsoil.

(a) 1971 c. 17 (N.I.). (b) 1965 c. 20 (N.I.).

Exercise of powers of entry

18.—(1) A power of entry under Article 17(1)(a), (b) or (d) or under regulations made under Article 10 shall not be exercisable in respect of any premises except—

- (a) with consent given by or on behalf of the occupier of the premises; or
- (b) after at least twenty-four hours' notice, or, where entry is sought under Article 17(1)(d), six days' notice, of the intended entry has been served upon the occupier of the premises; or
- (c) under the authority of a warrant granted under Article 19.

(2) A person exercising a right of entry under Article 17(1)(c) may enter the premises by force, if necessary.

Warrant to authorise entry

19.—(1) Where a justice of the peace is satisfied by complaint on oath—

- (a) that admission to premises is reasonably required for the purpose specified in the complaint; and
- (b) that an authorised officer would, apart from Article 18(1), be entitled for that purpose to exercise in respect of the premises a power of entry under Article 17(1)(a), (b) or (d) or under regulations made under Article 10; and
- (c) that—
 - (i) the requirements of Article 18(1)(b) have been complied with, or
 - (ii) in the case of a right of entry under Article 17(1)(b), an application for admission, or the serving of a notice under Article 18(1)(b), would defeat the object of the entry, or
 - (iii) the premises are unoccupied;

he may issue a warrant under his hand authorising any authorised officer to enter the premises, by force if necessary.

(2) A warrant granted under this Article shall continue in force for a period of one month.

(3) In this Article and Articles 20 and 21, “authorised officer” means—

- (a) an officer of undertakers authorised as mentioned in Article 17(1); or
- (b) a person authorised as mentioned in Article 17(3); or
- (c) a person authorised to exercise functions under regulations made under Article 10;

as the case requires.

Premises to be left secure and damage to be made good

20.—(1) Where, in pursuance of any powers conferred by Articles 17 to 19 or by any regulations made under Article 10, entry is made on any premises by an authorised officer, the officer shall ensure that the premises are not left less secure by reason of the entry, and the undertakers or other person on whose behalf the authorised person was acting shall make good or pay compensation for any damage to property caused by the officer in entering the premises, in carrying out any inspection or work therein or in making the premises secure.

(2) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

(3) In this Article “premises” includes land.

Penalties

21.—(1) Any person who knowingly obstructs an authorised officer—

- (a) in exercising a power of entry under Article 17(1)(a), (b) or (d) or under regulations made under Article 10 so as to prevent him from gaining admission after due notice has been served or a warrant authorising him to enter has been obtained; or
- (b) in exercising a right of entry under Article 17(1)(c); or
- (c) in carrying out on the premises such inspections, tests or other actions as he is entitled to perform after entry;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50 or, in the case of a second or subsequent conviction, to a fine not exceeding £100.

(2) Any person who, in giving any information (other than information to which Article 25 applies) for the purposes of any provision of this Order, knowingly or recklessly makes a statement which is false in a material particular, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

Transfer of officers of Committee

22.—(1) Every officer who immediately before the date of the coming into operation of this Order (in this Article referred to as “the operative date”) is in the employment of the Committee shall on that date be transferred to the employment of the Department.

(2) A transferred officer shall, so long as he continues in the employment of the Department by virtue of the transfer and until he is served with a statement in writing setting out his new terms and conditions of employment, enjoy terms and conditions of employment (including those relating to superannuation benefits) not less favourable than those he enjoyed immediately before the operative date.

(3) The new terms and conditions referred to in paragraph (2) shall be such that—

- (a) as long as a transferred officer is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of his transfer, the scale of his salary or remuneration; and
- (b) the other terms and conditions of his employment;

are, taken as a whole, not less favourable than those he enjoyed immediately before the operative date.

(4) Where any question—

- (a) arises as to—
 - (i) whether a person was, immediately before the operative date, employed by the Committee;

- (ii) whether the duties of a transferred officer are reasonably comparable to those in which he was engaged immediately before the operative date;
 - (iii) whether the terms and conditions of a transferred officer which are mentioned in paragraph (3)(b) are, taken as a whole, not less favourable than those he enjoyed before the operative date; or
 - (iv) any other matter mentioned in paragraphs (1) to (3);
- (b) is reported by the person concerned to the Department within the period specified in relation to that question by paragraph (5); and
- (c) is not otherwise determined;
- the Department shall refer the question for determination by a tribunal appointed by the Department for that purpose.

(5) In relation to a question referred to in paragraph (4) (a) (i) or (4) (a) (iv) the period referred to in paragraph (4) (b) is 28 days from the operative date and in relation to a question referred to in paragraph (4) (a) (ii) or (4) (a) (iii) that period is 28 days from the date on which the transferred officer is served with a statement in writing setting out his new terms and conditions.

(6) For the purposes of Regulation 33 of the Local Government (Superannuation) Regulations (Northern Ireland) 1962(a) (return of contributions) a transferred officer shall not be regarded as having ceased to be employed by an employing authority.

(7) In this Article "terms and conditions of employment" includes any restriction under a statutory provision on the termination of the employment of any person.

Compensation of transferred officers

23.—(1) The Department may by regulations made with the approval of the Department of the Civil Service make provision for the payment, on such terms and subject to such conditions as may be specified in the regulations, of compensation to, or in respect of, a transferred officer who subsequent to his transfer suffers loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to this Order.

- (2) Regulations under paragraph (1) may—
 - (a) include provision as to the funds out of which and the persons by whom compensation is to be defrayed;
 - (b) include provision as to the manner in which and the time within which and the person to whom any claim for compensation is to be made;
 - (c) be framed so as to have effect from a date earlier than the making of the regulations but not so as to place any individual in a worse position than he would have been in if the regulations had been framed as to have effect only from the date of their making;
 - (d) apply for the purposes of paragraph (1) the provisions of any statutory provision relating to the payment of compensation subject to the modifications (if any) specified in the regulations;
 - (e) make provision for the determination of questions arising under the regulations.

(a) S.R. & O. (N.I.) 1962 No. 210.

Transfer of assets and liabilities of Committee

24.—(1) The Department and the Committee may enter into and carry into effect an agreement (in this Article referred to as “the transfer agreement”) for the transfer, on such terms and conditions as may be specified in the agreement, by the Committee to the Department of such assets and liabilities to which the Committee was entitled or was subject immediately before the coming into operation of this Order as may be so specified.

(2) On and from such date as may be specified in the transfer agreement the assets and liabilities referred to in paragraph (1) shall vest, by virtue of this Article and without the necessity of any assignment, deed of transfer or other instrument in the Department.

Power of Department to obtain information and notification of certain changes

25.—(1) For the purpose of obtaining information required by the Department in order to allow the Department to compile statistics relating to, and to review policy in respect of the gas industry the Department may by notice served on undertakers require them—

- (a) to furnish to the Department such information as may be specified in the notice; and
- (b) to notify the Department of all changes in—
 - (i) the type of gas-making plant;
 - (ii) plant capacity; and
 - (iii) tariffs,

and any such notice may require any such information to be furnished or any such changes to be notified in such manner and within such period as may be specified in the notice, and either periodically or on one occasion or more.

(2) Undertakers who—

- (a) without reasonable excuse, fail to satisfy an obligation to which they are subject by virtue of paragraph (1); or
- (b) in purported compliance with a requirement imposed under paragraph (1), knowingly or recklessly either give any information or make any statement which is false in a material particular,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50, or in the case of a second or subsequent conviction, to a fine not exceeding £200.

Adaptation to metric units

26.—(1) The Department may by regulations amend any provision of any transferred provision relating to gas by substituting—

- (a) for any reference therein to the therm, a reference to a unit of measurement defined in terms of metric units; and
- (b) for any reference therein to a distance expressed in imperial units, a reference to one expressed in metric units, being one which is either equivalent thereto or such an approximation thereto as the Department considers it preferable to substitute for the purpose of securing that the transferred provision in question as amended is expressed in convenient terms.

(2) The Department may also by regulations amend Article 2(2) by substituting for the definition of “calorific value” a definition expressed in terms of metric units.

(3) Regulations made under this Article shall be subject to affirmative resolution.

Supplemental

Orders and regulations

27.—(1) Orders made under this Order by the Department (other than orders made under Articles 3(3) or 14) and regulations (other than regulations made under Article 26) shall be subject to negative resolution.

(2) Regulations may provide that persons offending against the regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding an amount specified in the regulations.

(3) The amount which may be specified in regulations as mentioned in paragraph (2) shall not exceed £400.

Expenses

28.—(1) For the purpose of recouping to the Department and the Department of the Civil Service any expenditure incurred in consequence of the appointment of gas examiners the Department may by order impose a levy upon undertakers.

- (2) An order under paragraph (1) may provide for—
- (a) the rate of the levy;
 - (b) the manner in which it is to be calculated;
 - (c) the verification of the calculation;
 - (d) the time and place of its payment; and
 - (e) the manner in which it is to be paid or recovered.

Savings

29.—(1) Nothing in this Order shall exonerate undertakers from any proceedings for any nuisance caused by them.

(2) Nothing in this Order or in any instrument made thereunder shall affect any powers of the Post Office under the provisions of the Telegraph Acts 1863 to 1916 or authorise undertakers to alter or interfere with any telegraphic lines placed or maintained by virtue of those Acts.

Amendments and repeals

30.—(1) The transferred provisions set out in Schedule 2 shall have effect subject to the amendments specified in that Schedule.

(2) The transferred provisions set out in Part I of Schedule 3 are hereby repealed to the extent specified in column 3 of that Schedule and, where any local enactment incorporates (with or without adaptations or modifications) any provisions of the Gasworks Clauses Act 1847(a) or the Gasworks Clauses Act 1871(b), or contains any provisions substantially corresponding therewith, those provisions shall cease to have effect.

(3) The transferred provisions set out in Part II of Schedule 3 are hereby revoked to the extent specified in column 3 of that Schedule.

N. E. Leigh,
Clerk of the Privy Council.

(a) 1847 c. 15. (b) 1871 c. 41.

SCHEDULES

Article 3(1), 13(10).

SCHEDULE 1

GAS SUPPLY CODE

LAYING OF PIPES ETC.

Power to break up roads

1.—(1) Subject to and in accordance with the provisions of this paragraph, undertakers may, within their area or for the purpose of supplying gas outside their area to any person whom they are entitled to supply, or of receiving outside their area a supply of gas in bulk from any other undertaker—

- (a) open and break up any road or bridge;
- (b) open and break up any sewers, drains or tunnels (including railway tunnels) in or under any road or bridge;
- (c) place pipes, conduits, service pipes, pressure governors, sewers and other works in or under any road or bridge and from time to time repair, alter or remove them;
- (d) remove or use all earth and materials in or under any road or bridge;
- (e) erect any pillars, lamps and other works in any road; and
- (f) do all other acts which undertakers think necessary for supplying gas.

(2) For the purposes of this paragraph, where any road forms or abuts on the boundary of the area of an undertaker, the whole of the road shall be deemed to be within that area.

(3) Nothing in this paragraph shall authorise undertakers to lay down or place any pipe or other works in or under any land not dedicated to public use without the consent of the owners and occupiers thereof, so however that undertakers may alter, repair or replace any existing pipe or works in or under any land where the pipe or work has been laid down or placed under this Order or any other statutory provision.

(4) Before commencing to open or break up any road, bridge, sewer, drain or tunnel, undertakers shall serve notice of not less than seven clear days on—

- (a) the Department of the Environment; and
- (b) the public body exercising jurisdiction or control over the tunnel;

except in a case of emergency arising from defects in the pipe or other works, and in that case the undertakers shall serve the notice as soon as practicable after the occurrence of the emergency.

(5) Subject to sub-paragraph (6), a road, bridge, sewer, drain or tunnel shall not, except in cases of emergency as mentioned in sub-paragraph (4), be opened or broken up except—

- (a) under the superintendence of the Department of the Environment or the body mentioned in sub-paragraph (4)(b); and
- (b) in accordance with a plan—
 - (i) approved by the Department of the Environment or that body, or
 - (ii) where any question respecting the plan has arisen and has not been agreed, determined by arbitration,

and the arbitrator may, on the application of the Department of the Environment, require the undertakers to make such temporary or other works as the arbitrator thinks necessary for guarding against any interruption of the drainage during the execution of any works which interfere with a sewer or drain.

(6) If the Department of the Environment or the body mentioned in sub-paragraph (4)(b)—

- (a) fails to attend at the time fixed for the opening of the road, bridge, sewer, drain or tunnel, after service of the notice as mentioned in sub-paragraph (4); or
- (b) fails to approve the plan; or
- (c) refuses or neglects to superintend the operation,

the undertakers may carry out the work specified in the notice without the superintendence of the Department of the Environment or that body.

(7) When undertakers open or break up any road, bridge, sewer, drain or tunnel, they shall with all convenient speed—

- (a) complete the work;
- (b) fill in the ground;
- (c) reinstate or make good the road, bridge, sewer, drain or tunnel to the reasonable satisfaction of the Department of the Environment; and
- (d) carry away the rubbish occasioned thereby;

and shall at all times, whilst any road or bridge is opened or broken up—

- (i) cause it to be fenced or guarded; and
- (ii) cause a light sufficient for the warning of vehicles and pedestrians to be set up and maintained at night against or near it; and
- (iii) keep it in good repair for three months after replacing or making it good, and for such further time (if any) not being more than twelve months altogether, as the soil broken up continues to subside.

(8) Except in cases of emergency arising from defects in any pipes or other works, a road or bridge which is under the control or management of, or maintainable by, any railway or navigation authority, shall not be opened or broken up without the consent of that authority; but that consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be determined by arbitration.

(9) Where undertakers propose to open or break up any road which—

- (a) forms a level crossing; or
- (b) crosses over or under any works of a railway or navigation authority;

and which is not under the control or management of that authority, the undertakers shall, in addition to the notice which they are required to serve under sub-paragraph (4), serve a like notice on the authority and, if and in so far as the proposed work is likely to affect the structure of any bridge or other works belonging to the authority, shall carry out the work to the reasonable satisfaction of the engineer or other authorised officer of the authority in accordance with plans approved by him; and any question arising under this sub-paragraph between undertakers and any railway or navigation authority shall be determined by arbitration.

(10) If undertakers—

- (a) except in cases in which they are authorised to open or break up any road, bridge, sewer, drain or tunnel without any superintendence or notice, perform any such work—
 - (i) without serving the notice required by sub-paragraphs (4) or (9); or
 - (ii) without the superintendence required by sub-paragraphs (5) or (9); or
 - (iii) otherwise than in accordance with a plan approved or determined under sub-paragraphs (5) or (9); or
- (b) fail to comply with any other requirement imposed by or under this paragraph in connection with the opening or breaking up of any road, bridge, sewer, drain or tunnel;

they shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20 and to a further fine not exceeding £10 for every day during which the

act constituting the offence continues after the service of notice on the undertakers that it is being committed.

(11) If undertakers delay or fail to carry out any work as mentioned in sub-paragraph (7), the Department of the Environment or, as the case may be, the body mentioned in sub-paragraph (4)(b), may carry out that work, and any expense incurred in so doing shall be a debt recoverable summarily by the Department of the Environment or that body from the undertakers.

(12) Undertakers may within their area place, repair, alter or remove any pipes, conduits or other works for the purpose of procuring, conducting or disposing of any oil or other materials used by them in, or resulting from, the manufacture of gas or any products of or derived from such manufacture and for any other purpose connected with the exercise and performance of the functions of undertakers, and the provisions of this paragraph shall apply, with any necessary modifications, to the placing, repairing, alteration or removal of any such pipes, conduits or other works.

OBLIGATION TO SUPPLY GAS

Right to demand supply

2.—(1) Subject to sub-paragraph (2), undertakers shall, upon being required to do so by the owner or occupier of any premises situated within the undertakers' area of supply and within twenty-five yards from any main of the undertakers through which the undertakers are for the time being distributing gas, give and continue to give a supply of gas to those premises, and shall, subject to and in accordance with the provisions of this paragraph, furnish and lay any pipe that may be necessary for that purpose.

(2) Sub-paragraph (1) shall not apply in relation to any main used only for the purpose of giving a separate supply of gas for industrial purposes, or of conveying gas in bulk.

(3) Undertakers may require that the cost of—

(a) providing and laying so much of any pipe for the supply of gas to any owner or occupier as may be laid upon the property of that owner or in the possession of that occupier, not being property dedicated to public use; and

(b) providing and laying so much of that pipe not laid on that property as may be laid for a greater distance than thirty feet from any pipe of the undertakers; shall be defrayed wholly or partly by the owner or occupier.

(4) Undertakers shall carry out any necessary work of maintenance, repair or renewal of any such pipe which is provided and laid at the cost, or partly at the cost of the owner or occupier of any premises, and may recover the expenses reasonably incurred by them in so doing from the owner or occupier of the premises.

(5) Nothing in sub-paragraph (3) or (4) shall be taken as affecting any rights or obligations as between the owner and occupier of the premises in relation to any such pipe.

(6) Every owner or occupier of premises requiring under this paragraph a supply of gas shall—

(a) serve a notice upon the undertakers specifying—

(i) the premises in respect of which the supply is required; and

(ii) the day (not being an earlier day than a reasonable time after the date of the service of the notice) upon which the supply is required to commence; and undertaking to pay the charges in respect of gas and meter rent as they become due;

(b) give to the undertakers (if required by them to do so) security for the payment to them of all money which may become due to them from the owner or occupier in respect of any pipe to be provided by the undertakers, and in respect of gas to be supplied by the undertakers.

(7) Where undertakers have given a supply of gas for any premises and the owner or occupier has not given such security as is mentioned in sub-paragraph (6)(b) or, the security given has become invalid or insufficient the undertakers may, by notice, require the owner or occupier, within seven days after the service of the notice, to give security for the payment of all money which may become due to the undertakers in respect of the supply, and if the owner or occupier fails to comply with the notice, the undertakers may discontinue the supply for those premises so long as the failure continues.

Relief from obligation to supply

3.—(1) Where a new or increased supply of gas is required under paragraph 2 for purposes other than lighting or domestic use, and the supply cannot be given without the laying of a new main, or the enlarging of an existing main or the constructing or enlarging of any other works required for the supply of gas by undertakers, the undertakers shall, notwithstanding the provisions of that paragraph, not be obliged to give the supply unless the person requiring the supply enters into a written contract with the undertakers—

(a) to continue to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the undertakers may reasonably require, having regard to the expense to be incurred by them in laying or enlarging the main or constructing or enlarging the other works; or

(b) to make such payment to the undertakers (in addition to any payments to be made from time to time for gas supplied) as the undertakers may reasonably require having regard to the matters mentioned in head (a);

and gives to the undertakers, if required by them to do so, security for the payment of all money which may become due under the contract.

(2) Any question arising under sub-paragraph (1)—

(a) as to whether a supply can be given without the laying or enlarging of a main or the constructing or enlarging of other works; or

(b) as to the reasonableness of the minimum quantity or period or of the payment required by the undertakers; or

(c) as to the nature and amount of the security to be given, shall, in default of agreement, be determined by arbitration.

(3) In determining any such question, the arbitrator shall have regard to the following among other considerations—

(a) the total quantity of gas required by the applicant;

(b) the maximum quantity of gas required per hour by the applicant;

(c) the hours during which the undertakers may be called upon to supply gas to the applicant;

(d) the capital expenditure which the undertakers would have to incur in the laying of a new main or the enlarging of an existing main or the construction or enlarging of other works for the purpose of giving the supply; and

(e) how far the capital expenditure may become unproductive to the undertakers in the event of the supply ceasing to be given.

Stand-by supply

4.—(1) Notwithstanding anything in this Schedule, a person shall not be entitled to demand or continue to receive a supply of gas from undertakers for the purposes only of a stand-by supply for any premises having—

(a) a separate supply of gas, or

(b) a supply (in use or ready for use for the purposes of which the stand-by supply of gas is required) of electricity, steam or other form of energy,

unless he has agreed with the undertakers to pay them such annual sum in addition to any charge for gas supplied as will—

- (i) give the undertakers a reasonable return on the capital expenditure incurred by them in providing the stand-by supply; and
 - (ii) cover other standing charges incurred by the undertakers in order to meet the possible maximum demand for those premises.
- (2) Any question arising under sub-paragraph (1)—
- (a) as to whether a supply of gas is demanded or received for the purposes only of a stand-by supply; or
 - (b) as to whether any premises have a separate supply of gas or have a supply (in use or ready for use for the purpose for which a stand-by supply of gas is required) of electricity, steam or other form of energy; or
 - (c) as to the amount of the annual sum to be specified in the agreement,
- shall, in default of agreement, be determined by arbitration.

Supply of public lamps

5. Undertakers shall within their area supply gas, in such quantities as the district council may require by notice to be supplied, to any public lamps within fifty yards from any main of the undertakers except a main used for the purpose of giving a separate supply of gas for industrial purposes only or of conveying gas in bulk.

Penalty for default

6. If undertakers fail to give a supply of gas to any owner or occupier of premises entitled to such a supply, or to supply gas to any public lamps in accordance with paragraph 5, they shall, unless the failure was due to circumstances not within their control, or was authorised by any provision of this Schedule or by regulations made under Article 10, be guilty of an offence and liable on summary conviction to a fine not exceeding £5 for each day during which the default continues.

METERS AND FITTINGS

Consumption of gas to be ascertained by meter

7.—(1) Subject to sub-paragraphs (2) and (3), every consumer of gas supplied by undertakers (other than gas supplied to public lamps) shall, if required to do so by them, take his supply through a meter duly stamped in accordance with Article 9 and the undertakers shall supply, either by way of sale or hire, to any owner or occupier of premises who requires it, an appropriate meter (whether a prepayment meter or otherwise) for ascertaining the quantity of gas supplied by them.

(2) The owner or occupier shall, if required by the undertakers, before receiving the meter, give to the undertakers security for payment to them of the price of the meter if he desires to purchase it, or of the rent of the meter, if he desires to hire it.

(3) This paragraph shall not have effect in relation to the supply of gas to a person under an agreement made with him by undertakers if the agreement provides for the quantity of gas supplied to be ascertained otherwise than by means of a meter stamped under Article 9.

Meters to be kept in proper order

8.—(1) Every consumer shall at all times, at his own expense, keep all meters belonging to him, whereby the quantity of gas supplied by undertakers is registered, in proper order for correctly registering that quantity, and in default of his doing so the undertakers may cease to supply gas through that meter.

(2) Undertakers shall at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the quantity of gas supplied is registered, in proper order for correctly registering that quantity, and in default of their doing so the consumer shall not be liable to pay rent for the meters in respect of the period of the default.

(3) Undertakers shall have access to and be at liberty to remove, inspect, and replace any meter at all reasonable times, and, shall, while any such meter is removed,

fix a substitute meter on the premises; and, subject to sub-paragraph (4), the cost of removing, inspecting, and replacing a meter and of fixing a substituted meter shall be defrayed by the undertakers.

(4) Where a meter is removed to be examined by a meter examiner in accordance with this Order, the person at whose request the examination is to be carried out shall, unless the meter is found to register erroneously to a degree exceeding the degree permissible under the regulations for the time being in force, defray the expenses incurred in removing, examining and replacing the meter and fixing a substituted meter, and, where the meter is found to register erroneously as aforesaid, the said expenses shall be defrayed by the owner of the meter.

Placing of meters in new premises

9.—(1) Subject to sub-paragraph (2), every meter to be used in a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the main, but within the outside wall of the building.

(2) In the case of any building in connection with which there is provided for the meter outside the building a separate meter house or other accommodation reasonably approved by the undertakers, the meter may be placed in such meter house or other accommodation.

(3) If the requirements of this paragraph are not complied with, undertakers may refuse to supply gas to the premises until those requirements have been complied with.

Meter to be evidence of quantity of gas supplied

10.—(1) Subject to sub-paragraphs (2) and (3), where gas is supplied through a meter, the register of the meter shall be prima facie evidence of the quantity of gas supplied.

(2) Where a meter is found, when examined by a meter examiner appointed under this Order, to register erroneously to a degree exceeding the degree permissible under the regulations for the time being in force—

- (a) the meter shall be deemed to have registered erroneously to the degree so found since the penultimate date on which the register of the meter was ascertained before the date of the examination, except in a case where it is proved to have begun to register erroneously as aforesaid on some later date; and
- (b) the amount of allowance to be made to, or the surcharge to be made on, the consumer by the undertakers in consequence of the erroneous registration shall be paid to or by the consumer, as the case may be, and shall, in the case of a surcharge, be recoverable in like manner as charges for gas are recoverable by the undertakers.

(3) This paragraph shall not have effect in relation to the supply of gas to a person under any agreement made with him by undertakers if the agreement provides for the quantity of gas supplied to him to be ascertained otherwise than by means of a meter stamped under Article 9.

Ascertainment and regulation of gas consumed by public lamps

11.—(1) The gas supplied by undertakers to public lamps shall at the option either of the district council or of the undertakers be supplied through a meter stamped under Article 9 and, if the gas is so supplied, the undertakers shall provide and fix the meter, and the cost of the meter and the expense of fixing it shall be defrayed by the party requiring the meter and the meter shall be the property of the party paying the cost thereof.

(2) If the gas is supplied to the public lamps of any district council by average meter indication, the undertakers shall, for securing uniformity of consumption between metered and un-metered lamps, from time to time provide the public lamps of that council with proper self-acting pressure regulators and burners to the satisfaction of the council, and the average amount of the indications of all the meters attached to the

lamps of that council shall, subject to paragraph 13, be deemed to be the amount consumed by each such lamp.

Street lamp governors

12. Where gas is supplied to public lamps, the district council or the undertakers may, at their own expense, cause to be affixed to each lamp the instrument known as a street lamp governor, and the undertakers or the district council, as the case requires, shall be entitled to have access thereto for the purpose of examining the same.

Settlement of differences

13. Any difference which may arise between undertakers and any district council in relation to the supply of gas to or consumption of gas by public lamps maintained by the district council shall be settled by arbitration.

RESALE OF GAS SUPPLIED

Maximum charges for reselling gas supplied by undertakers

14.—(1) Undertakers may fix maximum prices at which gas supplied by them may be resold, and shall publish a notice of any prices so fixed and any variation thereof in such manner as in the opinion of the undertakers will secure adequate publicity for it.

(2) If any person resells any gas supplied by undertakers at a price exceeding the maximum prices fixed under sub-paragraph (1) the amount of the excess shall be a debt recoverable summarily by the person to whom the gas was resold.

RECOVERY OF GAS CHARGES

Recovery of charges

15. Any charges in respect of the supply of gas and any meter rent due to undertakers and any charges due to undertakers in respect of the supplying and fixing of any meter or fittings, shall be a debt recoverable summarily by the undertakers.

New occupier not to be liable for arrears

16. If the occupier of any premises which are supplied with gas by undertakers quits the premises without paying any amount due from him in respect of charges for gas or meter rent, the undertakers shall not be entitled to require from the next occupier of the premises the payment of the amount due, unless that occupier has undertaken with the former occupier to pay or exonerate him from the payment of that amount.

Liability of occupier on quitting premises

17.—(1) If the occupier of any premises which are supplied with gas by meter by undertakers quits the premises without serving at least twenty-four hours' notice on the undertakers, he shall be liable to pay to the undertakers all charges accruing due for gas supplied by them to the premises up to—

- (a) the next date on which the register of the meter on the premises is usually ascertained; or
- (b) the date from which any subsequent occupier of the premises requires the undertakers to supply gas to the premises;

whichever first occurs.

(2) Sub-paragraph (1) or a statement of the effect thereof shall be endorsed upon every demand note for gas charges payable to undertakers.

Refusal of supply to person in default

18. If any person requiring a supply of gas from undertakers has previously quitted premises at which gas was supplied to him by the undertakers without paying all amounts due from him in respect of charges for gas and meter rent, the undertakers may refuse to supply gas to him until he pays the amounts so due.

Power to cut off supply in case of default

19.—(1) If any person, after the expiration of twenty-eight days from the making of a demand in writing by undertakers, has not paid the amounts due from him to the

undertakers in respect of charges for the supply of gas by them to any premises, the undertakers may, after serving at least seven days' notice of their intention, cut off the supply from the premises by disconnecting the service pipe at the meter (whether the pipe belongs to the undertakers or not) or by such other means as they think fit, and any expense incurred in cutting off the supply shall be recoverable in like manner as charges for gas.

(2) Where undertakers have cut off the supply of gas from any premises in consequence of any default on the part of the occupier, the undertakers shall not be under any obligation to resume the supply of gas to the occupier so in default until he has made good the default and paid the reasonable expenses of reconnecting the supply, so however that nothing in this sub-paragraph shall prejudice or interfere with any rights conferred upon any person by paragraph 2.

USE OF ANTIFLUCTUATORS AND VALVES

20.—(1) Where a consumer of gas supplied by undertakers uses the gas for working or supplying a compressor he shall, if so required by the undertakers by notice, fix in a suitable position and keep in use an appliance provided by him which will effectually prevent pressure fluctuation in the supply mains and any other inconvenience or danger being caused to other consumers of gas by reason that they and the first-mentioned consumer are supplied with gas from the same source.

(2) In this paragraph "compressor" means an engine, gas compressor or other similar apparatus or any apparatus liable to produce in any main of undertakers a pressure less than atmospheric pressure.

(3) Where a consumer of gas supplied by undertakers uses for or in connection with the consumption of the gas so supplied any air at high pressure (in this paragraph referred to as "compressed air") or any gas not supplied by the undertakers (in this paragraph referred to as "extraneous gas"), he shall, if so required by the undertakers by notice, fix in a suitable position and keep in use an appliance provided by him which will effectually prevent the admission of the compressed air or extraneous gas into the service pipe or into any main through which gas is supplied by the undertakers.

(4) Where a consumer is required by this paragraph to keep in use any appliance, he shall at his own expense keep it in proper order and repair, and repair, renew or replace it if it is not in proper order or repair.

(5) Subject to sub-paragraph (6), a consumer of gas supplied by undertakers shall not use a compressor, or any apparatus for using compressed air or extraneous gas, unless he has served upon the undertakers not less than fourteen days' notice of his intention to do so.

(6) Sub-paragraph (5) shall not apply to the use of any compressor or apparatus which was lawfully in use immediately before the coming into operation of this Order.

(7) If a consumer makes default in complying with any provision of this paragraph, undertakers may cut off the supply of gas to him and shall not be required to resume the supply until the default has been remedied to their reasonable satisfaction.

(8) Undertakers shall, as soon as is practicable after any person first becomes a consumer of gas supplied by them, give to that person notice of the effect of sub-paragraphs (1) to (7).

(9) Undertakers shall have access at all reasonable times to any premises supplied by them with gas upon which the undertakers have reason to believe that a compressor or compressed air or extraneous gas is being used, in order to ascertain whether the provisions of this paragraph are being complied with.

(10) Undertakers shall have power to disconnect, remove, test and replace any appliance which a consumer of gas supplied by them is required by this paragraph to keep in use, and any expenses incurred by the undertakers under this sub-paragraph shall, if the appliance is found in proper order and repair, be paid by the undertakers but otherwise shall be paid by the consumer.

(11) Any person who contravenes this paragraph shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

PENALTIES

Improper use of gas

21. If any person supplied with gas by undertakers improperly uses or deals with the gas so as to interfere with the efficient supply of gas by the undertakers to any consumer, the undertakers may, if they think fit, cease to supply gas to that person.

Damage to pipes and fittings and interference with meters

22.—(1) If any person wilfully, fraudulently, or by culpable negligence, damages any pipes, meter or fittings belonging to undertakers, or alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(2) Where an offence is committed as mentioned in sub-paragraph (1), the amount of any damage caused to undertakers shall be a debt recoverable summarily.

(3) Where an offence involving any damage to or interference with any pipes, meter or other fittings belonging to undertakers has been committed as mentioned in sub-paragraph (1), the undertakers may discontinue the supply of gas to the person so offending notwithstanding any contract previously existing until the matter has been remedied, but no longer.

(4) The existence of artificial means for causing an alteration of the index to any meter or the prevention of any meter from duly registering the quantity of gas supplied, when the meter is under the custody or control of the consumer, shall be prima facie evidence that the alteration or prevention, as the case may be, has been fraudulently and wilfully caused by the consumer using the meter.

Restoration of supply without consent

23. If any person, without the consent of the undertakers, restores to any premises a supply of gas which has been cut off by them otherwise than in the exercise of a power conferred by regulations made under Article 10, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100 and the undertakers may again cut off the supply.

Notice of connection or disconnection of service pipe

24.—(1) A person shall not connect any meter with a service pipe through which gas is supplied by undertakers or disconnect any meter from any such pipe unless he has served on the undertakers at least twenty-four hours' notice of his intention to do so, specifying the time and place of the proposed connection or disconnection.

(2) Any person who contravenes this paragraph shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20.

Escape of gas

25.—(1) Subject to sub-paragraph (2), where any gas escapes from any pipe of undertakers, the undertakers shall, immediately after receiving notice of the escape, prevent the gas from escaping, and if the undertakers fail within twenty-four hours from the service of the notice effectually to prevent the gas from escaping, they shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

(2) In any proceedings for an offence under sub-paragraph (1) it shall be a defence for the undertakers to prove that it was not reasonably practicable for them effectually to prevent the gas from escaping within the period of twenty-four hours mentioned in sub-paragraph (1), and that they did effectually prevent the escape as soon as it was reasonably practicable for them to do so.

GENERAL

Exemption of gas fittings from certain processes

26. Any gas fittings let for hire by undertakers and marked or impressed with a sufficient mark or brand indicating the undertakers as the owners thereof—

- (a) shall be exempted from seizure under the Judgments (Enforcement) Act (Northern Ireland) 1969 (a);
- (b) shall not be taken in execution under any proceedings in bankruptcy against the person in whose possession they are; and
- (c) shall continue to be the property of the undertakers, notwithstanding that they may be fixed or fastened to any part of the premises in which they are situated.

Provisions as to security

27.—(1) Where any security is required under this Schedule to be given to undertakers, the security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties or, in default of agreement, be determined by arbitration.

(2) Where any money is deposited with undertakers by way of security as mentioned in sub-paragraph (1), the undertakers shall pay interest at such rate as may be determined by the Department of Finance on any sum so deposited as from the date on which it was so deposited.

(3) Any interest payable under sub-paragraph (2) shall be paid at the end of every period of six months during which the money deposited with undertakers remains in their hands and the undertakers shall either pay the interest direct to the depositor or they shall credit the interest payable against any amount due at that time from the depositor in respect of charges for gas or meter rent.

(4) In determining rates of interest in respect of such sums as are mentioned in sub-paragraph (2) the Department of Finance may have regard to the rate of interest payable to depositors in the National Savings Bank or in a trustee savings bank in respect of ordinary deposits and that Department may direct that interest payable in respect of such sums as are mentioned in sub-paragraph (2) shall be at the same rate as that at which interest is payable in respect of such deposits in the National Savings Bank or in a trustee savings bank.

(5) The Department of Finance shall give notice in the Belfast Gazette of any determination by it of rates of interest in respect of such sums as are mentioned in sub-paragraph (2) as soon as may be after the making of the determination.

Arbitration

28. Where under any provision in this Schedule the determination of any question is referred to arbitration, the reference shall be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the Department.

Copies of transferred provisions to be available for inspection

29. Undertakers shall keep in their principal office copies of all transferred provisions which apply to undertakers, and they shall be available for public inspection at all reasonable hours and any person shall be entitled during those hours to take copies thereof and extracts therefrom.

Justices and judges not to be disqualified

30. No justice of the peace or judge of any court shall be disqualified from acting in cases arising under this Schedule by reason only of his being liable to the payment of any charges for gas or other charges under this Order.

Interpretation

31. In this Schedule—

“navigation authority” means any person or body of persons, whether incorporated or not, authorised by or under a transferred provision to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock;

“railway authority” means a railway undertaking within the meaning of section 55 of the Transport Act (Northern Ireland) 1967 (a).

Article 30 (1).

SCHEDULE 2

AMENDMENTS

The Public Utilities (Emergency Powers) Act (Northern Ireland) 1972(b)

In section 1(2) for the words “section 17 of the Gas Act (Northern Ireland) 1971” there shall be substituted the words “Article 2 (2) of the Gas (Northern Ireland) Order 1977”.

The Electricity and Gas Undertakings (Financial Provisions) (Northern Ireland) Order 1977 (c)

For paragraph (b) of Article 4 there shall be substituted the following paragraph:—

“(b) for the purpose of Article 26 (5) of the Electricity Supply (Northern Ireland) Order 1972 (d) (which provides that where by virtue of a revision of a tariff the charge for electricity supplied to any consumer is increased, the increased charge shall not apply to electricity supplied to that consumer before the first inspection of the meter for the purpose of ascertaining the amount of electricity supplied to that consumer which is made after the publication of the revised tariff) the meter shall be deemed to have been inspected at the time at which that attempt is made and the said Article 26 (5) shall be deemed to have and, from the date of its coming into force, to have had effect accordingly.”.

(a) 1967 c. 37 (N.I.).

(c) S.I. 1977/427 (N.I. 3).

(b) 1972 c. 2 (N.I.).

(d) S.I. 1972/1072 (N.I. 9).

SCHEDULE 3

Article 30 (2) (3).

PART 1

REPEALS

Chapter or Number	Short Title	Extent of Repeal
10 & 11 Vict. c. 15.	The Gasworks Clauses Act 1847.	The whole Act.
22 & 23 Vict. c. 66.	The Sale of Gas Act 1859.	The whole Act.
23 & 24 Vict. c. 146.	The Sale of Gas Act 1860.	The whole Act.
34 & 35 Vict. c. 41.	The Gasworks Clauses Act 1871.	The whole Act.
41 & 42 Vict. c. 49.	The Weights and Measures Act 1878.	Sections 37, 41 and 66.
52 & 53 Vict. c. 21.	The Weights and Measures Act 1889.	The whole Act.
10 & 11 Geo. 5 c. 28.	The Gas Regulation Act 1920.	The whole Act.
13 & 14 Geo. 5 c. 24.	The Electricity and Gas (Expenses) Act (Northern Ireland) 1923.	The whole Act.
2 & 3 Geo. 6 c. 38.	The Gas Undertakings Act (Northern Ireland) 1939.	The whole Act.
1967 c. 29.	The Increase of Fines Act (Northern Ireland) 1967.	In Part I of the Schedule all the entries relating to— The Gasworks Clauses Act 1847; The Sale of Gas Act 1859; The Gasworks Clauses Act 1871; The Gas Regulation Act 1920.
1971 c. 19.	The Gas Act (Northern Ireland) 1971.	The whole Act.
1972 c. 5.	The Water Act (Northern Ireland) 1972.	Section 11 (1) (a).
S.I. 1977/427 (N.I. 3).	The Electricity and Gas Undertakings (Financial Provisions) (Northern Ireland) Order 1977.	In Article 4 the words “a gas undertaking or”, “gas or”, “the gas undertaking or, as the case may be,” “gas or, as the case may be,”.

PART II
REVOCATIONS

Year and Number	Short Title	Extent of Revocation
S.R. & O. 1922 No. 183.	The Government of Ireland (Adaptation of Enactments) (No. 3) Order 1922.	Part III.
S.R. & O. 1923 No. 803.	The Government of Ireland (Miscellaneous Adaptations) (Northern Ireland) Order 1923.	Article 4.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order—

- (a) provides for the appointment of gas examiners and meter examiners and assigns to them certain functions;
- (b) provides for the transfer to the Department of Commerce of the officers of the Committee of Justices of Belfast;
- (c) enables the Department of Commerce to adapt to metric units existing gas legislation;
- (d) otherwise amends and consolidates the enactments relating to the supply of gas.

STATUTORY INSTRUMENTS

1977 No. 596 (N.I. 7)

NORTHERN IRELAND

The Gas (Northern Ireland) Order 1977

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