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DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

The Electricity and Gas (Smart Meters  
Licensable Activity) Order 2012

PART 3

Amendments to the Gas Act 1986

**Amendment to section 5 (prohibition on unlicensed activities)**

**19.**—(1) Section 5(1) (prohibition on unlicensed activities) is amended as follows.

(2) In subsection (1)—

(a) omit the word “or” after paragraph (b); and

(b) after paragraph (c), insert—

“; or

(d) provides a smart meter communication service,”.

(3) After subsection (10), insert—

“(11) A reference in this Part to providing a smart meter communication service is a reference to making arrangements with each domestic supplier to provide a service, for such suppliers, of communicating relevant information to and from smart meters through which gas is supplied to domestic premises.

(12) In this section—

“domestic supplier” means a gas supplier—

(a) who is authorised, in accordance with the conditions of a licence, to supply gas to domestic premises; and

(b) who supplies gas to domestic premises in accordance with that licence;

“external electronic communications network” means a network which—

(a) is an electronic communications network, within the meaning of section 32 of the Communications Act 2003(2); and

(b) does not form part of a smart meter;

“relevant information” means information relating to the supply of gas; and

“smart meter” means—

(a) a gas meter which can send and receive information using an external electronic communications network; or

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(1) Section 5 was substituted by section 3 of the Gas Act 1995 (c. 45). Relevant amendments were made by section 108 of and Schedules 6 (Part 1, paragraphs 1 and 3) and 8 to the Utilities Act 2000 (c. 27) and section 149 of the Energy Act 2004 (c. 20).  
(2) 2003 c. 21, as amended by SI 2011/1210.

- (b) a gas meter and a device which is associated with or ancillary to that meter and which enables information to be sent to and received by the meter using an external electronic communications network.”