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## SCHEDULES

### SCHEDULE 4

Section 27.

#### GAS SUPPLY CODE

##### *Laying of pipes etc.*

##### *Power to break up streets, bridges etc.*

- 1 (1) Subject to the following provisions of this paragraph, the Corporation may, for the purposes of the exercise or performance of any of their functions under this Act or any other enactment, open and break up any street or bridge, and open and break up any sewers, drains or tunnels within or under any such street or bridge, and place pipes, conduits, service pipes, cables, pressure governors, sewers and other works, and from time to time repair, alter or remove them, and for the purposes aforesaid may remove or use all earth and materials in or under any such street or bridge, and may in any such street erect any pillars, lamps and other works, and do all other acts which the Corporation from time to time think necessary for the purposes of the exercise or performance of any of their said functions, doing as little damage as may be in the exercise of the powers hereby conferred and making compensation for any damage done in the exercise of those powers.

- (2) The powers of the Corporation under sub-paragraph (1) above shall include power to erect in any street one or more structures for housing pressure governors, but only with the consent, which shall not be unreasonably withheld, of the highway authority or other person having the control or management of the street.

Any question whether or not consent to the erection of such a structure is unreasonably withheld shall be determined by arbitration ; and for the purposes of this sub-paragraph, the withholding of consent shall, to the extent that it is based on the ground that the structure ought to be erected elsewhere than in a street, be treated as unreasonable if the Corporation show either that there is no reasonably practicable alternative to erecting it in a street, or that all such alternatives would, on the balance of probabilities, involve greater danger to life or property.

- (3) Nothing in sub-paragraph (1) above shall empower the Corporation to lay down or place any pipe or other works into, through or against any building, or in any land not dedicated to the public use, without the consent of the owners and occupiers thereof:

Provided that—

- (a) the Corporation may exercise the powers conferred by that sub-paragraph in relation to any street which has been laid out but not dedicated to the public use for the purpose of giving a supply of gas to any premises which abut on the street, and
- (b) the Corporation may, after giving notice in writing to the owners and occupiers of the land or building not less than seven clear days before the entry, enter upon any land (not being a street to which paragraph (a) above

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applies) or building for the purpose of placing a new pipe in the place of an existing pipe which has already been lawfully placed, or of repairing or altering any pipe lawfully placed, so, however, that entry may be made without such notice in cases of emergency arising from defects in any pipes, but notice shall then be given as soon as possible after the occurrence of the emergency.

- (4) Except in cases of emergency arising from defects in any pipes or other works, a street or bridge which does not constitute for the purposes of the Highways Act 1959 a highway or part of a highway maintainable at the public expense, and is under the control or management of, or maintainable by, any railway authority 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.

In the application of this sub-paragraph to Scotland, for the words from "constitute " to " public expense " there shall be substituted the words " constitute a highway as defined in section 50(1) of the Roads (Scotland) Act 1970 ".

- (5) If the Corporation open or break up a street or bridge to which sub-paragraph (4) above applies without the consent required by that sub-paragraph, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.
- (6) The powers conferred by sub-paragraph (1) above shall be included among those to which section 15 of the Highways Act 1959 and (in Scotland) section 4 of the Special Roads Act 1949 (restriction on laying of mains etc. in special roads) apply.

#### *Obligation to supply gas*

##### *Right to demand supply.*

- 2 (1) The Corporation shall, upon being required to do so by the owner or occupier of any premises situated within twenty-five yards from any main of the Corporation through which the Corporation are for the time being distributing gas, give and continue to give a supply of gas to those premises, and shall furnish and lay any pipe that may be necessary for that purpose subject to the conditions specified in the following provisions of this paragraph:

Provided that this provision 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.

- (2) The cost of 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 the owner or in possession of the occupier, not being property dedicated to public use, and of so much of any such pipe as may be laid for a greater distance than thirty feet from any pipe of the Corporation, although not on such property, shall, if the Corporation so require, be defrayed by the owner or occupier.
- (3) The Corporation shall carry out any necessary work of maintenance, repair or renewal of any such pipe which is provided and laid 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.

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- (4) Nothing in sub-paragraph (2) or (3) above shall be taken as affecting any rights or obligations as between the owner and occupier of the premises in relation to any such pipe as aforesaid.
- (5) Every owner or occupier of premises requiring under this paragraph a supply of gas shall—
  - (a) serve a notice on the Corporation specifying the premises in respect of which the supply is required, and the day (not being earlier than a reasonable time after the service of the notice) upon which the supply is required to commence, and undertaking to pay the charges in respect of the supply as they become due, and
  - (b) give to the Corporation (if required by them to do so) security for the payment to them of all money which may become due to them from such owner or occupier in respect of any pipe to be provided by the Corporation and in respect of gas to be supplied by the Corporation.
- (6) Where the Corporation have given a supply of gas for any premises and the owner or occupier has not given such security as aforesaid, or the security given has become invalid or insufficient, the Corporation may, by notice in writing, require the owner or occupier, within seven days after the service of the notice, to give them security for the payment of all money which may from time to time become due to them in respect of the supply, and if the owner or occupier fails to comply with the notice the Corporation may if they think fit 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 above 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 the Corporation, the Corporation shall, notwithstanding the provisions of that paragraph, not be obliged to give the supply unless the person requiring it enters into a written contract with them—
  - (a) to continue to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation 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 Corporation (in addition to any payments to be made from time to time for gas supplied) as the Corporation may reasonably require having regard to the matters aforesaid,and gives to the Corporation (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) above whether a supply can be given without the laying or enlarging of a main or the constructing or enlarging of other works, or as to the reasonableness of the minimum quantity or period therein referred to or of the payment required by the Corporation, or 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 (or, in Scotland, arbiter) shall have regard to the following among other considerations—

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- (a) the total annual quantity of gas required by the applicant, the maximum quantity required per hour, and the hours of the day during which the Corporation may be called upon to supply gas to the applicant,
- (b) the capital expenditure which the Corporation 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
- (c) how far the capital expenditure may become unproductive to the Corporation in the event of the supply ceasing to be given.

*Stand by supply.*

- 4 (1) Notwithstanding anything in any enactment a person shall not be entitled to demand or continue to receive a supply of gas from the Corporation for the purposes only of a stand-by supply for any premises having a separate supply of gas, or having a supply (in use or ready for use for the purpose for which the stand-by supply of gas is required) of electricity, steam, or other form of energy, unless he has agreed with the Corporation to pay them such annual sum in addition to any charge for gas supplied as will give them a reasonable return on the capital expenditure incurred by them in providing the stand-by supply, and will cover other charges incurred by them in order to meet the possible maximum demand for those premises.
- (2) Any question arising under this paragraph—
- (a) as to whether a supply of gas is demanded or received for the purpose 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 said annual sum to be specified in the agreement, shall in default of agreement be determined by arbitration.

*Supply to public lamps.*

- 5 The Corporation shall supply gas to any public lamps to which, immediately before the appointed day, an Area Board were supplying gas under the duty imposed on them by paragraph 11 of Schedule 3 to the Gas Act 1948 in such quantities as the authority by or for whom the lamps are maintained may from time to time require.
- 6 If the Corporation 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 above, 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 section 31 of this Act, be guilty of an offence and liable on summary conviction to a fine not exceeding £20.

*Meters and fittings*

*Consumption of gas to be ascertained by meter.*

- 7 Every consumer of gas supplied by the Corporation shall, if required to do so by them, take his supply through a meter duly stamped in accordance with section 30 of this Act; and the Corporation shall if so required by the owner or occupier of any premises, or by any authority within paragraph 5 above, supply to the said

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owner, occupier or authority, either by way of sale or by way of hire, an appropriate meter (whether a prepayment meter or otherwise) for ascertaining the quantity of gas supplied by them:

Provided that—

- (a) the said owner, occupier or authority shall, if so required by the Corporation, before receiving the meter give to the Corporation security for payment to them of the price of the meter if it is to be purchased, or of the rent of the meter if it is to be hired, and
- (b) the preceding provisions of this paragraph shall not have effect in relation to the supply of gas to a person under any agreement made with the Corporation and providing for the quantity of gas supplied to him to be ascertained otherwise than by means of a duly stamped meter.

*Metres 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 the Corporation is registered, in proper order for correctly registering the quantity of gas, and in default of his doing so the Corporation may cease to supply gas through that meter.
  - (2) The Corporation shall at all times at their own expense, keep all meters let for hire by them to any consumer in proper order for correctly registering the quantity of gas supplied, and in default of their so doing the consumer shall not be liable to pay rent for the meter in respect of the period of the default.
  - (3) The Corporation 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 substituted meter on the premises; and, subject to sub-paragraph (4) below, the cost of removing, inspecting and replacing a meter and of fixing a substituted meter shall be defrayed by the Corporation.
  - (4) Where a meter is removed for the purpose of being examined by a meter examiner in accordance with this Act, 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 the said expenses shall, if the meter is found to register erroneously as aforesaid, be defrayed by the owner of the meter.

*Placing of meters in new premises.*

- 9
- (1) 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:

Provided that the meter may be placed otherwise than within the outside wall of the building if it is placed either in accommodation of a type and construction reasonably approved by the Corporation by an approval given in relation to buildings generally, or to any class or description of buildings, or in a separate meter house or other accommodation outside the building reasonably approved by the Corporation in the case of that particular building.

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- (2) If the requirements of sub-paragraph (1) above are not complied with, the Corporation 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-paragraph (2) below, where gas is supplied through a meter, the register of the meter shall be prima facie evidence of the quantity of gas supplied:

Provided that where a meter is found, when examined by a meter examiner appointed under this Act, 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 and otherwise than in connection therewith, 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 Corporation 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 Corporation.

- (2) Sub-paragraph (1) above shall not have effect in relation to the supply of gas to a person under any agreement made with the Corporation and providing for the quantity of gas supplied to him to be ascertained otherwise than by means of a duly stamped meter.

*Alteration and replacement of burners on change of calorific value.*

- 11 The Corporation shall, in the case of any alteration in the calorific value declared in respect of any gas supplied by them, take at their own expense such steps as may be necessary to alter, adjust or replace the burners in the appliances of consumers of that gas in such manner as to secure that the gas can be burned with safety and efficiency:

Provided that in the case of any consumer who objects thereto the Corporation shall not carry out any such alteration, adjustment or replacement except where in the opinion of the Corporation such alteration, adjustment or replacement is necessary in the interests of safety.

*Resale of gas supplied*

*Maximum charges for reselling gas supplied by the Corporation.*

- 12 (1) The Corporation shall from time to time fix maximum prices at which gas supplied by them may be re-sold, and shall publish the prices so fixed in such manner as in their opinion will secure adequate publicity therefor.
- (2) Different prices may be fixed under this paragraph in different classes of cases which may be defined by reference to areas, tariffs applicable to gas supplied by the Corporation, or any other relevant circumstances,

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- (3) If any person resells any gas supplied by the Corporation at a price exceeding the maximum price fixed under this paragraph and applicable thereto, the amount of the excess shall be recoverable by the person to whom the gas was resold in any court of competent jurisdiction, and in England and Wales shall be so recoverable as a simple contract debt.

*Recovery of gas charges, etc.*

*Recovery of charges.*

- 13 Any charges due to the Corporation in respect of the supply of gas, and any charges due to the Corporation in respect of the supplying and fixing of any meter or fittings, shall be recoverable by the Corporation in any court of competent jurisdiction, and in England and Wales shall be so recoverable as a simple contract debt.

*New occupier not to be liable for arrears.*

- 14 If the occupier of any premises, being premises supplied with gas by the Corporation, quits the premises without paying any amount due from him in respect of charges in respect of the supply, the Corporation 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 for the payment of that amount.

*Liability of occupier on quitting premises.*

- 15 (1) If the occupier of any premises, being premises supplied with gas by meter by the Corporation, quits the premises without giving notice thereof in writing to the Corporation so that it is received by the Corporation at least twenty-four hours before he quits the premises, he shall be liable to pay to the Corporation all charges in respect of the supply of gas to the premises accruing due up to the next date on which the register of the meter on the premises is usually ascertained, or the date from which any subsequent occupier of the premises requires the Corporation to supply gas to the premises, whichever first occurs.
- (2) Sub-paragraph (1) above, or a statement of the effect thereof, shall be endorsed upon every demand note for gas charges payable to the Corporation.

*Refusal of supply to person in default.*

- 16 If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying all money due from him by way of charges in respect of the supply of gas to those premises, the Corporation may refuse to furnish him with a supply of gas until he pays the money so due.

*Power to cut off supply in case of default.*

- 17 (1) If any person has not, after the expiry of twenty-eight days from the making of a demand in writing by the Corporation for payment thereof, paid the charges due from him in respect of the supply of gas by them to any premises, the Corporation, after the expiration of not less than seven days' notice in writing of their intention, may

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cut off the supply from the premises by disconnecting the service pipe at the meter (whether the pipe belongs to the Corporation 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 the Corporation have cut off the supply of gas from any premises in consequence of any default on the part of the occupier thereof, the Corporation 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 re-connecting the supply, but subject as aforesaid, nothing in this paragraph shall prejudice or interfere with any rights conferred on any person by paragraph 2 of this Schedule.

#### *Use of antifluctuators and valves*

##### *Antifluctuators and valves.*

- 18 (1) Where a consumer of gas supplied by the Corporation uses the gas for working or supplying an engine, gas compressor or other similar apparatus or any apparatus liable to produce in any main of the Corporation a pressure less than atmospheric pressure (any such engine, compressor or apparatus being hereafter in this paragraph referred to as a "compressor"), he shall, if so required by the Corporation by notice in writing, 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) Where a consumer of gas supplied by the Corporation 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 Corporation (in this paragraph referred to as "extraneous gas"), he shall, if so required by the Corporation by notice in writing, 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 Corporation.
- (3) 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.
- (4) It shall not be lawful for a consumer of gas supplied by the Corporation to use a compressor, or any apparatus for using compressed air or extraneous gas, unless he has given to the Corporation not less than fourteen days' notice in writing of his intention to do so:
- Provided that this sub-paragraph shall not apply to the use of any compressor or apparatus which was lawfully in use immediately before the appointed day.
- (5) If a consumer makes default in complying with any provision of this paragraph, the Corporation 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.
- (6) The Corporation shall, as soon as is practicable after any person first becomes a consumer of gas supplied by them, give to that person notice in writing of the effect of the preceding provisions of this paragraph:



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Provided that this requirement shall not apply in the case of any person who is a consumer of gas immediately before the appointed day, and to whom a notice has been given before that day pursuant to paragraph 27(6) of Schedule 3 to the Gas Act 1948 (which imposes a similar requirement).

- (7) The Corporation shall have access at all reasonable times to any premises supplied by them with gas upon which the Corporation 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.
- (8) The Corporation 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 Corporation under this sub-paragraph shall, if the appliance is found in proper order and repair, be paid by the Corporation but otherwise shall be paid by the consumer.

### *Penalties*

#### *Improper use of gas.*

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

#### *Injury to pipes and fittings and interference with meters.*

- 20 (1) If any person wilfully, fraudulently, or by culpable negligence, injures or suffers to be injured any pipes, meter or fittings belonging to the Corporation, or alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, he shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (2) The prosecution of any such offence shall not prevent the Corporation from recovering the amount of any damage caused to them by the offence, and, if the offence involves any injury to or interference with any pipes, meter or fittings belonging to the Corporation, the Corporation may also, until the matter has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing).
- (3) The existence of artificial means for causing an alteration of the index to any meter or the prevention of any meter from duly registering, 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.*

- 21 If any person, without the consent of the Corporation, 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 section 31 of this Act, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 and the Corporation may again cut off the supply.

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*Notice of connection or disconnection of service pipe.*

- 22 No person shall connect any meter with a service pipe through which gas is supplied by the Corporation, or disconnect any meter from any such pipe, unless he has given to the Corporation, so that it is received by them at least twenty-four hours before he does so, notice in writing of his intention to do so, specifying the time and place of the proposed connection or disconnection ; and if any person acts in contravention of this provision, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £10.

*Escape of gas.*

- 23 Where any gas escapes from any pipe of the Corporation, they shall, immediately after receiving notice of the escape in writing, prevent the gas from escaping; and if the Corporation 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 liable on summary conviction to a fine not exceeding £100:

Provided that in any proceedings for an offence under this paragraph it shall be a defence for the Corporation to prove that it was not reasonably practicable for them effectually to prevent the gas from escaping within the said period of twenty-four hours, and that they did effectually prevent the escape as soon as it was reasonably practicable for them to do so.

*Rights of entry*

*Entry for purposes of inspection.*

- 24 (1) Any officer authorised by the Corporation may at all reasonable times, on the production of some duly authenticated document showing his authority, enter any premises in which there is a service pipe connected with the gas mains of the Corporation in order to inspect the meters, fittings and works for the supply of gas, or for the purpose of ascertaining the quantity of gas consumed or supplied, except in a case where the occupier of the premises has applied in writing to the Corporation for the disconnection of the service pipe from the mains and the Corporation have failed to disconnect it within a reasonable time.
- (2) The said powers of inspection 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 1961, 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 Corporation for measuring gas supplied by them, and
  - (b) the pipes and other fittings or works by which those meters are connected with the gas mains of the Corporation.

*Entry for purposes of removing pipes etc. on discontinue of supply.*

- 25 (1) Where—
- (a) a person occupying premises supplied with gas by the Corporation ceases to require such a supply, or
  - (b) a person entering into occupation of any premises previously supplied with gas by the Corporation does not take a supply of gas from the Corporation or

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- hire such of the pipes, meters, fittings or apparatus on the premises as belong to the Corporation, or
- (c) the Corporation are authorised to cut off the supply of gas from any premises otherwise than by virtue of any regulations made under section 31 of this Act, it shall be lawful for an officer authorised by the Corporation, after twenty-four hours' notice to the occupier under the hand of an officer so authorised, or to the owner or lessee of the premises if they are unoccupied, to enter the premises at all reasonable times for the purpose of removing and to remove any pipes, meters, fittings or apparatus through which the supply was given to the premises.
- (2) The notice required to be given by sub-paragraph (1) above may, in the case of unoccupied premises the owner or lessee of which is unknown to the Corporation and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises not less than forty-eight hours before the premises are entered.
- (3) Where the Corporation have reasonable cause to suspect that gas is escaping, or may escape, in any premises, it shall be lawful for an officer authorised by them to enter the premises for the purpose of inspecting the gas fittings and preventing the escape, and to inspect the fittings, carry out any work necessary to prevent the escape, and take any other steps necessary to avert danger to life or property; and where the Corporation have reasonable cause to suspect that gas which has escaped has entered, or may enter, any premises, it shall be lawful for such an officer to enter those premises also and to take any steps necessary to avert danger to life or property.

*Premises to be left secure, and damage to be made good.*

- 26 Where, in pursuance of any powers conferred by this Schedule or by regulations made under section 31 of this Act, entry is made on any premises by an officer of the Corporation, the officer shall ensure that the premises are not left less secure by reason of the entry; and the Corporation shall make good, or pay compensation for, any damage caused by the officer or by any person accompanying him in entering the premises, in taking any action therein authorised by this Schedule or the said regulations, or in making the premises secure.

*Penalty for obstruction.*

- 27 If any person wilfully obstructs any officer exercising powers under paragraphs 24 to 26 above or under any regulations made under section 31 of this Act, or any other power of entry conferred by this Schedule, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 if it is his first conviction of an offence under this paragraph or, in any other case, a fine not exceeding £100.

*Applications of Rights of Entry (Gas and Electricity Boards) Act 1954.*

- 28 The provisions of this Schedule and any regulations under section 31 of this Act conferring powers of entry or otherwise relating thereto shall have effect subject to the provisions of the Rights of Entry (Gas and Electricity Boards) Act 1954 as amended by paragraph 5 of Schedule 6 to this Act.

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### *General*

#### *Gas fittings not to be subject to distress.*

- 29 (1) Any gas fittings let for hire by the Corporation and marked or impressed with a sufficient mark or brand indicating the Corporation as the owner thereof—
- (a) shall not be subject to distress or to the landlord's remedy for rent, or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession they may be, and
  - (b) shall not be deemed to be landlord's fixtures, notwithstanding that they may be fixed or fastened to any part of the premises in which they may be situated.
- (2) In the application of sub-paragraph (1)(a) above to Scotland, for the word "distress" and the words "in bankruptcy against" there shall be substituted respectively the word "poinding" and the words "for the sequestration of the estate of".

#### *Provisions as to security.*

- 30 (1) Where any security is required by the provisions of this Schedule to be given to the Corporation, the security may be by way of deposit or otherwise, and of such amount as the person required to give the security and the Corporation may agree on or as, in default of such agreement, may be determined by arbitration.
- (2) Where any money is deposited with the Corporation by way of such security as aforesaid, the Corporation shall pay interest at such rate as may from time to time be fixed by order of the Secretary of State made with the approval of the Treasury, on every sum of 50p so deposited for every six months during which it remains in the hands of the Corporation.

#### *Arbitration.*

- 31 Where under any provision in this Schedule the determination of any question is referred to arbitration, the reference shall be to a single arbitrator (or, in Scotland, arbiter) to be appointed by agreement between the parties or, in default of agreement, by the Secretary of State.

#### *Copies of enactments to be available for inspection.*

- 32 The Corporation shall keep in their principal office copies of all local enactments which apply to the Corporation, and at such other places as they may determine copies of such of those enactments as they consider appropriate, and the enactments kept by the Corporation pursuant to this paragraph 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.

#### *Nuisance.*

- 33 Nothing in this Act shall exonerate the Corporation from any proceedings for any nuisance caused by them.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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*Saving for Coast Protection Act 1949.*

- 34 Nothing in this Act shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949 (restriction of works detrimental to navigation).

*Justices and judges not to be disqualified.*

- 35 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 Act

*Interpretation.*

- 36 In this Schedule—
- " navigation authority " means any person or body of persons, whether incorporated or not, authorised by or under an enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock ;
  - " railway authority " means any person or body of persons, whether incorporated or not, authorised by an enactment to construct, work or carry on a railway ; and
  - " street " includes any square, court, alley, highway, road, lane, thoroughfare, or public passage or place.