



Oil and Gas (Enterprise) Act 1982

1982 CHAPTER 23

PART II

GAS

Supply of gas by persons other than Gas Corporation

12 Supply of gas by other persons

(1) For section 29 of the 1972 Act there shall be substituted the following sections—

“29 Restrictions on supply by other persons.

- (1) Subject to section 29A below, the Secretary of State's consent is required for gas to be supplied through pipes to any premises, except supply by or to the Corporation.
- (2) Consent is not to be given to the supply of gas by any person to premises situated within 25 yards from a distribution main of the Corporation unless either—
 - (a) the Secretary of State is of the opinion that the rate of supply to those premises would be likely to exceed 25,000 therms a year; or
 - (b) the Corporation, having been given the opportunity to do so, have not objected to the giving of consent.
- (3) The Secretary of State's consent may be given—
 - (a) either unconditionally or subject to conditions ; and
 - (b) either with reference to particular cases or by means of orders of general application.
- (4) A specific consent given to any person (that is to say, consent given to him otherwise than by order of general application) is irrevocable and may be given for a specified period or indefinitely.

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- (5) Where consent has been given by an order of general application, any person who proposes to undertake a supply which is covered by that general consent may notify the Secretary of State of his proposal (in the manner specified by the order), whereupon subsection (4) above applies as if specific consent either unlimited in duration or, if the order so provides, for the period there specified had been given to him for that supply.
- (6) For the purposes of this section—
- (a) a person providing gas for his own use shall not in so doing be deemed to supply gas, and gas provided by a company for the use of any subsidiary or holding company of that company, or of any subsidiary of a holding company of that company, shall be deemed to be provided for the use of that company;
 - (b) a person providing, for use in a flat or part of a building let by him, gas supplied to him shall not in so doing be deemed to be supplying gas.

29A Exceptions to section 29.

- (1) Where a person (in this section referred to as a supplier) notifies the Secretary of State that he proposes to undertake a supply of gas to any premises at a rate in excess of 2,000,000 therms a year (in this section referred to as 'the required rate'), the Secretary of State's consent under section 29 above is not required for that supply unless, within six weeks of receiving the notification, the Secretary of State notifies the supplier either—
- (a) that he is of the opinion that the rate of supply to those premises would be unlikely to exceed the required rate ; or
 - (b) that he is unable to form an opinion as to whether the rate of supply to those premises would or would not be likely to exceed the required rate.
- (2) Where a supplier has given the Secretary of State a notification under subsection (1) above and—
- (a) the rate of supply to the premises to which the notification relates fails to exceed the required rate for three successive periods of twelve months;
 - (b) the supplier fails to furnish the Secretary of State with such information as he may require for the purpose of determining whether the condition in paragraph (a) above is fulfilled ; or
 - (c) the supplier fails to afford the Secretary of State with such facilities as he may require for the purpose of verifying any information furnished in pursuance of such a requirement as is mentioned in paragraph (b) above,

the Secretary of State may direct that the supplier's notification shall be treated as invalid for the purposes of that subsection except as regards gas previously supplied.”

- (2) Section 4 of the 1934 Act and section 8 of the Energy Act 1976 (which are superseded by this section) shall cease to have effect.
- (3) Each of the following, namely—
- (a) an authorisation given by the Secretary of State under the said section 4 ;
 - (b) a consent given by him or by the Gas Corporation under the said section 8 ; and

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(c) a consent given by the Corporation under section 29 of the 1972 Act either as originally enacted or as amended by the said section 8, shall have effect as if it were a consent given by the Secretary of State under the said section 29 as substituted by this section.

13 Standards of quality

(1) After section 29A of the 1972 Act there shall be inserted the following section—

“29B Standards of quality Power to prescribe standards.

- (1) The Secretary of State shall after consultation with the Corporation prescribe standards of pressure, purity and uniformity of calorific value to be complied with by the Corporation in supplying gas through pipes, and may after such consultation prescribe other standards with respect to the properties, condition and composition of gas so supplied.
- (2) The Secretary of State shall after consultation with such persons and organisations as he considers appropriate prescribe standards of pressure and purity to be complied with by persons other than the Corporation in supplying gas through pipes, and may after such consultation prescribe standards of uniformity of calorific value and other standards with respect to the properties, condition and composition of gas so supplied.
- (3) The Secretary of State shall appoint competent and impartial persons to carry out tests of gas supplied through pipes for the purpose of ascertaining whether it conforms with the standards prescribed under this section and (in the case of gas supplied by the Corporation) whether it is of the declared calorific value.
- (4) Regulations may provide—
 - (a) for determining the places at which such tests are to be carried out,
 - (b) for requiring premises, apparatus and equipment to be provided and maintained by persons supplying gas through pipes (in this section referred to as suppliers) for the purpose of carrying out such tests,
 - (c) for persons representing the supplier concerned to be present during the carrying out of such tests,
 - (d) for the manner in which the results of such tests are to be made available to the public,
 - (e) for conferring powers of entry on property of suppliers for the purpose of deciding where tests are to be carried out and otherwise for the purposes of this section, and
 - (f) for any other matters supplementary or incidental to the matters aforesaid for which provision appears to the Secretary of State to be necessary or expedient.
- (5) There shall be paid out of money provided by Parliament to the persons appointed under subsection (3) above such remuneration and such allowances as may be determined by the Secretary of State with the approval of the Treasury, and such pensions as may be so determined may be paid out of money provided by Parliament to or in respect of those persons.
- (6) Every person who is a supplier during any period shall pay to the Secretary of State such proportion as the Secretary of State may determine of—

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- (a) any sums paid by him under subsection (5) above in respect of that period ; and
 - (b) such part of his other expenses for that period as he may with the consent of the Treasury determine to be attributable to his functions in connection with the testing of gas for the purposes of this section ;
- and any liability under this subsection to pay to the Secretary of State sums on account of pensions (whether paid by him under subsection (5) above or otherwise) shall, if the Secretary of State so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Treasury, by reference to remuneration.
- (7) The reference in subsection (6) above to expenses of the Secretary of State includes a reference to expenses incurred by any government department in connection with the Department of Energy, and to such sums as the Treasury may determine in respect of the use for the purposes of that Department of any premises belonging to the Crown.”
- (2) Section 26 of the 1972 Act (which is superseded by this section) shall cease to have effect.

14 Safety regulations

For section 31 of the 1972 Act there shall be substituted the following section—

“31 Power to make safety regulations

- (1) The Secretary of State may make such regulations as he thinks fit for the purpose of securing that the public is so far as practicable protected from any personal injury, fire, explosion or other dangers arising from the transmission or distribution of gas through pipes, or from the use of gas supplied through pipes.
- (2) Without prejudice to the generality of subsection (1) above, any regulations made under this section may make provision for empowering any officer authorised by the relevant authority, with such other persons (if any) as may be necessary.—
 - (a) to enter any premises in which there is a service pipe connected with gas mains, for the purpose of inspecting any gas fitting on the premises, any flue or means of ventilation used in connection with any such gas fitting, or any service pipe or other apparatus (not being a gas fitting) which is on the premises and is used for the supply of gas or is connected with gas mains,
 - (b) where he so enters any such premises, to examine or apply any test to any such object as is mentioned in paragraph (a) above and (where the object is a gas fitting) to verify what supply of air is available for it, with a view to ascertaining whether the provisions of any regulations made under this section have been complied with or whether the object is in such a condition, or (in the case of a gas fitting) the supply of air available for it is so inadequate, that it (or, in the case of a flue or means of ventilation, the gas fitting in connection with which it is used) is likely to constitute a danger to any person or property, and
 - (c) where in his opinion it is necessary to do so for the purpose of averting danger to life or property, and notwithstanding any contract previously

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existing, to disconnect and seal off any gas fitting or any part of the gas supply system on the premises, or cut off the supply of gas to the premises or, if no such supply is being given, to signify the refusal of the relevant authority to give or, as the case may be, allow such a supply.

- (3) Where any regulations under this section confer any power in accordance with paragraph (c) of subsection (2) above, the regulations shall also include provision—
 - (a) for securing that, where any such power is exercised, the consumer will be notified as to the nature of the defect or other circumstances in consequence of which it has been exercised,
 - (b) for enabling any consumer so notified to appeal to the Secretary of State on the grounds that the defect or other circumstances in question did not constitute a danger such as to justify the action taken in the exercise of the power, or did not exist or have ceased to exist, and
 - (c) for enabling the Secretary of State to give such directions as may in accordance with the regulations be determined by him to be appropriate in consequence of any such appeal.
- (4) Regulations made under this section may make provision for prohibiting any person, except with the consent of the relevant authority or in pursuance of any directions given by the Secretary of State as mentioned in subsection (3) (c) above, from—
 - (a) reconnecting any gas fitting or part of any gas supply system which has been disconnected by or on behalf of the relevant authority in exercise of a power conferred by the regulations, or
 - (b) restoring the supply of gas to any premises where it has been cut off by or on behalf of the relevant authority in the exercise of any such power, or
 - (c) causing gas from gas mains to be supplied to any premises where in pursuance of the regulations the refusal of the relevant authority to give or, as the case may be, allow a supply to those premises has been signified and that refusal has not been withdrawn.
- (5) Where in pursuance of any powers conferred by regulations made under this section, entry is made on any premises by an officer authorised by the relevant authority, the officer shall ensure that the premises are left not less secure by reason of the entry ; and the relevant authority 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 the regulations, or in making the premises secure.
- (6) If any person wilfully obstructs any officer exercising powers conferred by regulations made under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (7) The Rights of Entry (Gas and Electricity Boards) Act 1954 (entry under a justice's warrant) shall apply in relation to any powers of entry conferred by regulations made under this section as if—
 - (a) any reference to the Corporation were a reference to the relevant authority, and

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- (b) any reference to an employee of the Corporation were a reference to an officer authorised by the relevant authority.
- (8) Any local enactment which is inconsistent with or rendered redundant by any regulations made under this section shall cease to have effect as from the date on which those regulations come into operation.
- (9) In this section ' the relevant authority '—
 - (a) in relation to dangers arising from the distribution of gas by the Corporation, or from the use of gas supplied by the Corporation, means the Corporation, and
 - (b) in relation to dangers arising from the distribution of gas by a person other than the Corporation, or from the use of gas supplied by such a person, means the Secretary of State.”