



Gas Act 1986

1986 CHAPTER 44

PART I

GAS SUPPLY

^{F1}[Standards of performance]

Textual Amendments

- F1** Cross heading, ss. 33A and 33B inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992](#) (c. 43), s. 11; Commencement Order No. 1 made on 29.5.1992, art. 3, Sch. Pt.I.

^{F2}**33A Standards of performance in individual cases.**

[The Authority may make regulations prescribing such standards of performance in ^{F3}(1) connection with the activities of gas suppliers, so far as affecting customers or potential customers of theirs, as in the Authority's opinion ought to be achieved in individual cases.

(2) Regulations under this section may only be made with the consent of the Secretary of State.]]

(3) Regulations under this section may—

- (a) prescribe circumstances in which [^{F4}gas suppliers] are to inform [^{F5}customers or potential customers] of their rights under this section [^{F6}or the rights under section 33AA];
- (b) prescribe such standards of performance in relation to any duty arising under paragraph (a) above as, in the Director's opinion, ought to be achieved in all cases;
- (c) prescribe circumstances in which [^{F4}gas suppliers] are to be exempted from any requirements of the regulations or this section; and

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- (d) [^{F7}if the Director is of the opinion that the differences are such that no gas supplier would be unduly disadvantaged in competing with other gas suppliers,] make different provision with respect to different [^{F4}gas suppliers].
- (4) If a [^{F8}gas supplier] fails to meet a prescribed standard, he shall make to any [^{F9}customer or potential customer] who is affected by the failure [^{F10}and is of a prescribed description] such compensation as may be determined by or under the regulations.
- (5) The making of compensation under this section in respect of any failure to meet a prescribed standard shall not prejudice any other remedy which may be available in respect of the act or omission which constituted that failure.
- ^{F11}(6)
- ^{F11}(7)
- ^{F11}(8)
- ^{F11}(9)
- ^{F12}(10)
- ^{F12}(11)

Textual Amendments

- F2** Cross heading, ss. 33A and 33B inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), [s. 11](#); Commencement Order No. 1 made on 29.5.1992, art. 3, Sch. Pt. I.
- F3** S. 33A(1)(2) substituted (16.5.2001 for certain purposes and otherwise 1.10.2001) by [2000 c. 27, s. 108](#), [Sch. 6 Pt. 1 para. 13\(a\)](#); S.I. 2001/1781, art. 2, [Sch.](#) (subject to transitional provisions in arts. 3-10); S.I. 2001/3266, arts. 1(2), 2, [Sch.](#) (subject to transitional provisions in arts. 3-20)
- F4** Words in s. 33A(3) substituted (1.3.1996) by [1995 c. 45, s. 10\(1\)](#), [Sch. 3 para. 34\(3\)\(a\)](#); S.I. 1996/218, [art. 2](#)
- F5** Words in s. 33A(3)(s) substituted (16.5.2001 for certain purposes and otherwise 1.10.2001) by [2000 c. 27, s. 108](#), [Sch. 6 Pt. 1 para. 13\(b\)](#); S.I. 2001/1781, art. 2, [Sch.](#) (subject to transitional provisions in arts. 3-10); S.I. 2001/3266, arts. 1(2), 2, [Sch.](#) (subject to transitional provisions in arts. 3-20)
- F6** Words in s. 33A(3)(a) inserted (1.10.2001) by [2000 c. 27, s. 90\(1\)\(a\)](#); S.I. 2001/3266, arts. 1(2), 2, [Sch.](#) (subject to transitional provisions in arts. 3-20)
- F7** Words in s. 33A(3)(d) substituted (1.3.1996) by [1995 c. 45, s. 10\(1\)](#), [Sch. 3 para. 34\(3\)\(c\)](#); S.I. 1996/218, [art. 2](#)
- F8** Words in s. 33A(4) substituted (1.3.1996) by [1995 c. 45, s. 10\(1\)](#), [Sch. 3 para. 34\(4\)\(a\)](#); S.I. 1996/218, [art. 2](#)
- F9** Words in s. 33A(4) substituted (16.5.2001 for certain purposes and otherwise 1.10.2001) by [2000 c. 27, s. 108](#), [Sch. 6 Pt. 1 para. 13\(c\)](#); S.I. 2001/1781, art. 2, [Sch.](#) (subject to transitional provisions in arts. 3-10); S.I. 2001/3266, arts. 1(2), 2, [Sch.](#) (subject to transitional provisions in art. 3-20)
- F10** Words in s. 33A(4) inserted (16.5.2001 for certain purposes and otherwise 1.10.2001) by [2000 c. 27, s. 108](#), [Sch. 6 Pt. 1 para. 13\(c\)](#); S.I. 2001/1781, art. 2, [Sch.](#) (subject to transitional provisions in arts. 3-10); S.I. 2001/3266, arts. 1(2), 2, [Sch.](#) (subject to transitional provisions in arts. 3-20)
- F11** S. 33A(6)-(9) repealed (1.10.2001) by [2000 c. 27, ss. 90\(1\)\(b\), 108](#), [Sch. 8](#); S.I. 2001/3266, arts. 1(2), 2, [Sch.](#) (subject to transitional provisions in arts. 3-20)
- F12** S. 33A(10)(11) repealed (1.3.1996) by [1995 c. 45, ss. 10\(1\), 17\(5\)](#), [Sch. 3 para. 34\(5\)](#), [Sch. 6](#); S.I. 1996/218, [art. 2](#)

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^{F13}**[33AA Standards of performance in individual cases: gas transporters.**

- (1) The Authority may make regulations prescribing such standards of performance in connection with the activities of gas transporters, so far as affecting customers or potential customers of gas suppliers, as in the Authority's opinion ought to be achieved in individual cases.
- (2) Regulations under this section may only be made with the consent of the Secretary of State.
- (3) If a gas transporter fails to meet a prescribed standard, he shall make to any customer or potential customer of a gas supplier who is affected by the failure and is of a prescribed description such compensation as may be determined by or under the regulations.
- (4) The regulations may—
 - (a) prescribe circumstances in which gas transporters are to inform customers or potential customers of gas suppliers of their rights under this section;
 - (b) prescribe such standards of performance in relation to any duty arising under paragraph (a) as, in the Authority's opinion, ought to be achieved in all cases;
 - (c) make provision as to the manner in which compensation under this section is to be made;
 - (d) prescribe circumstances in which gas transporters are to be exempted from any requirements of the regulations or this section; and
 - (e) if the Authority is of the opinion that the differences are such that no gas transporter would be unduly disadvantaged in competing with other gas transporters, make different provision with respect to different gas transporters.
- (5) Provision made under subsection (4)(c) may—
 - (a) require or permit compensation to be made on behalf of gas transporters by gas suppliers to customers or potential customers;
 - (b) require gas suppliers to provide services to gas transporters in connection with the making of compensation under this section.
- (6) The making of compensation under this section in respect of any failure to meet a prescribed standard shall not prejudice any other remedy which may be available in respect of the act or omission which constituted that failure.]

Textual Amendments

F13 S. 33AA inserted (16.5.2001 for certain purposes and otherwise 1.10.2001) by 2000 c. 27, s. 90(2); S.I. 2001/1781, art. 2, Sch. (subject to transitional provisions in arts. 3-10); S.I. 2001/3266, arts. 1(2), 2, Sch. (subject to transitional provisions in arts. 3-20)

^{F14}**[33AB Standards of performance in individual cases: disputes.**

- (1) Any dispute arising under section 33A or 33AA or regulations made under either of those sections—
 - (a) may be referred to the [^{F15}Authority—
 - (i) by either party, or

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- (ii) with the consent of either party, by [^{F16}Citizens Advice, Citizens Advice Scotland or Consumer Scotland or those bodies or any two of them acting jointly];] and
 - (b) on such a reference, shall be determined by order made by the Authority or, if it thinks fit, by such person (other than [^{F17}Citizens Advice]^{F18}, Citizens Advice Scotland or Consumer Scotland]) as may be prescribed.
- (2) A person making an order under subsection (1) shall include in the order his reasons for reaching his decision with respect to the dispute.
- (3) The practice and procedure to be followed in connection with any such determination shall be such as may be prescribed.
- (4) An order under subsection (1) shall be final and shall be enforceable—
- (a) in England and Wales, as if it were a judgment of [^{F19}the county court]; and
 - (b) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (5) In this section “prescribed” means prescribed by regulations made by the Authority with the consent of the Secretary of State.]

Textual Amendments

- F14** S. 33AB inserted (16.5.2001 for certain purposes and otherwise 1.10.2001) by 2000 c. 27, s. 90(2); S.I. 2001/1781, art. 2, Sch. (subject to transitional provisions in arts. 3-10); S.I. 2001/3266, arts. 1(2), 2, Sch. (subject to transitional provisions in arts. 3-20)
- F15** Words in s. 33AB(1)(a) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), Sch. 1 para. 4(9)(a) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F16** Words in s. 33AB(1)(a)(ii) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), Sch. para. 2(9)(a) (with art. 5)
- F17** Words in s. 33AB(1)(b) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), Sch. 1 para. 4(9)(b) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F18** Words in s. 33AB(1)(b) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), Sch. para. 2(9)(b) (with art. 5)
- F19** Words in s. 33AB(4)(a) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

[^{F20}33B Overall standards of performance.

- (1) The Director may from time to time—
- (a) determine such standards of overall performance in connection with the provision of gas supply services by [^{F21}gas suppliers] as, in his opinion, ought to be achieved by them; and
 - (b) arrange for the publication, in such form and in such manner as he considers appropriate, of the standards so determined.

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^{F22}(2)

[Different standards may be determined for different gas suppliers if the Director is ^{F23}(3) of the opinion that the differences are such that no gas supplier would be unduly disadvantaged in competing with other gas suppliers.

(3A) Standards may be determined either as respects the provision of gas supply services generally or as respects the provision of such services to customers of a particular class or description.]

(4) It shall be the duty of every [^{F24}gas supplier] to conduct his business in such a way as can reasonably be expected to lead to his achieving the standards set under this section.]

Textual Amendments

- F20** Cross heading, ss. 33A and 33B inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), [s. 11](#); Commencement Order No. 1 made on 29.5.1992, art. 3, Sch. Pt. I.
- F21** Words in s. 33B(1) substituted (1.3.1996) by [1995 c. 45, s. 10\(1\)](#), [Sch. 3 para. 35\(1\)](#); S.I. 1996/218, [art. 2](#)
- F22** S. 33B(2) repealed (1.10.2001) by [2000 c. 27, s. 108](#), [Sch. 8](#); S.I. 2001/3266, arts. 1(2), 2, [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))
- F23** S. 33B(3)(3A) substituted for s. 33B(3) (1.3.1996) by [1995 c. 45, s. 10\(1\)](#), [Sch. 3 para. 35\(3\)](#); S.I. 1996/218, [art. 2](#)
- F24** Words in s. 33B(4) substituted (1.3.1996) by [1995 c. 45, s. 10\(1\)](#), [Sch. 3 para. 35\(4\)](#); S.I. 1996/218, [art. 2](#)

^{F25}[**33BA Overall standards of performance: gas transporters.**

- (1) The Authority may from time to time—
- (a) determine such standards of overall performance in connection with the activities of gas transporters as, in its opinion, ought to be achieved by them; and
 - (b) arrange for the publication, in such form and in such manner as he considers appropriate, of the standards so determined.

(2) Different standards may be determined for different gas transporters if the Authority is of the opinion that the differences are such that no gas transporter would be unduly disadvantaged in competing with other gas transporters.

(3) It shall be the duty of every gas transporter to conduct his business in such a way as can reasonably be expected to lead to his achieving the standards set under this section.]

Textual Amendments

- F25** S. 33BA inserted (16.5.2001 for certain purposes and otherwise 1.10.2001) by [2000 c. 27, s. 91](#); S.I. 2001/1781, [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-10](#)); S.I. 2001/3266, arts. 1(2), 2, [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

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[^{F26}33BAA] Procedures for prescribing or determining standards of performance.

- (1) Before prescribing standards of performance in regulations under section 33A or 33AA, or determining standards of performance under section 33B or 33BA, the Authority shall—
 - (a) arrange for such research as the Authority considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and consider the results;
 - (b) publish a notice of its proposals in accordance with subsections (2) and (3) and consider any representations which are duly made in respect of those proposals; and
 - (c) consult [^{F27}Citizens Advice and [^{F28}Consumer Scotland]] and other persons or bodies mentioned in subsection (4).
- (2) The notice required by subsection (1)(b) is a notice—
 - (a) stating that the Authority proposes to prescribe or determine standards of performance and setting out the standards of performance proposed;
 - (b) stating the reasons why it proposes to prescribe or determine those standards of performance; and
 - (c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations with respect to the proposals may be made.
- (3) A notice required by subsection (1)(b) shall be published in such manner as the Authority considers appropriate for the purpose of bringing it to the attention of those likely to be affected by the proposals.
- (4) The persons or bodies to be consulted by the Authority under subsection (1)(c) are—
 - (a) gas suppliers (in the case of standards of performance under section 33A or 33B) or gas transporters and gas suppliers (in the case of standards of performance under section 33AA or 33BA); and
 - (b) persons or bodies appearing to the Authority to be representative of persons likely to be affected by the regulations or determination.
- (5) The Authority shall make arrangements for securing that notices under subsection (1) (b), regulations under section 33A or 33AA and determinations under section 33B or 33BA are made available to the public by whatever means it considers appropriate.]

Textual Amendments

- F26** S. 33BAA inserted (16.5.2001 for certain purposes and otherwise 1.10.2001) by 2000 c. 27, s. 92; S.I. 2001/1781, art. 2, Sch. (subject to transitional provisions in arts. 3-10)); S.I. 2001/3266, arts. 1(2), 2, Sch. (subject to transitional provisions in arts. 3-20)
- F27** Words in s. 33BAA(1)(c) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), Sch. 1 para. 4(10) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F28** Words in s. 33BAA(1)(c) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), Sch. para. 2(10) (with art. 5)

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[^{F29}33BC]^{F30}Promotion of reductions in carbon emissions: gas transporters and gas suppliers]

(1) The Secretary of State may by order impose—

- (a) on each gas transporter (or each gas transporter of a specified description); and
- (b) on each gas supplier (or each gas supplier of a specified description),

an obligation to achieve, within a specified period and in accordance with the order, the [^{F31}carbon emissions reduction target] to be determined by [^{F32}the Administrator] under the order for that transporter or supplier (and that obligation is referred to in this section as [^{F33}a “carbon emissions reduction obligation”]).

[The power to make orders under this section may be exercised so as to impose more ^{F34}(1A) than one carbon emissions reduction obligation on a person in relation to the same period or to periods that overlap to any extent.]

[^{F35}(2) In this section “carbon emissions reduction target” means a target for the promotion of any of the following—

- (a) measures for improving energy efficiency, that is to say, efficiency in the use by consumers of electricity, gas conveyed through pipes or any other source of energy which is specified in the order;
- (b) if the order so provides—
 - (i) measures for increasing the amount of electricity generated, or heat produced, by microgeneration;
 - (ii) any other measures of a description specified in the order for increasing the amount of electricity generated, or heat produced, using low-emissions sources or technologies;
 - (iii) measures for reducing the consumption of such energy as is mentioned in paragraph (a).]

[In this section “the Administrator” means—

^{F36}(2A) (a) the Authority; or
 (b) if the order so provides, the Secretary of State or a specified body other than the Authority.]

(3) An order under this section may specify criteria by reference to which [^{F37}the Administrator] is to determine [^{F38}carbon emissions reduction targets] for the gas transporters and gas suppliers on whom obligations are imposed by the order.

(4) The Secretary of State and [^{F39}(subject to any directions given under subsection (9B)) the Administrator] shall carry out their respective functions under this section in the manner he or it considers is best calculated to ensure that no gas transporter is unduly disadvantaged in competing with other gas transporters and no gas supplier is unduly disadvantaged in competing with other gas suppliers.

(5) The order may make provision generally in relation to the [^{F40}carbon emissions reduction obligations] which it imposes, including in particular provision—

- (a) as to the treatment of persons who become gas transporters or gas suppliers after the beginning of the period to which the order relates;
- (b) as to the action which qualifies for the purpose of meeting the whole or any part of [^{F41}a carbon emissions reduction target];

[^{F42}(ba) requiring part of a carbon emissions reduction target to be met by action of a specified description;

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- (bb) requiring the whole or any part of a carbon emissions reduction target to be met by action relating to—
 - (i) individuals of a specified description,
 - (ii) property of a specified description,
 - (iii) specified areas or areas of a specified description, or
 - (iv) individuals or property of a specified description in specified areas or areas of a specified description;
- (bc) enabling the Administrator to direct a transporter or supplier to meet part of a carbon emissions reduction target by action relating to an individual named in the direction;
- (bd) preventing action from qualifying for the purpose of meeting the whole or any part of a carbon emissions reduction target unless such persons as are specified in, or determined in accordance with, the order—
 - (i) have been consulted about the action;
 - (ii) have consented to the action;
- (be) requiring action which qualifies for the purpose of meeting both a carbon emissions reduction target and a home-heating cost reduction target to be treated as qualifying only for the purpose of meeting such one of those targets as the transporter or supplier concerned elects;
- (c) determining, or specifying the method for determining, the contribution that any action makes towards meeting a carbon emissions reduction target;]
- (d) requiring transporters and suppliers to give to [^{F43}the Administrator] specified information, or information of a specified nature, about their proposals for complying with their [^{F44}carbon emissions reduction obligations];
- (e) requiring [^{F45}the Administrator] to determine—
 - (i) whether any proposed action qualifies for the purpose of achieving the whole or any part of a person's [^{F46}carbon emissions reduction target]; and
 - [^{F47}(ii) if so, what contribution the proposed action (or any result of that action specified in the determination) is to make towards achieving the carbon emissions reduction target;]
- (f) requiring transporters or suppliers to produce to [^{F48}the Administrator] evidence of a specified kind demonstrating that they have complied with their [^{F49}carbon emissions reduction obligations][^{F50}], and
- (g) requiring the Administrator or a specified body to offer services of a specified kind and authorising a specified fee to be charged to those who take up the offer.]

[If the order makes provision by virtue of subsection (5)(bc) enabling the Administrator ^{F51}(5A) to direct a transporter or supplier to meet part of a carbon emissions reduction target by action relating to an individual named in the direction the order may also make provision—

- (a) authorising the Administrator to require specified persons to provide it with information for the purpose of enabling it to identify and select individuals who are to be the subject of a direction;
- (b) specifying criteria in accordance with which the Administrator is to select individuals who are to be the subject of a direction;
- (c) determining, or specifying the method for determining, which transporter or supplier is to be given a direction in relation to any particular individual selected in accordance with provision made under paragraph (b);

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- (d) authorising the Administrator, if it gives a direction to a transporter or supplier, to provide the transporter or supplier with information relating to the individual concerned for the purpose of assisting the transporter or supplier to comply with the direction;
 - (e) as to the times at which a direction may be given;
 - (f) as to the circumstances in which a direction need not be complied with.
- (5B) Provision made by virtue of subsection (5)(c) may in particular provide for an action to be treated as making a greater contribution than it would otherwise do if the action relates to—
- (a) an individual of a specified description,
 - (b) a property of a specified description, or
 - (c) both an individual of a specified description and a property of a specified description.]
- (6) The order may make provision authorising [^{F52}the Administrator] to require a transporter or supplier to provide it with specified information, or information of a specified nature, relating to—
- (a) his proposals for complying with his [^{F53}carbon emissions reduction obligation]; or
 - (b) the question whether he has complied with that obligation.
- (7) The order may make provision as to circumstances in which—
- (a) a person's [^{F54}carbon emissions reduction target] may be altered during the period to which the order relates;
 - (b) the whole or any part of a person's [^{F54}carbon emissions reduction target] may be treated as having been achieved by action taken otherwise than by or on behalf of that person;
 - (c) any action taken before the period to which the order relates may be treated as qualifying action taken during that period;
 - (d) the whole or any part of a person's [^{F55}carbon emissions reduction target] may be transferred to another gas transporter or gas supplier or to an electricity distributor or electricity supplier (within the meaning of Part I of the ^{M1}Electricity Act 1989); or
 - (e) a person may carry forward the whole or any part of his [^{F55}carbon emissions reduction target] for the period to which the order relates to a subsequent period.
- [The order may—
- ^{F56}(7A) (a) make provision for any specified requirement contained in it to be treated as a relevant requirement for the purposes of this Part; or
- (b) if it provides for the Administrator to be a person other than the Authority, make provision for and in connection with enabling the Administrator to enforce any requirement imposed by the order.
- (7B) Provision made by virtue of paragraph (b) of subsection (7A) may, in particular, include provision corresponding to or applying (with or without modifications) any of sections 28 to 30F and section 38.]
- [The order may make provision as to circumstances in which a transporter or supplier
- ^{F57}(7C) may meet the whole or any part of a carbon emissions reduction target by making a buy-out payment.

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- (7D) In this section, “buy-out payment” means a payment—
- (a) of an amount (“the buy-out price”) determined by the Secretary of State,
 - (b) to a person approved by the Administrator (an “approved person”),
 - (c) for a purpose approved by the Administrator (an “approved purpose”).
- (7E) Provision made by virtue of subsection (7C) may include provision about the determination by the Secretary of State of the buy-out price, including provision—
- (a) enabling the Secretary of State to set different buy-out prices—
 - (i) for different parts of the period to which the order relates;
 - (ii) for different cases (including different buy-out prices for different transporters or suppliers);
 - (b) requiring the Secretary of State to publish the buy-out price.
- (7F) If the order makes provision by virtue of subsection (7C), the order may also make provision—
- (a) as to the procedure to be followed by the Administrator in approving a person as an approved person or a purpose as an approved purpose;
 - (b) specifying criteria by reference to which the Administrator is to determine whether to approve a person or purpose.
- (7G) Provision made by virtue of subsection (7C) may include further provision about buy-out payments, including in particular provision—
- (a) as to the procedure to be followed by a transporter or supplier who proposes to make a buy-out payment, including provision—
 - (i) requiring a transporter or supplier to notify the Administrator of specified matters by a specified time;
 - (ii) as to circumstances in which a transporter or supplier must make the buy-out payment to which notification given to the Administrator relates;
 - (iii) about the process for seeking approval of a person as an approved person, or of a purpose as an approved purpose;
 - (b) preventing a transporter or supplier from treating a buy-out payment as a payment pursuant to any other obligation (whether statutory or contractual), or vice versa;
 - (c) setting out circumstances in which a requirement imposed on a transporter or supplier by provision made by virtue of subsection (5)(ba) or (bb) may be—
 - (i) met, in whole or in part, by the making of a buy-out payment;
 - (ii) varied as a result of a buy-out payment;
 - (d) about the effect of provision included in the order by virtue of subsection (7)(c) to (e) on a person’s ability to meet the whole or any part of a carbon emissions reduction target by making a buy-out payment.
- (7H) Where an order includes provision for the making of a buy-out payment, the references in subsections (5)(be) and (7)(b) to action include a reference to the making of a buy-out payment.]
- (8) The order may—
- (a) provide for exceptions from any requirement of the order;
 - ^{F58}(b)
 - (c) make supplementary, incidental and transitional provision; and

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- (d) subject to subsection (4), make different provision for different cases (including different provision in relation to different transporters or suppliers).
- (9) The order may include provision for treating the promotion of the supply to premises of—
- (a) electricity generated by a generating station which is operated for the purposes of producing heat, or a cooling effect, in association with electricity;
 - (b) heat produced in association with electricity or steam produced from (or air or water heated by) such heat; or
 - (c) any gas or liquid subjected to a cooling effect produced in association with electricity,
- as promotion of improvements in energy efficiency.
- [The order may make provision requiring the Administrator to give guidance to
- ^{F59}(9A) transporters or suppliers concerning such matters relating to the order as are specified.
- (9B) The Administrator shall carry out its functions under this section in accordance with any general or specific directions given to it by the Secretary of State.]
- (10) No person shall be required by virtue of this section to provide any information which he could not be compelled to give in evidence in civil proceedings in the High Court or, in Scotland, the Court of Session.
- ^{F60}(10A) The Secretary of State must obtain the consent of the Scottish Ministers before making an order under this section which contains provision that—
- (a) is included by virtue of subsection (2)(b),
 - (b) extends to Scotland, and
 - (c) would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.]
- (11) Before making an order under this section the Secretary of State shall consult the Authority, [^{F61}Citizens Advice, [^{F62}Consumer Scotland]], gas transporters and gas suppliers and such other persons as he considers appropriate.
- (12) An order under this section shall not be made unless a draft of the instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.]
- ^{F63}(12A) Subsection (12) does not apply to an order under this section made only for the purpose of amending an earlier order under this section so as to alter the provision included in the earlier order by virtue of any of paragraphs (b), (ba) or (c) of subsection (5). But such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12B) If an order under this section provides for the Administrator to be a body other than the Authority, the Secretary of State may make payments to the body of such amounts as the Secretary of State considers appropriate.]
- ^{F64}(13) In this section—
- “^{F65}home-heating cost reduction target ” has the meaning given by section 33BD(2)(a);]
 - “microgeneration” has the same meaning as in the Climate Change and Sustainable Energy Act 2006;
 - “plant” includes any equipment, apparatus or appliance;

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[^{F66}“specified” means specified in the order.]

- (14) For the purposes of subsection (2)(b)(ii), electricity is generated, or heat is produced, using low-emissions sources or technologies if it is generated, or produced, by plant which relies wholly or mainly on a source of energy or a technology mentioned in section 26(2) of the Climate Change and Sustainable Energy Act 2006.]

Textual Amendments

- F29** S. 33BC substituted (1.10.2001) for s. 33BB by 2000 c. 27, s. 99; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F30** S. 33BC heading substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), s. 28(3), **Sch. para. 2(2)**; S.I. 2007/538, art. 2
- F31** Words in s. 33BC(1) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), **ss. 15(2)(a)**, 28(3); S.I. 2007/538, art. 2
- F32** Words in s. 33BC(1) substituted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(2)**, 121(3)
- F33** Words in s. 33BC(1) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), **ss. 15(2)(b)**, 28(3); S.I. 2007/538, art. 2
- F34** S. 33BC(1A) inserted (26.1.2009) by Climate Change Act 2008 (c. 27), s. 100(5), **Sch. 8 para. 1(2)**
- F35** S. 33BC(2) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), **ss. 15(3)**, 28(3); S.I. 2007/538, art. 2
- F36** S. 33BC(2A) inserted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(3)**, 121(3)
- F37** Words in s. 33BC(3) substituted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(4)**, 121(3)
- F38** Words in s. 33BC(3) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), s. 28(3), **Sch. para. 2(3)**; S.I. 2007/538, art. 2
- F39** Words in s. 33BC(4) substituted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(5)**, 121(3)
- F40** Words in s. 33BC(5) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), s. 28(3), **Sch. para. 2(4)(a)**; S.I. 2007/538, art. 2
- F41** Words in s. 33BC(5)(b) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), s. 28(3), **Sch. para. 2(4)(b)**; S.I. 2007/538, art. 2
- F42** Ss. 33BC(5)(ba)-(c) substituted for s. 33BC(5)(ba)(c) (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(6)(a)**, 121(3)
- F43** Words in s. 33BC(5)(d) substituted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(6)(b)**, 121(3)
- F44** Words in s. 33BC(5)(d) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), s. 28(3), **Sch. para. 2(4)(d)**; S.I. 2007/538, art. 2
- F45** Words in s. 33BC(5)(e) substituted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(6)(c)(i)**, 121(3)
- F46** Words in s. 33BC(5)(e)(i) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), s. 28(3), **Sch. para. 2(4)(e)(i)**; S.I. 2007/538, art. 2
- F47** S. 33BC(5)(e)(ii) substituted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(6)(c)(ii)**, 121(3)
- F48** Words in s. 33BC(5)(f) substituted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(6)(d)**, 121(3)
- F49** Words in s. 33BC(5)(f) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), s. 28(3), **Sch. para. 2(4)(d)**; S.I. 2007/538, art. 2
- F50** S. 33BC(5)(g) and words inserted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(6)(e)**, 121(3)
- F51** S. 33BC(5A)(5B) inserted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(7)**, 121(3)
- F52** Words in s. 33BC(6) substituted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(8)**, 121(3)
- F53** Words in s. 33BC(6) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), s. 28(3), **Sch. para. 2(5)**; S.I. 2007/538, art. 2
- F54** Words in s. 33BC(7) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), s. 28(3), **Sch. para. 2(6)**; S.I. 2007/538, art. 2
- F55** Words in s. 33BC(7)(d)(e) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), s. 28(3), **Sch. para. 2(6)**; S.I. 2007/538, art. 2
- F56** S. 33BC(7A)(7B) inserted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(9)**, 121(3)
- F57** S. 33BC(7C)-(7H) inserted (26.12.2023) by Energy Act 2023 (c. 52), **ss. 214(1)**, 334(3)(g)

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- F58** S. 33BC(8)(b) omitted (18.12.2011) by virtue of Energy Act 2011 (c. 16), **ss. 66(10)**, 121(3)
- F59** S. 33BC(9A)(9B) inserted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(11)**, 121(3)
- F60** S. 33BC(10A) substituted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(12)**, 121(3)
- F61** Words in s. 33BC(11) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 4(11)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F62** Words in s. 33BC(11) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 2(11)** (with art. 5)
- F63** S. 33BC(12A)(12B) inserted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(13)**, 121(3) (with s. 66(15))
- F64** S. 33BC(13)(14) added (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), **ss. 15(5)**, 28(3); S.I. 2007/538, art. 2
- F65** Words in s. 33BC(13) inserted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 66(14)**, 121(3)
- F66** Words in s. 33BC(13) inserted (26.1.2009) by Climate Change Act 2008 (c. 27), s. 100(5), **Sch. 8 para. 1(4)**

Modifications etc. (not altering text)

- C1** Definition of
“energy efficiency target”
in s. 33BC(2) modified (15.12.2001) by S.I. 2001/4011, **art. 5**

Marginal Citations

- M1** 1989 c. 29.

[^{F67} 33BC] Scottish Ministers' promotion of reductions in carbon emissions: gas suppliers

- (1) Where the Secretary of State under section 33BC imposes on gas suppliers obligations to achieve a target within a specified period, the power to make orders under that section is exercisable by the Scottish Ministers for the purposes of those obligations imposed in relation to Scotland and not, except as provided by subsections (9) and (10), by the Secretary of State.
- (2) An obligation is imposed in relation to Scotland to the extent that measures to meet that obligation may be carried out in Scotland (disregarding any power to elect under section 103 of the Utilities Act 2000).
- (3) For the purposes of the exercise by the Scottish Ministers of the power to make an order under section 33BC, that section applies with the following modifications—
 - (a) for subsection (1) there is substituted a power by order to specify how gas suppliers may meet their obligations to achieve the carbon emissions reduction target through measures carried out in Scotland;
 - (b) subsections (1A), (3), (5)(a), (7)(a) [^{F68}, (7C), (7E)] and (10A) are omitted;
 - (c) in subsection (2A) at the beginning of paragraph (b) there is inserted “where the Secretary of State has apportioned the overall carbon emissions reduction target under section 103(2A) of the Utilities Act 2000, and”;
 - [^{F69} (ca) in subsection (7F), for “order makes” is substituted “Secretary of State has made”;
 - (cb) in subsection (7G), for “(7C)” is substituted “(7F)”;
 - (cc) in subsection (7H), for “an order includes” is substituted “the Secretary of State has made”;

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- (d) in subsection (11) “Citizens Advice” and “gas transporters” are omitted;
 - (e) in subsection (12), for the words from “shall not be made” to the end is substituted “ is subject to the affirmative procedure ”;
 - (f) in subsection (12A) for the words from “shall be subject to” to the end is substituted “ is subject to the negative procedure ”;
 - (g) for “Secretary of State” in each place ^[F70]other than in subsection (7D)(a) is substituted “ Scottish Ministers ”.
- (4) The power of the Scottish Ministers under section 33BC does not include power to make provision in relation to the subject-matter of sections 88 to 90 of the Energy Act 2008 (smart meters).
- (5) Where an overall carbon emissions reduction target has been apportioned under section 103(2A) of the Utilities Act 2000, the Scottish Ministers must—
- (a) when making any order under section 33BC, comply with the duty in subsection (6), and
 - (b) if the Secretary of State amends any order under that section, make any provision they think necessary, in consequence of the amendment, to comply with that duty.
- (6) The duty of the Scottish Ministers where subsection (5)(a) or (b) applies is to exercise their powers under section 33BC (subject to subsection (8)) in the way they think most likely to secure that the proportion of compliance costs that is represented by costs relating to Scotland is no greater than the proportion of the overall carbon emissions reduction target that is represented by the part of it apportioned to measures carried out in Scotland.
- (7) In subsection (6)—
- (a) “compliance costs” means the total costs to gas suppliers of complying with carbon emissions reduction obligations that, in relation to any period, are imposed by order under section 33BC, and
 - (b) “costs relating to Scotland” means the total costs to gas suppliers of complying with obligations that, in relation to the same period, are imposed in relation to Scotland.
- (8) The Scottish Ministers may not make an order under section 33BC unless—
- (a) they have consulted the Secretary of State about the proposed order, and
 - (b) the Secretary of State has agreed to the order being made.
- (9) Subsection (1) does not prevent the Secretary of State from making provision under—
- (a) section 33BC(1A), (3), (5)(a) ^[F71], (7)(a), (7C) or (7E)], or
 - (b) section 33BC(2A) where an overall carbon emissions reduction target has not been apportioned under section 103(2A) of the Utilities Act 2000.
- (10) Subsection (1) does not prevent the Secretary of State from making any other provision under section 33BC or from varying or revoking an order made by the Scottish Ministers under that section—
- (a) with the agreement of the Scottish Ministers, or
 - (b) without their agreement, if subsection (11) applies.
- (11) This subsection applies if it appears to the Secretary of State, in the case of obligations imposed in relation to Scotland (the “Scottish obligations”), taking into account any provision made by the Scottish Ministers, that the Scottish obligations are, alone or

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in conjunction with obligations imposed or to be imposed in relation to England and Wales, likely to—

- (a) cause detriment to the United Kingdom,
- (b) adversely affect the ability of the United Kingdom to comply with an international agreement or arrangement in relation to climate change or energy efficiency, or
- (c) result in costs incurred by suppliers that are not broadly equivalent in relation to England and Wales and in relation to Scotland,

and the Scottish Ministers have failed to comply with a request made to them by the Secretary of State to make modifications specified by the Secretary of State.

(12) In determining for the purposes of subsection (11), whether detriment is likely to be caused to the United Kingdom, considerations that the Secretary of State may take into account include the costs imposed on suppliers by virtue of obligations imposed or to be imposed by the Secretary of State under section 33BC or any provision made by the Scottish Ministers under that section.

(13) A request by the Secretary of State to the Scottish Ministers for the purposes of subsection (11)—

- (a) must be in writing;
- (b) must specify only modifications that appear to the Secretary of State to be necessary to prevent the effect mentioned in subsection (11)(a), (b) or (c);
- (c) must specify the time within which the modifications are to be made, which must not be less than 2 months from the date of the request.]

Textual Amendments

- F67** S. 33BCA inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by [Scotland Act 2016 \(c. 11\)](#), **ss. 59(2)**, 72(4)(d) (with s. 59(7)); S.I. 2017/1157, regs. 3(b), 5(a)
- F68** Words in s. 33BCA(3)(b) inserted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 214(2)(a)(i)**, 334(3)(g)
- F69** S. 33BCA(3)(ca)-(cc) inserted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 214(2)(a)(ii)**, 334(3)(g)
- F70** Words in s. 33BCA(3)(g) inserted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 214(2)(a)(iii)**, 334(3)(g)
- F71** Words in s. 33BCA(9)(a) substituted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 214(2)(b)**, 334(3)(g)

[^{F72}33BD] Promotion of reductions in home-heating costs: gas transporters and gas suppliers

(1) The Secretary of State may by order impose—

- (a) on each gas transporter (or each gas transporter of a specified description); and
- (b) on each gas supplier (or each gas supplier of a specified description),

an obligation to achieve, within a specified period and in accordance with the order, the home-heating cost reduction target to be determined by the Administrator under the order for that transporter or supplier (and that obligation is referred to in this section as a “home-heating cost reduction obligation”).

(2) In this section—

- (a) “the Administrator” means—
 - (i) the Authority; or

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- (ii) if the order so provides, the Secretary of State or a specified body other than the Authority;
 - (b) “home-heating cost reduction target” means a target for the promotion of measures for reducing the cost to individuals of heating their homes;
 - (c) “specified” means specified in the order.
- (3) The power to make orders under this section may be exercised so as to impose more than one home-heating cost reduction obligation on a person in relation to the same period or to periods that overlap to any extent.
- (4) Subsections (3), (5) to (8), (9A) and (10A) to (12B) of section 33BC apply to an order under this section as they apply to an order under that section, with the following modifications—
- (a) for “carbon emissions reduction obligation” (in each place) substitute “ home-heating cost reduction obligation ”;
 - (b) for “carbon emissions reduction obligations” (in each place) substitute “ home-heating cost reduction obligations ”;
 - (c) for “carbon emissions reduction target” (in each place other than in paragraph (be) of subsection (5)) substitute “ home-heating cost reduction target ”;
 - (d) for “carbon emissions reduction targets” (in each place) substitute “ home-heating cost reduction targets ”; and
 - (e) omit paragraph (a) of subsection (10A).
- (5) Subsections (4) and (9B) of section 33BC apply to the carrying out by the Secretary of State and the Administrator of their respective functions under this section as they apply to the carrying out by those persons of their functions under that section.
- (6) No person shall be required by virtue of this section to provide any information which he could not be compelled to give in evidence in civil proceedings in the High Court or, in Scotland, the Court of Session.]

Textual Amendments

F72 S. 33BD inserted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), ss. 68, 121(3)

[^{F73}33BD] Scottish Ministers' promotion of reductions in home-heating costs: gas suppliers

- (1) Where the Secretary of State under section 33BD imposes on gas suppliers obligations to achieve a target within a specified period, the power to make orders under that section is exercisable by the Scottish Ministers for the purposes of those obligations imposed in relation to Scotland and not, except as provided by subsections (9) and (10), by the Secretary of State.
- (2) An obligation is imposed in relation to Scotland to the extent that measures to meet that obligation may be carried out in Scotland (disregarding any power to elect under section 103A of the Utilities Act 2000).
- (3) For the purposes of the exercise by the Scottish Ministers of the power to make an order under section 33BD, that section applies with the following modifications—

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- (a) for subsection (1) there is substituted a power by order to specify how gas suppliers may meet their obligations to achieve the home-heating cost reduction target through measures carried out in Scotland;
 - (b) subsection (3) is omitted;
 - (c) subsections (3), (5)(a), (7)(a) [^{F74}, (7C), (7E)] and (10A) of section 33BC as applied by subsection (4) are omitted;
 - (d) in subsection (2)(a) at the beginning of sub-paragraph (ii) there is inserted “where the Secretary of State has apportioned the overall home-heating cost reduction target under section 103A(3A) of the Utilities Act 2000, and”;
 - [^{F75}(da) in section 33BC(7F) as applied by subsection (4), for “order makes” is substituted “Secretary of State has made”;
 - (db) in section 33BC(7G) as applied by subsection (4), for “(7C)” is substituted “(7F)”;
 - (dc) in section 33BC(7H) as applied by subsection (4), for “an order includes” is substituted “the Secretary of State has made”;
 - (e) in section 33BC(11) as applied by subsection (4) “Citizens Advice” and “gas transporters” are omitted;
 - (f) in section 33BC(12) as applied by subsection (4) for the words from “shall not be made” to the end is substituted “ is subject to the affirmative procedure ”;
 - (g) in section 33BC(12A) as applied by subsection (4) for the words from “shall be subject to” to the end is substituted “ is subject to the negative procedure ”;
 - (h) for “Secretary of State” in each place (including any references in section 33BC that apply by virtue of subsection (4) [^{F76}other than in section 33BC(7D)(a)]), is substituted “ Scottish Ministers ”.
- (4) The power of the Scottish Ministers under section 33BD does not include power to make provision in relation to the subject-matter of sections 88 to 90 of the Energy Act 2008 (smart meters).
- (5) Where an overall home-heating cost reduction target has been apportioned under section 103A(3A) of the Utilities Act 2000, the Scottish Ministers must—
- (a) when making any order under section 33BD, comply with the duty in subsection (6), and
 - (b) if the Secretary of State amends any order under that section, make any provision they think necessary, in consequence of the amendment, to comply with that duty.
- (6) The duty of the Scottish Ministers where subsection (5)(a) or (b) applies is to exercise their powers under section 33BD (subject to subsection (8)) in the way they think most likely to secure that the proportion of compliance costs that is represented by costs relating to Scotland is no greater than the proportion of the overall home-heating cost reduction target that is represented by the part of it apportioned to measures carried out in Scotland.
- (7) In subsection (6)—
- (a) “compliance costs” means the total costs to gas suppliers of complying with home-heating cost reduction obligations that, in relation to any period, are imposed by order under section 33BD, and
 - (b) “costs relating to Scotland” means the total costs to gas suppliers of complying with obligations that, in relation to the same period, are imposed in relation to Scotland.

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- (8) The Scottish Ministers may not make an order under section 33BD unless—
- (a) they have consulted the Secretary of State about the proposed order, and
 - (b) the Secretary of State has agreed to the order being made.
- (9) Subsection (1) does not prevent the Secretary of State from making provision under—
- (a) section 33BD(3),
 - (b) section 33BC(3), (5)(a) [^{F77}(7)(a), (7C) or (7E)] as applied by section 33BD(4), or
 - (c) section 33BD(2)(a) where an overall home-heating cost reduction target has not been apportioned under section 103A(3A) of the Utilities Act 2000.
- (10) Subsection (1) does not prevent the Secretary of State from making any other provision under section 33BD or from varying or revoking an order made by the Scottish Ministers under that section—
- (a) with the agreement of the Scottish Ministers, or
 - (b) without their agreement, if subsection (11) applies.
- (11) This subsection applies if it appears to the Secretary of State, in the case of obligations imposed in relation to Scotland (the “Scottish obligations”), taking into account any provision made by the Scottish Ministers, that the Scottish obligations are, alone or in conjunction with obligations imposed or to be imposed in relation to England and Wales, likely to—
- (a) cause detriment to the United Kingdom,
 - (b) adversely affect the ability of the United Kingdom to comply with an international agreement or arrangement in relation to climate change or energy efficiency, or
 - (c) result in costs incurred by suppliers that are not broadly equivalent in relation to England and Wales and in relation to Scotland,
- and the Scottish Ministers have failed to comply with a request made to them by the Secretary of State to make modifications specified by the Secretary of State.
- (12) In determining for the purposes of subsection (11), whether detriment is likely to be caused to the United Kingdom, considerations that the Secretary of State may take into account include the costs imposed on suppliers by virtue of obligations imposed or to be imposed by the Secretary of State under section 33BD or any provision made by the Scottish Ministers under that section.
- (13) A request by the Secretary of State to the Scottish Ministers for the purposes of subsection (11)—
- (a) must be in writing;
 - (b) must specify only modifications that appear to the Secretary of State to be necessary to prevent the effect mentioned in subsection (11)(a), (b) or (c);
 - (c) must specify the time within which the modifications are to be made, which must not be less than 2 months from the date of the request.]

Textual Amendments

- F73** S. 33BDA inserted (1.12.2017 for specified purposes, 1.10.2018 in so far as not already in force) by Scotland Act 2016 (c. 11), ss. 59(3), 72(4)(d) (with s. 59(7)); S.I. 2017/1157, regs. 3(b), 5(a)
- F74** Words in s. 33BDA(3)(c) inserted (26.12.2023) by Energy Act 2023 (c. 52), ss. 214(3)(a)(i), 334(3)(g)
- F75** S. 33BDA(3)(da)-(dc) inserted (26.12.2023) by Energy Act 2023 (c. 52), ss. 214(3)(a)(ii), 334(3)(g)

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- F76** Words in s. 33BDA(3)(h) inserted (26.12.2023) by Energy Act 2023 (c. 52), ss. 214(3)(a)(iii), 334(3)(g)
- F77** Words in s. 33BDA(9)(b) substituted (26.12.2023) by Energy Act 2023 (c. 52), ss. 214(3)(b), 334(3)(g)

[^{F79}33C Information with respect to levels of performance.

- (1) The Director shall from time to time collect information with respect to—
 - (a) the compensation made by [^{F80}gas suppliers] under section 33A above;
 - (b) the levels of overall performance achieved by [^{F80}gas suppliers] in connection with the provision of gas supply services; ^{F81} . . .
 - ^{F81}(c)

[The Authority shall from time to time collect information with respect to—
^{F82}(1A) (a) the compensation made by gas transporters under section 33AA;
(b) the levels of overall performance achieved by gas transporters.]

- (2) At such times as the Director may direct, each [^{F83}gas supplier] shall give the following information to the Director—
 - (a) as respects each standard prescribed by regulations under section 33A above, the number of cases in which compensation was made and the aggregate amount or value of that compensation; and
 - (b) as respects each standard determined under [^{F84}section 33B ^{F85} . . .], such information with respect to the level of performance achieved by the supplier as [^{F86}the Authority may direct].

[At such times as the Authority may direct, each gas transporter shall give the following
^{F87}(2A) information to the Authority—
(a) as respects each standard prescribed by regulations under section 33AA, the number of cases in which compensation was made and the aggregate amount or value of that compensation; and
(b) as respects each standard determined under section 33BA, such information with respect to the level of performance achieved by the transporter as the Authority may direct.]

(3)

^{F88}(4)

^{F88}(5)]

Textual Amendments

- F79** S. 33C inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), s. 12; Commencement Order No. 1 made on 29.5.1992, art. 3, Sch. Pt. I.
- F80** Words in s. 33C(1) substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 36(1); S.I. 1996/218, art. 2
- F81** s. 33C(1)(c) and word “and” immediately preceding it repealed (1.10.2001) by 2000 c. 27, ss. 93(2), 108, Sch. 8; S.I. 2001/3266, arts. 1(2), 2, Sch. (subject to transitional provisions in arts. 3-20)
- F82** S. 33C(1A) inserted (1.10.2001) by 2000 c. 27, s. 93(3); S.I. 2001/3266, arts. 1(2), 2, Sch. (subject to transitional provisions in arts. 3-20)

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- F83** Words in s. 33C(2) substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 37(2)(a)**; S.I. 1996/218, **art. 2**
- F84** Words in s. 33C(2) substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 37(2)(b)**; S.I. 1996/218, **art. 2**
- F85** Words in s. 33C(2)(b) repealed (1.10.2001) by 2000 c. 27, ss. 93(4), 108, **Sch. 8**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F86** Words in s. 33C(2)(b) substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6, Pt. I para. 14**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F87** S. 33C(2A) inserted (1.10.2001) by 2000 c. 27, s. **93(5)**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F88** S. 33C(4)(5) repealed (1.10.2001) by 2000 c. 27, ss. 20(7), 108, **Sch. 8**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)

[^{F89}33D Information to be given to customers about overall performance.

- (1) The Authority may make regulations requiring such information as may be specified or described in the regulations about—
- (a) the standards of overall performance determined under section 33B or 33BA; and
 - (b) the levels of performance achieved as respects those standards,
- to be given by gas suppliers or gas transporters to customers or potential customers of gas suppliers.
- (2) Regulations under this section may include provision—
- (a) as to the form and manner in which and the frequency with which information is to be given; and
 - (b) requiring information about the matters mentioned in subsection (1)(a) or (b) and relating to gas transporters to be given by gas transporters to gas suppliers and by gas suppliers to their customers or potential customers.]

Textual Amendments

- F89** S. 33D substituted (16.5.2001 for certain purposes and otherwise 1.10.2001) by 2000 c. 27, s. **94**; S.I. 2001/1781, **art. 2, Sch.** (subject to transitional provisions in arts. 3-10); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)

[^{F90}33DAPublication of statistical information about standards of performance.

- (1) [^{F91}It shall be the duty of both Citizens Advice and Citizens Advice Scotland to secure the publication, in such form and manner and with such frequency as the particular body thinks appropriate, of such statistical information as the particular body considers appropriate] in relation to—
- (a) the levels of performance achieved by gas suppliers and gas transporters in respect of—
 - (i) standards of performance prescribed or determined under sections 33A, 33AA, 33B and 33BA; and
 - (ii) [^{F92}carbon emissions reduction obligations] imposed by order under section 33BC; and
 - [^{F93}home-heating cost reduction obligations imposed by order under (iii) section 33BD; and]

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- (b) complaints made by consumers about any matter relating to the activities of such suppliers or transporters and the handling of such complaints.

[Citizens Advice and Citizens Advice Scotland may comply with the duty in ^{F94}(1A) subsection (1) by publishing information jointly or by securing that information is published on behalf of both of them.]

- (2) In subsection (1)(b) “complaints” includes complaints made directly to gas suppliers and gas transporters (or anyone carrying on activities on their behalf) and complaints to the Authority [^{F95}Citizens Advice or Citizens Advice Scotland] .]

Textual Amendments

- F90** S. 33DA inserted (7.11.2000 for certain purposes and otherwise 1.10.2001) by 2000 c. 27, s. 20(5); S.I. 2000/2974, art. 2, Sch. (subject to transitional provisions in arts. 3-12)); S.I. 2001/3266, arts. 1(2), 2, Sch. (subject to transitional provisions in arts. 3-20)
- F91** Words in s. 33DA(1) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), Sch. 1 para. 4(12)(a) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F92** Words in s. 33DA(1)(a)(ii) substituted (28.2.2007) by Climate Change and Sustainable Energy Act 2006 (c. 19), s. 28(3), Sch. para. 3; S.I. 2007/538, art. 2
- F93** S. 33DA(1)(a)(iii) inserted (18.12.2011) by Energy Act 2011 (c. 16), s. 121(5)(a), Sch. 1 para. 1
- F94** S. 33DA(1A) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), Sch. 1 para. 4(12)(b) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F95** Words in s. 33DA(2) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), Sch. 1 para. 4(12)(c) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

[^{F96}33DB] Information relating to complaints handling standards

- (1) This section applies in relation to standards prescribed by the Authority by regulations under section 43 of the Consumers, Estate Agents and Redress Act 2007 (standards for complaints handling) in relation to licence holders (or some of them).
- (2) The Authority must from time to time collect information with respect to the levels of compliance with the standards which those licence holders have achieved.
- (3) At such times as the Authority may direct, each of those licence holders must give the Authority such information as the Authority may direct with respect to the levels of compliance with the standards which the licence holder has achieved.]

Textual Amendments

- F96** S. 33DB inserted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), Sch. 5 para. 1(3) (with s. 48(3)); S.I. 2008/2550, art. 2, Sch.

^{F97}33E

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Textual Amendments

- F97** S. 33E repealed (7.11.2000 for s. 33E(2)(a) and otherwise 1.10.2001) by 2000 c. 27, s. 108, Sch. 6 Pt. I para. 15, **Sch. 8**; S.I. 2000/2974, art. 2, **Sch.** (subject to transitional provisions in arts. 3-12); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(e) and word inserted by [2023 c. 52 s. 185\(3\)](#)
- s. 5(1)(ca) inserted by [2023 c. 52 s. 168\(2\)\(b\)](#)
- s. 5(10A) inserted by [2023 c. 52 s. 168\(2\)\(c\)](#)
- s. 5(11A)(11B) inserted by [2023 c. 52 s. 185\(4\)](#)
- s. 7B(5FA) inserted by [2023 c. 52 s. 185\(13\)](#)
- s. 7AC inserted by [2023 c. 52 s. 185\(6\)](#)
- s. 8AA(11B) inserted by [2023 c. 52 s. 185\(14\)](#)
- s. 15A inserted by [1992 c. 43 s. 17](#)
- s. 23D(2)(d) and word inserted by [2013 c. 32 s. 138\(4\)\(c\)\(iii\)](#)
- s. 27(1ZA)(aa) inserted by S.I. 2019/93, Sch. 1 para. 2(2)(b) (as substituted) by [S.I. 2019/1245 reg. 17](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 28(8A) inserted by [2023 c. 52 Sch. 14 para. 3\(3\)](#)
- s. 41E(6)(d) and word inserted by [2013 c. 32 s. 138\(4\)\(f\)\(ii\)](#)
- Sch. 4B para. 9B and cross-heading inserted by [2023 c. 52 Sch. 14 para. 4](#)