

## SCHEDULES

### SCHEDULE 5

Section 15.

#### PUBLIC GAS SUPPLY CODE

#### PART I

##### SUPPLY OF GAS TO TARIFF CUSTOMERS

###### *Maintenance etc. of service pipes*

- 1 A public gas supplier shall carry out any necessary work of maintenance, repair or renewal of any service pipe—
- (a) by which a tariff customer is supplied with gas ; and
  - (b) which was provided and laid otherwise than at the expense of the supplier or a predecessor of his,
- and may recover the expenses reasonably incurred in so doing from the customer.

###### *Alterations etc. of burners on change of calorific value*

- 2 It shall be the duty of a public gas supplier, in the case of any alteration in the calorific value declared in respect of any gas supplied by him, to take at his own expense such steps as may be necessary to alter, adjust or replace the burners in the appliances of tariff customers who are supplied with that gas in such manner as to secure that the gas can be burned with safety and efficiency.

###### *Consumption of gas to be ascertained by meter*

- 3 (1) Every tariff customer of a public gas supplier shall, if required to do so by the supplier, take his supply through a meter, and in default of his doing so the supplier may refuse to give or discontinue the supply of gas.
- (2) A public gas supplier shall if so required by a tariff customers, supply to the customer, whether by way of sale, hire or loan, an appropriate meter (whether a prepayment meter or otherwise) for ascertaining the quantity of gas supplied by him ; but in the case of a supply by way of hire or loan the customer shall, if so required by the supplier, before receiving the meter give to the supplier reasonable security for the due performance of his obligation to take proper care of it.
- (3) Where any money is deposited with a public gas supplier by way of security in pursuance of this paragraph, the supplier shall pay interest, at such rate as may from time to time be fixed by the supplier with the approval of the Director, on every sum of 50p so deposited for every three months during which it remains in the hands of the supplier.

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*Meters to be kept in proper order*

- 4 (1) Every tariff customer shall at all times, at his own expense, keep all meters belonging to him, whereby the quantity of gas supplied by the public gas supplier is registered, in proper order for correctly registering the quantity of gas, and in default of his doing so the supplier may discontinue the supply of gas through that meter.
- (2) A public gas supplier shall at all times, at his own expense, keep all meters let for hire or lent by him to any tariff customer in proper order for correctly registering the quantity of gas supplied ; but this sub-paragraph is without prejudice to any remedy the supplier may have against the customer for failure to take proper care of the meter.
- (3) A public gas supplier shall have power to remove, inspect and re-install any meter by which the quantity of gas supplied by him to a tariff customer is registered, 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 reinstalling a meter and of fixing a substituted meter shall be defrayed by the supplier.
- (4) Where such a meter is removed for the purpose of being examined by a meter examiner in accordance with section 17 of this Act, the expenses incurred in removing, examining and re-installing the meter and fixing a substituted meter shall, if the meter is found in proper order, be defrayed by the person at whose request the examination is to be carried out but otherwise shall be defrayed by the owner of the meter.
- (5) A meter is found in proper order for the purposes of sub-paragraph (4) above if it is found to register correctly or to register erroneously to a degree not exceeding the degree permitted by regulations under section 17 of this Act.

*Meter as evidence of quantity of gas supplied*

- 5 (1) Subject to sub-paragraph (2) below, where gas is supplied to a tariff customer through a meter, the register of the meter shall be prima facie evidence of the quantity of gas supplied.
- (2) Where a meter through which a tariff customer is supplied with gas is found, when examined by a meter examiner appointed under section 17 of this Act, to register erroneously to a degree exceeding the degree permitted by regulations under that section
- (a) the meter shall be deemed to have registered erroneously to the degree so found since the relevant date, 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 customer by the supplier in consequence of the erroneous registration shall be paid to or by the customer, as the case may be.
- (3) In sub-paragraph (2) above " the relevant date " means the penultimate date on which, otherwise than in connection with the examination, the register of the meter was ascertained.

*Installation of meters in new premises*

- 6 (1) This paragraph applies where a meter is to be used to register the quantity of gas supplied to a tariff customer and—

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- (a) the building has not previously been supplied with gas by the public gas supplier ; or
  - (b) a new or substituted pipe is to be laid between the public gas supplier's main and the meter.
- (2) Subject to sub-paragraph (3) below, the meter shall be installed as near as practicable to the main, but within the outside wall of the building.
- (3) The meter may be installed otherwise than within the outside wall of the building if it is installed either—
- (a) in accommodation of a type and construction approved by the public gas supplier by an approval given in relation to buildings generally, or to any class or description of buildings ; or
  - (b) in a separate meter house or other accommodation outside the building approved by the supplier in the case of that particular building.
- (4) If the requirements of this paragraph are not complied with, the public gas supplier may refuse to supply gas to the premises until those requirements have been complied with.

*Recovery of gas charges etc.*

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- (1) A public gas supplier may recover from a tariff customer any charges due to him in respect of the supply of gas, or in respect of the supplying and fixing of any meter or fittings.
- (2) If a tariff customer quits any premises at which gas has been supplied to him through a meter by a public gas supplier without giving notice thereof to the supplier so that it is received by the supplier at least twenty-four hours before he quits the premises, he shall be liable to pay the supplier all charges in respect of the supply of gas to the premises accruing due up to whichever of the following first occurs, namely—
- (a) the twenty-eighth day after he gives such notice to the supplier ;
  - (b) the next day on which the register of the meter falls to be ascertained ; and
  - (c) the day from which any subsequent occupier of the premises requires the supplier to supply gas to the premises.
- (3) Sub-paragraph (2) above, or a statement of the effect thereof, shall be endorsed upon every demand note for gas charges payable to a public gas supplier by a tariff customer.
- (4) If a tariff customer quits any premises at which gas has been supplied to him by a public gas supplier without paying any amount due from him by way of charges in respect of the supply, the supplier—
- (a) may refuse to furnish him with a supply of gas at any other premises until he pays the amount so due ; but
  - (b) shall not be entitled to require payment of that amount from the next occupier of the premises.
- (5) If a tariff customer has not, after the expiry of twenty-eight days from the making of a demand in writing by a public gas supplier for payment thereof, paid the charges due from him in respect of the supply of gas by the supplier to any premises, the supplier, after the expiration of not less than seven days' notice of his intention, may—

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- (a) cut off the supply to the premises by disconnecting the service pipe at the meter (whether the pipe belongs to the supplier or not) or by such other means as he thinks fit; and
  - (b) recover any expenses incurred in so doing from the customer.
- (6) Where a public gas supplier has cut off the supply of gas to any premises in consequence of any default on the part of a tariff customer, the supplier shall not be under any obligation to resume the supply of gas to the customer so in default until he has made good the default and paid the reasonable expenses of re-connecting the supply.

## PART II

### SUPPLY OF GAS TO TARIFF CUSTOMERS AND OTHERS

#### *Use of antilfluators and valves*

- 8 (1) Where a person supplied with gas by a public gas supplier 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 supplier a pressure less than atmospheric pressure (any such engine, compressor or apparatus being in this paragraph referred to as a "compressor"), he shall, if so required by the supplier by notice, fix in a suitable position and keep in use an appliance provided by him which will effectually prevent pressure fluctuation in the supply mains and any other inconvenience or danger being caused to other consumers of gas by reason that he and they are supplied with gas from the same source.
- (2) Where a person supplied with gas by a public gas supplier 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 gaseous substance not supplied by the supplier (in this paragraph referred to as "extraneous gas"), he shall, if so required by the supplier by notice, fix in a suitable position and keep in use an appliance provided by him which will effectually prevent the admission of the compressed air or extraneous gas into the service pipe or into any main through which gas is supplied by the supplier.
- (3) Where a person 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) A person supplied with gas by a public gas supplier shall not be entitled to use a compressor, or any apparatus for using compressed air or extraneous gas, unless he has given to the supplier not less than fourteen days' notice of his intention to do so; but 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 any person makes default in complying with any provision of this paragraph, the public gas supplier 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 his reasonable satisfaction.
- (6) A public gas supplier shall, as soon as is practicable after any person is first supplied with gas by him, give to that person notice of the effect of the preceding provisions of this paragraph; but this requirement shall not apply in the case of any person who

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is supplied with gas by the Corporation immediately before the appointed day, and to whom a notice has been given before that day pursuant to paragraph 18(6) of Schedule 4 to the 1972 Act (which imposes a similar requirement).

- (7) A public gas supplier shall have power to disconnect, remove, test and replace any appliance which any person supplied with gas by him is required by this paragraph to keep in use, and any expenses incurred by the supplier under this sub-paragraph shall, if the appliance is found in proper order and repair, be paid by the supplier but otherwise shall be paid by that person.

#### *Improper use of gas*

- 9 If any person supplied with gas by a public gas supplier improperly uses or deals with the gas so as to interfere with the efficient supply of gas by the supplier (whether to that person or to any other person), the supplier may, if he thinks fit, discontinue the supply of gas to that person.

#### *Injury to gas fittings and interference with meters*

- 10 (1) If any person intentionally or by culpable negligence—
- (a) injures or allows to be injured any gas fitting belonging to a public gas supplier ;
  - (b) alters the index to any meter used for measuring the quantity of gas supplied by such a supplier ; or
  - (c) prevents any such meter from duly registering the quantity of gas supplied,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) If an offence under sub-paragraph (1) above involves any injury to or interference with any gas fitting belonging to the public gas supplier, the supplier 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) Where any person is prosecuted for an offence under subparagraph (1)(b) or (c) above, the possession by him of artificial means for causing an alteration of the index of the meter or, as the case may be, the prevention of the meter from duly registering shall, if the meter was in his custody or under his control, be prima facie evidence that the alteration or prevention was intentionally caused by him.

#### *Restoration of supply without consent*

- 11 (1) Where a supply of gas to any premises has been cut off by a public gas supplier otherwise than in the exercise of a power conferred by regulations under section 18(2) of this Act, no person shall, without the consent of the supplier, restore the supply.
- (2) If any person acts in contravention of sub-paragraph (1) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and the supplier may again cut off the supply.

#### *Failure to notify connection or disconnection of service pipe*

- 12 (1) No person shall connect any meter with a service pipe through which gas is supplied by a public gas supplier, or disconnect any meter from any such pipe, unless he has

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given to the supplier, so that it is received by the supplier at least twenty-four hours before he does so, notice of his intention to do so, specifying the time and place of the proposed connection or disconnection.

- (2) If any person acts in contravention of sub-paragraph (1) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

*Prevention of escapes of gas*

- 13 (1) Where any gas escapes from any pipe of a public gas supplier, or from any pipe or other gas fitting used by a person supplied with gas by a public gas supplier, the supplier shall, immediately after being informed of the escape, prevent the gas from escaping (whether by cutting off the supply of gas to any premises or otherwise).
- (2) If a public gas supplier fails within twelve hours from being so informed effectually to prevent the gas from escaping, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In any proceedings for an offence under sub-paragraph (2) above it shall be a defence for the public gas supplier to prove that it was not reasonably practicable for him effectually to prevent the gas from escaping within the said period of twelve hours, and that he did effectually prevent the escape as soon as it was reasonably practicable for him to do so.
- (4) Where a public gas supplier has reasonable cause to suspect that gas supplied by him is escaping, or may escape, in any premises, any officer authorised by the supplier may, on production of some duly authenticated document showing his authority, enter the premises, inspect the gas fittings, carry out any work necessary to prevent the escape and take any other steps necessary to avert danger to life or property.
- (5) Where a public gas supplier has reasonable cause to suspect that gas supplied or conveyed by him which has escaped has entered, or may enter any premises, any officer authorised by the supplier may on production of some duly authenticated document showing his authority, enter the premises and take any steps necessary to avert danger to life or property.

*Information as to escapes of gas*

- 14 It shall be the duty of a public gas supplier to take such steps as are necessary to ensure that, if he is informed of an escape of gas that he is not required by paragraph 13 above to prevent, he passes the information on, as soon as reasonably practicable—
- (a) to the person who appears to the public gas supplier to be responsible (whether under that paragraph or otherwise) for preventing the escape ; or
- (b) in the case of an escape occurring in the authorised area of another public gas supplier, to that other public gas supplier.

*Entry during continuance of supply*

- 15 (1) Any officer authorised by a public gas supplier 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 a gas main of the supplier for the purpose of—

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- (a) inspecting gas fittings ;
  - (b) ascertaining the quantity of gas supplied ;
  - (c) performing the duty imposed on the supplier by paragraph 1 or 2 above;
  - (d) exercising the power conferred on the supplier by paragraph 4(3) or 8(7) above ; or
  - (e) in the case of premises where the supplier has reason to believe that a compressor or compressed air or extraneous gas is being used, inspecting the premises and ascertaining whether the provisions of paragraph 8 above are being complied with.
- (2) Paragraphs (a) and (b) of sub-paragraph (1) above do not apply where the consumer has applied in writing to the supplier for the supplier to disconnect the service pipe and cease to supply gas to the premises and the supplier has failed to do so within a reasonable time.
- (3) In this paragraph " compressor", " compressed air" and extraneous gas " have the same meanings as in paragraph 8 above.

*Entry on discontinuance of supply*

- 16 (1) Where—
- (a) a public gas supplier is authorised by any provision of this Act (including any such provision as applied by such an agreement as is mentioned in section 14(4) of this Act) to cut off or discontinue the supply of gas to any premises ;
  - (b) a person occupying premises supplied with gas by a public gas supplier ceases to require such a supply ;
  - (c) a person entering into occupation of any premises previously supplied with gas by a public gas supplier does not take a supply of gas from the supplier ; or
  - (d) a person entering into occupation of any premises previously supplied with gas through a meter belonging to a public gas supplier does not hire or borrow that meter,
- any officer authorised by the supplier, after twenty-four hours' notice to the occupier, or to the owner or lessee of the premises if they are unoccupied, may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of removing any gas fitting.
- (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 supplier 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.

*Entry for replacing, repairing or altering pipes*

- 17 (1) Any officer authorised by a public gas supplier, after seven clear days' notice to the occupier of any premises, or to the owner or lessee of any premises which are unoccupied, may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of—
- (a) placing a new pipe in the place of any existing pipe which has already been lawfully placed ; or

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- (b) repairing or altering any such existing pipe.
- (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 supplier and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises.
- (3) In cases of emergency arising from defects in any pipes entry may be made under sub-paragraph (1) above without the notice required to be given by that sub-paragraph, but the notice shall then be given as soon as possible after the occurrence of the emergency.

*Provisions as to powers of entry*

- 18 (1) Where in pursuance of any powers of entry conferred by this Part of this Schedule, entry is made on any premises by an officer authorised by a public gas supplier—
  - (a) the officer shall ensure that the premises are left no less secure by reason of the entry ; and
  - (b) the supplier 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 in making the premises secure.
- (2) Any officer exercising powers of entry conferred by this Part of this Schedule may be accompanied by such persons as may be necessary or expedient for the purpose for which the entry is made, or for the purposes of sub-paragraph (1) above.
- (3) If any person intentionally obstructs any officer exercising powers of entry conferred by this Part of this Schedule, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) 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 this Part of this Schedule.

*Gas fittings not to be subject to distress*

- 19 (1) Any gas fittings let for hire or lent to a consumer by a public gas supplier and marked or impressed with a sufficient mark or brand indicating the supplier as the owner thereof—
  - (a) shall not be subject to distress 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 " .