



Energy Act 2008

2008 CHAPTER 32

PART 5

MISCELLANEOUS

Gas meters

92 Gas meters

- (1) The functions of the Gas and Electricity Markets Authority (“the Authority”) under gas meter legislation are transferred to the Secretary of State.
- (2) References in gas meter legislation to the Authority (including references in that legislation which, by virtue of section 3(2) of the Utilities Act 2000 (c. 27), are treated as references to the Authority) are to be treated, so far as necessary for the purposes or in consequence of the transfer, as if they were references to the Secretary of State.
- (3) Regulations made, or treated as made, by the Authority under section 17 of the Gas Act 1986 (gas meter testing and stamping) and in force immediately before commencement have effect on and after commencement as if they had been made by the Secretary of State.
- (4) Anything else done by the Authority under gas meter legislation which has effect immediately before commencement has effect on and after commencement as if it had been done by the Secretary of State.
- (5) In this section—
 - “commencement” means the day on which this section comes into force;
 - “gas meter legislation” means—
 - (a) section 17 of the Gas Act 1986 (c. 44), and
 - (b) gas meter regulations;
 - “gas meter regulations” means—
 - (a) the Measuring Instruments (EEC Requirements) Regulations 1988 (S.I. 1988/186);

Status: This is the original version (as it was originally enacted).

- (b) the Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1988 (S.I. 1988/296);
- (c) the Measuring Instruments (Non-Prescribed Instruments) Regulations 2006 (S.I. 2006/1270);
- (d) the Measuring Instruments (Gas Meters) Regulations 2006 (S.I. 2006/2647);
- (e) any regulations made, or treated as made, under section 17 of the Gas Act 1986.

93 Section 92: consequential amendments

- (1) Section 17 of the Gas Act 1986 is amended as follows.
- (2) In subsection (2) for the words “a member of the Director’s staff” (which, by virtue of section 3(2) of the Utilities Act 2000 (c. 27), are treated as a reference to a member of the staff of the Gas and Electricity Markets Authority) substitute “employed in the civil service of the State”.
- (3) In subsections (7), (8) and (10) for the words “members of the Director’s staff” (which, by virtue of section 3(2) of the Utilities Act 2000, are treated as references to members of the Authority’s staff) substitute “employed in the civil service of the State”.
- (4) After subsection (7) insert—
 - “(7A) The Secretary of State may pay, out of money provided by Parliament, to meter examiners who are not employed in the civil service of the State or to any employer of such examiners—
 - (a) sums in connection with the performance by such examiners of functions conferred by or under this section or gas meter regulations (within the meaning of section 92 of the Energy Act 2008), and
 - (b) sums in respect of any pension payable to or in respect of such examiners.”
- (5) In subsection (9) omit “with the consent of the Secretary of State”.

94 Power to amend licence conditions: gas

- (1) The Secretary of State may modify—
 - (a) the conditions of a particular licence under section 7 of the Gas Act 1986;
 - (b) the standard conditions incorporated in licences under that section by virtue of section 8 of that Act.
- (2) The Secretary of State may exercise the power in subsection (1) for the purpose only of enabling the Gas and Electricity Markets Authority (“the Authority”) to recover and pay into the Consolidated Fund amounts in respect of—
 - (a) payments made by the Secretary of State by virtue of section 17(7) or (7A) of the Gas Act 1986 (c. 44);
 - (b) other costs incurred by the Secretary of State in performing a function conferred by section 17 of the Gas Act 1986 or by gas meter regulations (within the meaning of section 92).
- (3) The power in subsection (1) includes a power to make incidental, consequential or transitional modifications.

- (4) Before making a modification under this section the Secretary of State must consult—
 - (a) the holder of any licence being modified,
 - (b) the Authority, and
 - (c) such other persons as the Secretary of State considers appropriate.
- (5) Subsection (4) may be satisfied by consultation before, as well as by consultation after, the time when this section comes into force.
- (6) The Secretary of State must publish modifications under this section.
- (7) A modification under subsection (1)(a) of part of a standard condition of a licence does not prevent any other part of the condition from continuing to be regarded as a standard condition for the purposes of Part 1 of the Gas Act 1986.
- (8) Where the Secretary of State modifies the standard conditions under subsection (1)(b), the Authority must—
 - (a) make the same modifications of those standard conditions for the purposes of their incorporation in licences granted after that time, and
 - (b) publish the modifications.
- (9) The power under subsection (1) may not be exercised after the end of the period of 6 months beginning with the day on which that subsection comes into force.