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STATUTORY INSTRUMENTS

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**1996 No. 219**

**GAS**

**The Gas Act 1995 (Transitional Provisions  
and Savings) (No.1) Order 1996**

<i>Made</i>	- - - -	<i>5th February 1996</i>
<i>Laid before Parliament</i>		<i>8th February 1996</i>
<i>Coming into force</i>	- -	<i>1st March 1996</i>

The Secretary of State, in exercise of the powers conferred upon him by section 17(3) of the Gas Act 1995(1) and of all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation and Commencement**

1.—(1) This Order may be cited as the Gas Act 1995 (Transitional Provisions and Savings) (No. 1) Order 1996 and shall come into force on 1st March 1996.

(2) In this Order—

“the 1986 Act” means the Gas Act 1986;(2)

“the 1995 Act” means the Gas Act 1995;

“the appointed day” means the day appointed under section 18(2) of the 1995 Act;

“the 1949 Regulations” means the Gas (Testing) Regulations 1949(3);

“the 1983 Regulations” means the Gas Quality Regulations 1983(4).

(3) Unless the context otherwise requires, other expressions appearing in this Order shall have the same meaning, if any, as they have in Part I of the 1986 Act or the 1995 Act.

(4) The transitional provisions and savings contained in this Order are without prejudice to sections 16 and 17 of the Interpretation Act 1978(5) (effect of repeals).

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(1) 1995 c. 45.

(2) 1986 c. 44.

(3) S.I.1949/789. The relevant amending instrument is S.I. 1983/363. By virtue of paragraph 4 of Schedule 8 to the 1986 Act, these Regulations have effect as if they had been made under section 16 of that Act.

(4) S.I. 1983/363. By virtue of paragraph 4 of Schedule 8 to the 1986 Act, these Regulations have effect as if they had been made under section 16 of that Act, and by virtue of paragraph 34 of that Schedule and S.I. 1986/1317 as if references to the British Gas Corporation were references to British Gas plc.

(5) 1978 c. 30.

### Provision in respect of the 1983 Regulations

2.—(1) The 1983 Regulations shall have effect on and after the appointed day, with the modifications made by articles 3 to 9 below, as if they had been made by the Director under section 16 of the 1986 Act<sup>(6)</sup> and as if any reference in them to the Secretary of State were a reference to the Director.

(2) In articles 3 to 9 below, any reference to a regulation is a reference to a regulation of the 1983 Regulations.

3. In regulation 2—

(a) there shall be inserted at the appropriate places the following definitions—

““the Director” means the Director General of Gas Supply”; and

““public gas transporter” has the meaning given by section 7(1) of the Gas Act 1986”<sup>(7)</sup>; and

(b) at the end there shall be inserted the following paragraphs —

“(2) Any reference in these Regulations to the conveyance of gas through pipes to premises shall be construed in accordance with section 5(5) of the Gas Act 1986<sup>(8)</sup>;

(3) Any reference in these Regulations to the supply of gas shall be construed in accordance with section 48(2)<sup>(9)</sup> of the Gas Act 1986.”

4. The references in regulations 3, 4 and 5 to the supply of gas by any person shall have effect as if they were references to —

(i) the conveyance of gas to premises by public gas transporters; and

(ii) the supply to premises of gas which is conveyed through pipes to the premises otherwise than by a public gas transporter or in accordance with paragraph 1 of Schedule 2A<sup>(10)</sup> to the 1986 Act.

5. Regulation 6 shall cease to have effect.

6. For regulation 7 there shall be substituted the following regulation—

“7. Any public gas transporter, and any person who supplies to premises gas which is conveyed through pipes to the premises otherwise than by a public gas transporter or in accordance with paragraph 1 of Schedule 2A to the Gas Act 1986, shall furnish to the Director any information which he may require as necessary or expedient for the purpose of section 16 of that Act.”

7. For regulation 9 there shall be substituted the following regulation—

“9. Subject to regulation 10 below, if any person contravenes or fails to comply with any provision of regulations 3 to 5 and 7 above or regulations 1(2) and 2 of the Gas (Testing) Regulations 1949 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.”

8. In regulation 10, for “section 29B” there shall be substituted “section 16”.

9. For regulation 11 there shall be substituted the following regulation—

“11. The Director may exempt any person from any provision of regulations 3 to 5 above in the case of—

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<sup>(6)</sup> Section 16 was substituted by paragraph 12 of Schedule 3 to the 1995 Act.

<sup>(7)</sup> Section 7 was substituted by section 5 of the 1995 Act.

<sup>(8)</sup> Section 5(5) was substituted by section 3 of the 1995 Act.

<sup>(9)</sup> Section 48(2) was amended by paragraph 54(3) of Schedule 3 to the 1995 Act.

<sup>(10)</sup> Schedule 2A was inserted by Schedule 1 to the 1995 Act.

- (i) the conveyance of gas to any premises for industrial purposes; and
- (ii) the supply to premises for such purposes of gas which is conveyed through pipes to the premises otherwise than by a public gas transporter or in accordance with paragraph 1 of Schedule 2A to the 1986 Act,

where the gas is conveyed to the premises through a main which is not used for the conveyance of gas to other premises for other purposes.”

### **Provision in respect of the 1949 Regulations**

**10.**—(1) The 1949 Regulations shall have effect on and after the appointed day, with the modifications made by articles 11 to 15 below, as if they had been made by the Director and as if references in them to the Secretary of State(**11**) were references to the Director.

(2) In articles 11 to 15 below, a reference to a regulation is a reference to a regulation of the 1949 Regulations.

**11.** In regulations 1 and 2, the references to gas supplied by any person supplying gas through pipes(**12**) shall have effect as if they were references to—

- (i) gas conveyed to premises by a public gas transporter, or
- (ii) gas supplied to premises by any person which is conveyed through pipes to the premises otherwise than by a public gas transporter or in accordance with paragraph 1 of Schedule 2A to the 1986 Act,

as the case may be, and references in those regulations and regulation 4 to any person supplying gas through pipes shall be construed accordingly.

**12.** Regulations 1(3), 3 and 3A(**13**) shall cease to have effect.

**13.** In regulation 2, the words “where the testing place is situated elsewhere than at the gas-works” shall be omitted.

**14.** In regulation 4, for the words from “any other officer” to “on any premises” there shall be substituted the words “any other member of the Director’s staff may enter on any premises”.

**15.** In regulation 5—

- (a) there shall be inserted at the appropriate places the following definitions—

““the Director” means the Director General of Gas Supply”; and

““public gas transporter” has the meaning given by section 7(1) of the Gas Act 1986”; and

- (b) after paragraph (1) there shall be inserted the following paragraphs—

“(1A) Any reference in these Regulations to the conveyance of gas through pipes to premises shall be construed in accordance with section 5(5) of the Gas Act 1986.

(1B) Any such reference to the supply of gas shall be construed in accordance with section 48(2) of that Act.”

### **Other transitional provisions and savings relating to section 16 of the 1986 Act**

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(11) The references to the Secretary of State were originally to the Minister of Fuel and Power: see regulation 5 of the 1949 Regulations. By virtue of article 1(2) of S.I. 1957/48, references to the Minister of Power were substituted for the references to the Minister of Fuel and Power. By virtue of article 5(6) of S.I. 1969/1498, references to the Minister of Technology were substituted for the references to the Minister of Power. By virtue of article 7(4) of S.I. 1970/1537, references to the Secretary of State were substituted for the references to the Minister of Technology.

(12) These references were substituted by regulation 8(a) of the 1983 Regulations.

(13) Regulation 3A was inserted by regulation 8(b) of the 1983 Regulations.

*Appointments under section 16(3) of the 1986 Act*

**16.** Any appointment made, or having effect as if made(**14**), by the Secretary of State under section 16(3) of the 1986 Act which is in force immediately before the appointed day shall on and after that day have effect, so far as it relates to the carrying out of tests of gas for the purpose of ascertaining whether it conforms with the standards prescribed by the 1983 Regulations (other than those relating to uniformity of calorific value), as if it had been made by the Director under the said section 16(3).

*Exemptions from the 1983 Regulations*

**17.** Any exemption from any provision of regulations 3 to 5 of the 1983 Regulations which has been granted by the Secretary of State under regulation 11 of the 1983 Regulations and is in force immediately before the appointed day in respect of the supply of gas to any premises shall have effect on and after that day as if it had been granted by the Director in respect of the conveyance or, as the case may be, supply, of gas to those premises.

*Directions under the 1949 Regulations*

**18.** Any directions given under regulation 1(1) and (2) of the 1949 Regulations to any public gas supplier which are in force immediately before the appointed day shall have effect on and after that day, so far as they relate to the carrying out of tests of gas for the purpose of ascertaining whether it conforms with the standards prescribed by the 1983 Regulations (other than those relating to uniformity of calorific value), as if they had been given by the Director to the public gas supplier's transport successor within the meaning of Part II of Schedule 5 to the 1995 Act(**15**).

5th February 1996

*Tim Eggar*  
Minister for Industry and Energy,  
Department of Trade and Industry

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(14) See section 29B(3) of the Gas Act 1972 (c. 60) (inserted by section 13 of the Oil and Gas Enterprise Act 1982 (c. 23)), and section 17(2)(b) of the Interpretation Act 1978.

(15) See paragraph 18(2) of Schedule 5.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order provides for the continued operation of the Gas Quality Regulations 1983 and Gas (Testing) Regulations 1949 under the new regulatory regime established by the Gas Act 1995, except in relation to standards relating to uniformity of calorific value. The Order also provides for appointments of competent and impartial persons under section 16(3) of the Gas Act 1986 to continue under the new regime.