



# Gas Act 1972

## 1972 CHAPTER 60

### PART III

#### PROVISIONS AS TO SUPPLY AND USE OF GAS

##### *Supply by British Gas Corporation*

#### **24 Duty of Corporation to avoid undue preference in supply**

- (1) Subject to subsection (2) below and to any directions' given to them by the Secretary of State under section 7(1) of this Act, the Corporation shall avoid any undue preference in the supply of gas to consumers.
- (2) Nothing in subsection (1) above shall be construed as applying to the terms of any special agreement made by the Corporation under subsection (6) of section 25 below so far as those terms relate to the charges to be made for the supply of gas.

#### **25 Methods of charge and tariffs**

- (1) Subject to the following provisions of this section and to any regulations made under section 41 of this Act, the Corporation shall charge for the gas supplied by them according to the number of therms supplied, that number being calculated in the prescribed manner on the basis of the declared calorific value of the gas.

In this Act—

" calorific value " means, subject to the provisions of any regulations made under section 41 of this Act, the number of British thermal units (gross) produced by the combustion of one cubic foot of gas measured at sixty degrees Fahrenheit under a pressure of thirty inches of mercury and, if the Secretary of State so determines in relation to gas supplied to any area, containing such an amount of water vapour as is specified in the determination, and

" declared calorific value " means calorific value declared by the Corporation in accordance with regulations under subsection (2) below.

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- (2) Regulations shall make provision—
- (a) as to the time when, and the manner in which, the calorific value of gas supplied by the Corporation is to be declared, and is to be brought to the notice of consumers,
  - (b) as to the time when any such declaration is to take effect, and
  - (c) for the adjustment of charges for gas in cases where an alteration in the declared calorific value occurs in the course of a period for which such charges are made.
- (3) Subject to the following provisions of this section, the prices to be charged by the Corporation for the supply of gas by them shall be in accordance with such tariffs as may be fixed from time to time by them, and those tariffs, which may relate to the supply of gas in different areas, cases and circumstances, shall be so framed as to show the methods by which and the principles on which the charges are to be made as well as the prices which are to be charged, and shall be published in such manner as in the opinion of the Corporation will secure adequate publicity for them.
- (4) A tariff fixed by the Corporation under subsection (3) above may include a standing charge in addition to the charge for the actual gas supplied, and may also include a rent or other charge in respect of any gas meter or gas fittings provided by the Corporation on the premises of the consumer.
- (5) In fixing tariffs under subsection (3) above, the Corporation shall not show undue preference to any person or class of persons, and shall not exercise any undue discrimination against any person or class of persons.
- (6) Notwithstanding anything in the preceding provisions of this section, the Corporation may enter into a special agreement with any consumer for the supply of gas to him on such terms as may be specified in the agreement:
- Provided that the Corporation shall not enter into any such agreement except in cases where the tariffs in force are not appropriate owing to special circumstances.
- (7) Where, immediately before the appointed day, charges for gas supplied by an Area Board from any gasworks are, by virtue of an authorisation granted to the Board under section 53(2) of the Gas Act 1948, being made by some method other than according to the number of therms supplied, the Corporation may continue to charge for gas supplied from those gasworks by that other method until the expiry of the period specified in the authorisation, and may be authorised by the Secretary of State to continue so to charge after the expiry of that period if it appears to him that it would be impracticable or uneconomical to require them to charge according to the number of therms supplied.

## **26 Standards of quality**

- (1) The Secretary of State shall after consultation with the Corporation prescribe standards of pressure, purity and uniformity of calorific value to be complied with by the Corporation in supplying gas, and may after such consultation prescribe other standards with respect to the properties, condition and composition of gas supplied by the Corporation.
- (2) The Secretary of State shall appoint competent and impartial persons to carry out tests of the gas supplied by the Corporation for the purpose of ascertaining whether it is

of the declared calorific value and conforms with the standards prescribed under this section.

- (3) Regulations may provide—
- (a) for determining the places at which such tests as aforesaid are to be carried out,
  - (b) for requiring premises, apparatus and equipment to be provided and maintained by the Corporation for the purpose of carrying out such tests,
  - (c) for persons representing the Corporation to be present during the carrying out of such tests,
  - (d) for the manner in which the results of such tests are to be made available to the public,
  - (e) for conferring powers of entry on property of the Corporation for the purpose of deciding where tests are to be carried out and otherwise for the purposes of this section, and
  - (f) for any other matters supplementary or incidental to the matters aforesaid for which provision appears to the Secretary of State to be necessary or expedient.
- (4) There shall be paid out of moneys provided by Parliament to the persons appointed under subsection (2) above such remuneration and such allowances as may be determined by the Secretary of State with the approval of the Minister for the Civil Service, and such pensions as may be so determined may be paid out of moneys provided by Parliament to or in respect of those persons.
- (5) The Corporation shall repay to the Secretary of State any sums paid by him under subsection (4) above, and such part of his other expenses as he may with the consent of the Treasury determine to be attributable to his functions in connection with the testing of gas for the purposes of this section; and any liability of the Corporation under this subsection to pay to the Secretary of State sums on account of pensions (whether paid by him under subsection (4) above or otherwise) shall, if the Secretary of State so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Minister for the Civil Service, by reference to remuneration.
- (6) The reference in subsection (5) above to expenses of the Secretary of State includes a reference to expenses incurred by any government department in connection with the Department of Trade and Industry, and to such sums as the Treasury may determine in respect of the use for the purposes of that department of any premises belonging to the Crown.

## **27 Supply code**

The provisions of Schedule 4 to this Act (which relate to the supply of gas by the Corporation and connected matters) shall have effect.

## **28 Relief to Corporation in emergency conditions**

Without prejudice to any other provision of this Act or the provisions of any regulations thereunder, in any proceedings against the Corporation for or arising out of a failure by them to comply with any duty with respect to the supply of gas imposed on them by or under any enactment (including any duty with respect to pressure of supply), it shall be a defence for the Corporation to prove that circumstances existed by reason of which compliance with the duty would or might have involved danger to the public, and that they took all such steps as it was reasonable for them to take both to prevent the circumstances from occurring and to prevent them from having that effect.

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*Supply by other persons*

**29 Restrictions on supply by persons other than the Corporation, and related provisions**

- (1) Subject to subsections (4), (10) and (11) below, no person other than the Corporation shall on or after the appointed day supply gas to any premises except with the consent of the Corporation and in accordance with such conditions as may be attached to that consent.
- (2) The Corporation shall give their consent under subsection (1) above to the supply of gas if the supply is for industrial purposes which do not consist of or include the use as a fuel of the gas except in so far as it is required to provide heat or other energy required—
  - (a) for a process in which the gas is used otherwise than as a fuel, or
  - (b) where such a process is one of a series, for any further process in the same series, not being a process in which a bulk product is converted into manufactured articles;

and in determining whether any industrial purposes are as mentioned in this subsection, the use of any gas derived otherwise than as a by-product from the gas which it is proposed to supply shall be treated as the use of that gas.

If any question arises whether the purposes for which gas is to be supplied are purposes mentioned in this subsection, it shall be determined by the Secretary of State.

- (3) The Corporation shall not attach any conditions to their consent to a supply of gas for purposes mentioned in subsection (2) above except conditions requiring the supplier of the gas to provide, periodically or on request by the Corporation, information with respect to the type of gas supplied, the amount supplied, and the use of the gas supplied; and any person aggrieved by any such condition may refer it to the Secretary of State, who may confirm, vary or revoke it, or impose instead some other condition which the Corporation could have imposed under this subsection.
- (4) A person who produces gas as a by-product of an industrial process and who is aggrieved by a refusal of consent under subsection (1) above or by any conditions attached to such a consent may apply to the Secretary of State; and the Secretary of State, if he thinks fit to do so after affording to the Corporation an opportunity to make representations to him and considering any representations so made, may himself authorise that person to make the supply in question in accordance with such conditions as the Secretary of State may specify.
- (5) Any person who is engaged after the appointed day in the manufacture of gas may by notice require the Corporation to buy all or part of the gas manufactured by him which he does not require for his own use; and the Corporation shall, if and so far as it is reasonably practicable and economical for them to do so, comply with that requirement.
- (6) The Corporation may, if it appears to them to be necessary for the proper performance of their duty under section 2(1) of this Act, require any person manufacturing gas to sell to them all or part of the gas manufactured by him which he does not require for his own use, and the said person shall comply with that requirement; and where the Corporation make such a requirement, any rights and obligations of the person on whom it is made relating to the supply of gas after the date on which the requirement

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takes effect shall be transferred to the Corporation, and any agreement relating to such supply shall have effect accordingly:

Provided that the Corporation shall not be under any liability by reason of any failure to provide a supply in pursuance of any such obligation if the failure is due to any deficiency in the quantity or quality of the gas supplied in pursuance of the said requirement.

- (7) Where any requirement is made under subsection (5) or (6) above, any pipes or other plant or gas fittings which the person who is to sell gas to the Corporation uses or holds for the purpose of or in connection with the supply of gas manufactured by him and which will in consequence of the said requirement no longer be required by him, but not including any pipes, plant or fittings which it is not reasonably practicable and economical for the Corporation to take over, shall if either the Corporation or the said person so requires, be transferred to the Corporation.
- (8) Any question arising under subsection (5), (6) or (7) above as to whether, or as to the extent to which, it is reasonably practicable and economical for the Corporation to buy a supply of gas, or as to the terms and conditions on which the supply is to be given, or as to whether, or as to the extent to which, pipes, plant or gas fittings are to be transferred to the Corporation, or as to the terms and conditions on which they are to be transferred, shall be referred for inquiry and report to a person appointed by the Secretary of State for Trade and Industry after consultation with the Lord Chancellor or, in Scotland, after consultation with the Secretary of State for Scotland, and shall be determined by the Secretary of State for Trade and Industry after considering the report of the said person.
- (9) For the purposes of this section—
  - (a) a person providing gas for his own use shall not in so doing be deemed to be supplying gas, and gas provided by a company for the use of any subsidiary or holding company of that company, or of any subsidiary of a holding company of that company, shall be deemed to be provided for the use of that company;
  - (b) a person providing, for use in a flat or part of a building let by him, gas supplied to him shall not in so doing be deemed to be supplying gas.
- (10) This section shall not affect the supply of gas by any person otherwise than through pipes.
- (11) This section shall not apply to natural gas got in pursuance of a licence under the Petroleum (Production) Act 1934 (including a licence under that Act as applied by section 1(3) of the Continental Shelf Act 1964).

#### *Meter testing and stamping*

### **30 Meter testing and stamping**

- (1) As from the appointed day, no meter shall be used for the purpose of ascertaining the quantity of gas supplied to any person unless it is stamped either by, or on the authority of, a meter examiner appointed under this section or in such other manner as may be authorised by regulations.
- (2) A meter examiner shall not stamp, or authorise the stamping of, any meter unless he is satisfied that it is of such pattern and construction and is marked in such manner as

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is approved by the Secretary of State and that the meter conforms with such standards as may be prescribed.

- (3) The Secretary of State shall appoint competent and impartial persons as meter examiners for the purposes of this section, and it shall be the duty of such an examiner, on being required to do so by any person and on payment of the prescribed fee, to examine any meter used or intended to be used for ascertaining the quantity of gas supplied to any person, and to stamp, or authorise the stamping of, that meter if the examiner is satisfied of the matters aforesaid.
- (4) There shall be paid out of moneys provided by Parliament to meter examiners such remuneration and such allowances as may be determined by the Secretary of State with the approval of the Minister for the Civil Service, and such pensions as may be so determined may be paid out of moneys provided by Parliament to or in respect of such examiners.
- (5) All fees payable in respect of the examination of meters by meter examiners shall be paid to the Secretary of State.
- (6) Regulations may make provision—
  - (a) for re-examining meters already stamped, and for the cancellation of stamps in the case of meters which no longer conform with the prescribed standards and in such other circumstances as may be prescribed,
  - (b) for requiring meters to be periodically overhauled,
  - (c) for the revocation of any approval given by the Secretary of State to any particular pattern or construction of meter, and for requiring existing meters of that pattern or construction to be replaced within such period as may be prescribed,
  - (d) for determining the fees to be paid for examining, stamping and re-examining meters, and the persons by whom they are to be paid, and
  - (e) for any matters supplementary or incidental to the matters aforesaid and to the provisions of this section for which provision appears to the Secretary of State to be necessary or expedient.
- (7) If any person supplies gas through a meter which has not been stamped under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (8) The preceding provisions of this section shall not have effect in relation to the supply of gas to a person under any agreement made with the Corporation and providing for the quantity of gas supplied to him to be ascertained otherwise than by means of a duly stamped meter.

### *Safety regulations*

## **31 Power to make safety regulations**

- (1) The Secretary of State may make such regulations as he thinks fit for the purpose of securing that the public is so far as practicable protected from any personal injury, fire, explosion or other dangers arising from the transmission or distribution of gas by the Corporation, or from the use of gas supplied by the Corporation.

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- (2) Without prejudice to the generality of subsection (1) above, any regulations made under this section may make provision for empowering any officer authorised by the Corporation, with such other persons (if any) as may be necessary.—
- (a) to enter any premises in which there is a service pipe connected with gas mains of the Corporation, for the purpose of inspecting any gas fitting on the premises, any flue or means of ventilation used in connection with any such gas fitting, or any service pipe or other apparatus (not being a gas fitting) which is on the premises and belongs to the Corporation or is connected with the gas mains of the Corporation,
  - (b) where he so enters any such premises, to examine or apply any test to any such object as is mentioned in paragraph (a) above and (where the object is a gas fitting) to verify what supply of air is available for it, with a view to ascertaining whether the provisions of any regulations made under this section have been complied with or whether the object is in such a condition, or (in the case of a gas fitting) the supply of air available for it is so inadequate, that it (or, in the case of a flue or means of ventilation, the gas fitting in connection with which it is used) is likely to constitute a danger to any person or property, and
  - (c) where in his opinion it is necessary to do so for the purpose of averting danger to life or property, and notwithstanding any contract previously existing, to disconnect and seal off any gas fitting or any part of the gas supply system on the premises, or to cut off the supply of gas to the premises or, if no such supply is being given, to signify the refusal of the Corporation to give such a supply.
- (3) Where any regulations under this section confer any power in accordance with paragraph (c) of subsection (2) above, the regulations shall also include provision—
- (a) for securing that, where any such power is exercised, the consumer will be notified as to the nature of the defect or other circumstances in consequence of which, it has been exercised,
  - (b) for enabling any consumer so notified to appeal to the Secretary of State on the grounds that the defect or other circumstances in question did not constitute a danger such as to justify the action taken in the exercise of the power, or did not exist or have ceased to exist, and
  - (c) for enabling the Secretary of State to give such directions as may in accordance with the regulations be determined by him to be appropriate in consequence of any such appeal.
- (4) Regulations made under this section may make provision for prohibiting any person, except with the consent of the Corporation or in pursuance of any directions given by the Secretary of State as mentioned in subsection (3)(c) above, from—
- (a) reconnecting any gas fitting or part of a gas supply system which has been disconnected by or on behalf of the Corporation in the exercise of a power conferred by the regulations, or
  - (b) restoring the supply of gas to any premises where it has been cut off by or on behalf of the Corporation in the exercise of any such power, or
  - (c) causing gas from the gas mains of the Corporation to be supplied to any premises where in pursuance of the regulations the refusal of the Corporation to give a supply to those premises has been signified and that refusal has not been withdrawn.

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- (5) Any local enactment which is inconsistent with or rendered redundant by any regulations made under this section shall cease to have effect as from the date on which those regulations come into operation.