



2011 CHAPTER 6

PART 1

GAS

Miscellaneous

Damage to gas plant

- 10.—**(1) A person who intentionally or recklessly—
- (a) damages or allows to be damaged any gas plant provided by a gas conveyor;
 - (b) alters the index to any meter used for measuring the quantity of gas conveyed or supplied by a gas conveyor or gas supplier; or
 - (c) prevents any such meter from duly registering the quantity of gas conveyed or supplied,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Where an offence has been committed under subsection (1)(a) by the occupier of any premises (or by the owner of the premises if they are unoccupied when the offence is committed) in relation to any gas plant provided by a gas conveyor for making or maintaining a connection to the premises, the gas conveyor may disconnect the premises.

(3) Where an offence has been committed under subsection (1), in relation to a gas meter provided by a gas conveyor which is situated on any premises, by the occupier (or by the owner of the premises if they are unoccupied when

the offence is committed), the gas conveyor may disconnect the premises and may remove the meter.

(4) A meter removed under subsection (3) shall be kept safely by the gas conveyor until the Authority authorises its destruction, disposal or repair.

Exemption of gas plant from certain processes

11.—(1) Any gas plant owned by or let for hire or lent to a customer by a relevant licence holder and marked or impressed with a sufficient mark or brand indicating that licence holder as the owner thereof—

- (a) shall continue to be the property of that licence holder notwithstanding that it may be fixed or fastened to any part of the premises in which it may be situated;
- (b) shall be exempt from seizure under the [Judgments Enforcement \(Northern Ireland\) Order 1981 \(NI 6\)](#);
- (c) shall not be taken in execution under proceedings in bankruptcy against the person in whose possession it may be.

(2) In subsection (1) “a relevant licence holder” means—

- (a) a gas conveyor; or
- (b) a gas supplier.

Deemed contracts for supply in certain cases

12.—(1) Where a gas supplier supplies gas to a consumer otherwise than in pursuance of a contract, the supplier shall be deemed to have contracted with the consumer for the supply of gas as from the time (“the relevant time”) when the supplier began so to supply gas to the consumer.

(2) Where—

- (a) the owner or occupier of any premises takes a supply of gas which has been conveyed to those premises by a gas conveyor;
 - (b) that supply is not made by a gas supplier or pursuant to an exemption under Article 7 of the Gas Order; and
 - (c) a supply of gas so conveyed has been previously made by a gas supplier,
- the owner or occupier shall be deemed to have contracted with the appropriate supplier for the supply of gas as from the time (“the relevant time”) when the owner or occupier began to take such a supply.

(3) Nothing in subsection (2) shall be taken to afford a defence in any criminal proceedings.

(4) The Authority shall publish a document containing provision for determining the “appropriate supplier” for the purposes of subsection (2) and

may revise any such document published by it and where it does so it shall publish the revised document.

(5) The express terms and conditions of a contract which, by virtue of subsection (1) or (2), is deemed to have been made shall be provided for by a scheme made under this section.

(6) Each gas supplier shall make, and from time to time revise, a scheme for determining the terms and conditions which are to be incorporated in the contracts which, by virtue of subsection (1) or (2), are to be deemed to have been made.

(7) The terms and conditions so determined may include terms and conditions for enabling the gas supplier to determine, in any case where the meter is not read immediately before the relevant time, the quantity of gas which is to be treated as supplied to the consumer, or taken by the owner or occupier of the premises, during the period beginning with the relevant time and ending with—

- (a) the time when the meter is first read after the relevant time; or
- (b) the time when the supplier ceases to supply gas to the consumer, or the owner or occupier ceases to take a supply of gas,

whichever is the earlier.

(8) A scheme under this section may make different provisions for different cases or classes of cases, or for different areas, determined by, or in accordance with, the provisions of the scheme.

(9) As soon as practicable after a gas supplier makes a scheme under this section, or a revision of such a scheme, the supplier shall—

- (a) publish, in such manner as the supplier considers appropriate for bringing it to the attention of persons likely to be affected by it, a notice stating the effect of the scheme or revision;
- (b) send a copy of the scheme or revision to the Authority and to the General Consumer Council; and
- (c) if so requested by any other person, send such a copy to that person without charge.

Modification of conditions of gas supply licences in relation to deemed contracts

13.—(1) Where the Authority considers it appropriate to do so in connection with the provision made by section 12, it may, with the consent of the Department, make—

- (a) modifications of the conditions of a gas supply licence held by a particular person;
- (b) modifications of the standard conditions of gas supply licences.

(2) The power to make modifications under this section includes power to make incidental, consequential or transitional modifications.

(3) Before making a modification under this section, the Authority must consult—

- (a) the holder of any licence being modified; and
- (b) such other persons as the Authority considers appropriate.

(4) Subsection (3) may be satisfied by consultation that took place wholly or partly before the commencement of this section.

(5) The Authority must publish every modification made by it under this section.

(6) The publication must be in such manner as the Authority considers appropriate.

(7) A modification under subsection (1)(a) of part of a standard condition of a gas supply licence does not prevent any other part of the condition from continuing to be regarded as a standard condition for the purposes of the Gas Order.

(8) Where the Authority makes modifications under subsection (1)(b) of the standard conditions of gas supply licences, the Authority must—

- (a) make (as nearly as may be) the same modifications of those standard conditions for the purposes of their incorporation in gas supply licences granted after that time; and
- (b) publish the modifications in such manner as it considers appropriate.

(9) The Authority's powers under this section are exercisable only during the 18 months beginning with the commencement of this section.

(10) In this section "gas supply licence" means a licence under Article 8(1)(c) of the Gas Order.

Powers of entry

14.—(1) Any person authorised by a gas conveyor may at all reasonable times enter any premises to which gas is conveyed by that gas conveyor for the purpose of—

- (a) inspecting the gas system or any gas fittings on the premises;
- (b) removing, inspecting or re-installing any gas meter or installing any substitute meter.

(2) Where a gas conveyor is authorised by section 10—

- (a) to disconnect any premises; or
- (b) to remove a gas meter,

any person authorised by the gas conveyor may at all reasonable times enter the premises for the purpose of disconnecting the premises or removing the meter.

(3) Where—

- (a) a gas conveyor is authorised by any provision of the Gas Order or of regulations made under it to disconnect any premises;
- (b) a person occupying premises which are connected to a distribution system of the gas conveyor ceases to require a connection; or
- (c) a person entering into occupation of any premises connected to a distribution system of a gas conveyor does not require such a connection,

any person authorised by the gas conveyor may at all reasonable times enter the premises for the purpose of disconnecting the premises or removing any gas plant provided by the gas conveyor.

(4) Any person authorised by a gas conveyor may at all reasonable times enter any premises for the purpose of placing any new gas plant in the place of or in addition to any existing plant which has already been lawfully placed.

(5) Any person authorised by a gas supplier may at all reasonable times enter any premises to which gas is conveyed by a gas conveyor for the purpose of—

- (a) ascertaining the register of any gas meter; and
- (b) in the case of a pre-payment meter, removing any money or tokens belonging to the supplier.

(6) A power of entry may not be exercised—

- (a) under subsection (1)(b) or (3) unless at least two working days' notice has been given to the occupier (or to the owner of the premises if they are unoccupied);
- (b) under subsection (4) unless at least 5 working days' notice has been given to the occupier (or to the owner of the premises if they are unoccupied).

(7) A person exercising a power of entry under this section must, on request by or on behalf of the owner or occupier of the premises, produce evidence of that person's authority.

(8) Paragraphs 5 to 8 of Schedule 5 to the Gas Order apply in relation to a power of entry conferred by this section as they apply in relation to a power of entry conferred by that Schedule.

(9) In this section “gas system” and “gas fittings” have the same meanings as in Schedule 5 to the Gas Order.

Storage of gas

15. In Article 6 of the Gas Order (licences) at the end add—

“(6) For the purposes of this Order a person stores gas in a gas storage facility if (and only if) that person is the operator of that facility.”.

Appointment of meter examiners

16.—(1) Article 22 of the Gas Order (meter testing and stamping) is amended as follows.

(2) In paragraphs (2), (7) and (8) omit the words “who are members of the Director’s staff”.