



Gas Act 1972

1972 CHAPTER 60

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Supplementary

42 Penalties

- (1) If any person, in giving any information, making any claim or giving any notice for the purposes of any provision of this Act, or of any regulation thereunder, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding £400,
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both.
- (2) Regulations made under any provision of this Act may provide that any person contravening or failing to comply with any provision of the regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

43 Provisions as to prosecutions, and as to offences by corporations

- (1) Proceedings for an offence under section 42(1) above or any regulation made under this Act shall not in England and Wales be instituted except by or with the consent of the Secretary of State or by the Director of Public Prosecutions.
- (2) In England and Wales, any proceedings before a court of summary jurisdiction—
 - (a) for an offence against any regulations made under section 31 above, or for aiding, abetting, counselling or procuring the commission of such an offence, or

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- (b) for an offence under section 42(1) above relating to any information, claim or notice given or made for the purposes of any such regulations, may, notwithstanding any enactment prescribing the time within which proceedings may be brought, be brought either within the time so prescribed or within three months from the date on which evidence sufficient in the opinion of the Secretary of State to justify a prosecution for the offence comes to his knowledge, whichever is the longer; and for the purposes of this subsection a certificate purporting to be signed by the Secretary of State as to the date on which such evidence comes to his knowledge shall be conclusive evidence thereof.
- (3) Summary proceedings in Scotland for an offence mentioned in the last foregoing subsection may notwithstanding the limitation in section 23(1) of the Summary Jurisdiction (Scotland) Act 1954 be commenced at any time within three months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify a prosecution comes to his knowledge, or where such evidence was reported to him by the Secretary of State, within three months after the date on which it came to the knowledge of the Secretary of State and for the purposes of this subsection—
- (a) a certificate purporting to be signed by or on behalf of the Lord Advocate or the Secretary of State, as the case may be, as to the date on which such evidence as aforesaid came to their knowledge shall be conclusive evidence; and
- (b) section 23(2) of the said Act of 1954 shall have effect as it has effect for the purposes of that section.
- (4) Where an offence under section 42(1) above or any regulations made under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (5) Where the affairs of a body corporate are managed by its members, subsection (4) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

44 Service of notices etc.

- (1) Subject to subsection (2) below, any notice or other document required or authorised to be given, delivered or served under this Act or regulations made thereunder, or under any enactment applied by this Act, other than one contained in the Pipe-lines Act 1962, may be given, delivered or served either—
- (a) by delivering it to the person to whom it is to be given or delivered or on whom it is to be served, or
- (b) by leaving it at the usual or last known place of abode of that person, or
- (c) by sending it in a prepaid letter addressed to that person at his usual or last known place of abode, or
- (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body at their registered or principal office, or sending it in a prepaid letter addressed to the secretary or clerk of the body at that office, or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of a person to whom it should be given or delivered, or on whom it should

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be served, as being a person having any interest in premises, by addressing it to him by the description of the person having that interest in the premises (naming them) to which it relates and delivering it to some responsible person on the premises, or affixing it or a copy of it to some conspicuous part of the premises.

- (2) Subsection (1) above shall not apply to notices to be given to or served on the Corporation under the provisions of Schedule 4 to this Act, but any such notice may be given or served by delivering it at, or sending it in a prepaid letter addressed to, an appropriate office of the Corporation, and, in the case of a notice under paragraph 15 or 22 of that Schedule, shall be treated as received by the Corporation only if received by them at an appropriate office.
- (3) For the purposes of subsection (2) above, the Corporation shall divide Great Britain into such areas as they think fit, and shall fix in the case of each area offices of theirs which are to be appropriate offices in relation to notices relating to matters arising in that area; and the Corporation shall publish in each area, in such manner as they consider adequate, the addresses of the offices fixed by them for that area, and shall endorse the addresses of the offices fixed for the area in question on every demand note for gas charges payable to them.

45 Provisions as to regulations and orders

- (1) Any power conferred by this Act to make regulations or orders shall include power to provide by those regulations or orders for the determination of questions of fact or of law which may arise in giving effect to the regulations or orders and for regulating (otherwise than in relation to any court proceedings) any matters relating to the practice and procedure to be followed in connection with the determination of such questions, including provision as to the mode of proof of any matters and provision as to parties and their representation and provision for the right to appear and be heard (as well in court proceedings as otherwise) of the Secretary of State or other authorities, and as to awarding costs of proceedings (other than court proceedings) for the determination of such questions, determining the amount thereof and the enforcement of awards thereof.
- (2) Any power conferred by this Act to prescribe by regulations a period within which things are to be done shall include power to provide by those regulations for extending the period so prescribed.
- (3) Any power conferred by this Act to make regulations or orders may be exercised so as to make different provision for different areas or in relation to different cases or different circumstances to which the power is applicable, and so as to provide for such exceptions, limitations and conditions as the Secretary of State considers necessary or expedient.
- (4) Any power conferred by this Act to make regulations or orders shall be exercisable by statutory instrument which, except in the case of an order appointing a day or an instrument which is required to be laid before Parliament in draft, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any order made under any such power may be revoked or varied by a subsequent order made in the like manner and subject to the like conditions; but an order appointing a day shall not be revoked or varied by virtue of this subsection by an order made on or after that day.

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46 Inquiries

- (1) The Secretary of State may cause an inquiry to be held in any case when he deems it advisable to do so in connection with any matter arising under this Act, and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to any inquiry held by the Secretary of State in pursuance of this section, and shall have effect as if the expression " department" included the Secretary of State:

Provided that no local authority shall be ordered to pay costs under subsection (4) of the said section 290 in the case of any inquiry unless they are a party thereto.

- (2) Subsections (2) to (9) of section 355 of the Local Government (Scotland) Act 1947 shall apply to any inquiry held under the preceding subsection in Scotland in lieu of the enactments therein mentioned:

Provided that no local authority shall be directed under subsection (8) of the said section to pay any part of the expenses incurred in relation to any inquiry unless the authority are a party thereto.

47 Expenses and receipts of Secretary of State etc.

Any administrative expenses incurred under this Act by the Secretary of State or by any other Minister of the Crown or government department shall be paid out of moneys provided by Parliament; and any sums received by the Secretary of State or by any other Minister of the Crown or government department under or by virtue of this Act shall, except as provided by section 20(4) of this Act, be paid into the Consolidated Fund.

48 Interpretation

- (1) In this Act the following expressions have the following meanings except where the context otherwise requires—

" appointed day " means the day appointed by the Secretary of State under section 1(1) of this Act;

" Area Board " means an Area Board established under the Gas Act 1948;

" British Gas Stock " has the meaning given by section 21(1) of this Act;

" calorific value " and " declared calorific value " have the meanings given by section 25(1) of this Act;

" company " means a company incorporated by any enactment or by Royal Charter, any company within the meaning of the Companies Act 1948 and any company registered or incorporated outside Great Britain;

" the Corporation " means the British Gas Corporation;

" emoluments " includes any allowances, privileges or benefits, whether obtaining legally or by customary practice;

" enactment " means any provision of a public general Act, of a local, private or personal Act, of a provisional order confirmed by an Act or of any regulation or order made under an Act;

" financial year ", in relation to the Corporation, means a period of twelve months ending with a day to be prescribed, so however that the first financial year shall be the period of whatever length running from the end of the last full financial year of the Gas Council as such until the first occurrence of the prescribed day after the appointed day, and, in the case of any alteration of the

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prescribed day, the duration of the financial year as to which the alteration is first to have effect shall be shortened or extended as may be prescribed, by not more than six months, so as to end on the new prescribed day ;

" functions " means duties and powers ;

" gas fittings " means gas pipes, fittings, meters, apparatus and appliances designed for use by consumers of gas for lighting, heating, motive power and other purposes for which gas can be used ;

" gasworks " means works for the manufacture of gas and gas holders, and any works used in connection with such works or holders ;

" holding company " shall be construed in accordance with section 154 of the Companies Act 1948 ;

" local enactment " means any enactment except one contained in or made under a public general Act, and also includes any provision of the Metropolis Gas Act 1860 and the Metropolis Gas Act 1861 ;

" the National Council " means the National Gas Consumers' Council;

" natural gas " means any gas derived from natural strata ;

" pension ", in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund with or without interest thereon or any other addition thereto:

" pension rights " includes, in relation to any person, all forms of right to, or eligibility for, the present or future payment of a pension to or in respect of that person, and any expectation of the accruer of a pension to or in respect of that person under any customary practice and includes a right of allocation in respect of the present or future payment of a pension;

" pension scheme " includes any form of arrangements for the payment of pensions, whether subsisting by virtue of an Act, trust, contract or otherwise;

" plant " includes any equipment, apparatus and appliances except gas fittings;

" prescribed " means prescribed by regulations;

" Regional Council " means a Regional Gas Consumers' Council;

" regulations " means regulations made by the Secretary of State;

" subsidiary " shall be construed in accordance with section 154 of the Companies Act 1948, and " wholly owned subsidiary " in accordance with section 150(4) of that Act;

" therm " means 100,000 British thermal units.

- (2) References in this Act to any other enactment shall be construed as references to that enactment as amended by any other enactment including this Act.

49 Amendments, savings, transitional provisions and repeals

- (1) The enactments mentioned in Part I of Schedule 6 to this Act shall have effect as from the appointed day subject to the minor and consequential amendments there specified; and the provisions of Part II of that Schedule shall have effect with respect to the enactments there mentioned.
- (2) This Act shall have effect subject to the savings and transitional provisions contained in Schedule 7 to this Act.

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- (3) The enactments specified in Schedule 8 to this Act are hereby repealed as from the appointed day to the extent specified in the third column of that Schedule:

Provided that the repeal of the London Gas Undertakings (Regulations) Act 1939 shall have effect as from such day as the Secretary of State may by order appoint for that particular purpose.

50 Short title and extent

- (1) This Act may be cited as the Gas Act 1972.
- (2) This Act, except section 33(2) and the provisions thereof relating to the House of Commons Disqualification Act 1957 (that is to say, paragraph 4 of Schedule 3, paragraph 7 of Schedule 6, and the repeals in that Act effected by Schedule 8), does not extend to Northern Ireland.