



# Gas Act 1986

## 1986 CHAPTER 44

### PART I

#### GAS SUPPLY

##### *Supplemental*

#### **45 Offences by bodies corporate.**

- (1) Where a body corporate is guilty of an offence under this Part and that offence 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 shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) 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.

#### **46 Service of notices etc.**

- (1) <sup>F1</sup> . . . Any notice or other document required or authorised to be given, delivered or served under this Part or regulations made under this Part 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;
  - (b) by leaving it at the usual or last known place of abode of that person;
  - (c) by sending it in a prepaid letter addressed to that person at his usual or last known place of abode;
  - (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

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- (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 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.
- [<sup>F2</sup>(2) Without prejudice to subsection (1) above, where this subsection applies in relation to a public gas transporter or gas supplier, any notice to be given to or served on the transporter or supplier under—
- (a) any condition of his licence;
  - (b) any provision of Schedule 2B to this Act; or
  - (c) in the case of a transporter, section 10 above,
- may be given or served by delivering it at, or sending it in a prepaid letter to, an appropriate office of the transporter or supplier.
- (3) Subsection (2) above applies in relation to a public gas transporter if he divides his authorised area into such areas as he thinks fit and—
- (a) in the case of each area, fixes offices of his which are to be appropriate offices in relation to notices relating to matters arising in that area; and
  - (b) publishes in each area, in such manner as he considers adequate, the addresses of the offices fixed by him for that area.
- (4) Subsection (2) above applies in relation to a gas supplier if he divides the premises specified in his licence into such areas as he thinks fit and—
- (a) in the case of each area, fixes offices of his which are to be appropriate offices in relation to notices relating to matters arising in that area;
  - (b) publishes in each area, in such manner as he considers adequate, the addresses of the offices fixed by him for that area; and
  - (c) endorses on every demand note for gas charges payable to him the addresses of the offices fixed for the area in question.
- (5) In this section references to premises specified in a licence include references to premises of a description, or situated in an area, so specified.]

#### Textual Amendments

- F1** Words in s. 46(1) repealed (1.3.1996) by 1995 c. 45, ss. 10(1), 17(5), Sch. 3 para. 52(1), Sch. 6; S.I. 1996/218, art. 2
- F2** S. 46(2)-(5) substituted for s. 46(2)(3) (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 52(2); S.I. 1996/218, art. 2

#### Modifications etc. (not altering text)

- C1** S. 46 applied (29.9.2000) by 2000 c. 27, s. 106(4); S.I. 2000/2412, art. 2, Sch. (subject to transitional provisions in art. 3(2))

## 47 Provisions as to regulations.

- (1) Regulations made under any provision of this Part may provide for the determination of questions of fact or of law which may arise in giving effect to the regulations and for

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- 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—
- (a) as to the mode of proof of any matter;
  - (b) as to parties and their representation;
  - (c) for the right to appear [<sup>F3</sup>before and be heard by] the Secretary of State, the Director and other authorities; and
  - (d) as to awarding costs [<sup>F4</sup>or expenses] of proceedings for the determination of such questions, determining the amount thereof and the enforcement of awards thereof.
- (2) Regulations made under any provision of this Part which prescribe a period within which things are to be done may provide for extending the period so prescribed.
- (3) Regulations made under any provision of this Part may—
- [<sup>F5</sup>(aa) provide for anything falling to be determined under the regulations to be determined—
    - (i) by the Director or by such other person as may be prescribed by the regulations; and
    - (ii) in accordance with such procedure and by reference to such matters and to the opinion of such persons as may be so prescribed;]
    - (a) make different provision for different areas or in relation to different cases or different circumstances; and
    - (b) provide for such exceptions, limitations and conditions, and make such supplementary, incidental or transitional provision, as the Secretary of State [<sup>F6</sup>or, as the case may be, the Director] considers necessary or expedient.
  - (4) Regulations made under any provision of this Part may provide that any person contravening the regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- [<sup>F7</sup>(5) Proceedings for an offence under any regulations made under any provision of this Part shall not in England and Wales be instituted except by or with the consent of the Secretary of State [<sup>F8</sup>, the Director]] or the Director of Public Prosecutions.
- (6) In any proceedings against any person for an offence under any regulations made under any provision of this Part, it shall be a defence for that person to show—
- (a) that he was prevented from complying with the regulations by circumstances not within his control; or
  - (b) that circumstances existed by reason of which compliance with the regulations would or might have involved danger to the public and that he took all such steps as it was reasonable for him to take both to prevent the circumstances from occurring and to prevent them from having that effect.
- [<sup>F9</sup>(7) Any power to make regulations conferred by this Part on the Secretary of State or the Director shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and the <sup>M1</sup>Statutory Instruments Act 1946 shall apply to any such power so conferred on the Director as if he were a Minister of the Crown.]

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### Textual Amendments

- F3** Words in s. 47(1)(c) substituted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s. 56\(6\), Sch. 1 para. 9\(2\)\(a\)](#); Commencement Order No. 1 made on 29.5.1992, art. 3, Sch. Pt. I.
- F4** Words in s. 47(1)(d) inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s. 56\(6\), Sch. 1 para. 9\(2\)\(b\)](#); Commencement Order No. 1 made on 29.5.1992, art. 3, Sch. Pt. I.
- F5** S. 47(3)(aa) substituted (1.3.1996) by 1995 c. 45, s. 10(1), [Sch. 3 para. 53\(1\)\(a\)](#); S.I. 1996/218, [art. 2](#)
- F6** Words in s. 47(3)(b) inserted (1.3.1996) by 1995 c. 45, s. 10(1), [Sch. 3 para. 53\(1\)\(b\)](#); S.I. 1996/218, [art. 2](#)
- F7** S. 47(5) repealed (1.3.1996) so far as relating to proceedings for offences created by regulations made or having effect under section 16 of this Act so far as relating to standards affecting safety by [Offshore Safety Act 1992 \(c. 15\), s. 3\(3\)\(b\), Sch. 2](#); S.I. 1996/487, [art. 2](#)
- F8** Words in s. 47(5) substituted (1.3.1996) by 1995 c. 45, s. 10(1), [Sch. 3 para. 53\(2\)](#); S.I. 1996/218, [art. 2](#)
- F9** S. 47(7) substituted (1.3.1996) by 1995 c. 45, s. 10(1), [Sch. 3 para. 53\(3\)](#); S.I. 1996/218, [art. 2](#)

### Modifications etc. (not altering text)

- C2** Power to repeal or modify s. 47(3)(4) conferred by Health and Safety at [Work etc. Act 1974 \(c. 37\), s. 15](#) (as amended (1.3.1996) by [Offshore Safety Act 1992 \(c. 15\), s. 2\(3\)\(b\)](#); S.I. 1996/487, [art. 2](#))

### Marginal Citations

- M1** 1946 c.36.

## 48 Interpretation of Part I and savings.

(1) In this Part, unless the context otherwise requires—

“authorised area”, in relation to a public gas [<sup>F10</sup>transporter], has the meaning given by section 7(2) above;

“calorific value” has the meaning given by section 12(2) above;

“the Council” means the Gas Consumers’ Council;

“declared calorific value” has the meaning given by section 12(2) above;

“distribution main”, in relation to a public gas [<sup>F11</sup>transporter], means any main of the [<sup>F11</sup>transporter] through which the [<sup>F11</sup>transporter] is for the time being distributing gas and which is not being used only for the purpose of conveying gas in bulk;

[<sup>F12</sup>“domestic customer” has the meaning given by section 15A(10) above;]

“gas” means—

- (a) any substance in a gaseous state which consists wholly or mainly of—
- (i) methane, ethane, propane, butane, hydrogen or carbon monoxide;
  - (ii) a mixture of two or more of those gases; or
  - (iii) a combustible mixture of one or more of those gases and air; and
- (b) any other substance in a gaseous state which is gaseous at a temperature of 15°C and a pressure of 1013·25 millibars and is specified in an order made by the Secretary of State;

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

[<sup>F13</sup>“gas supplier” and “gas shipper” have the meanings given by section 7A(11) above;]

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“holding company” [<sup>F14</sup>has the meaning given by section 736 of] the <sup>M2</sup>Companies Act 1985;

“information” includes accounts, estimates and returns;

[<sup>F15</sup>“kilowatt hour” means 3.6 megajoules;]

[<sup>F16</sup>“licence” and “licence holder” have the meanings given by section 4(5) above;]

“<sup>F17</sup> . . .

“notice” means notice in writing;

[<sup>F18</sup>“officer”, in relation to any person, includes any servant or agent of that person, and any officer or servant of such an agent;

“owner”, in relation to any premises or other property, includes a lessee, and cognate expressions shall be construed accordingly;]

“prescribed” means prescribed by regulations [<sup>F19</sup>made, unless the context otherwise requires, by the Secretary of State];

[<sup>F20</sup>“public gas transporter” has the meaning given by section 7(1) above;]

<sup>F21</sup> . . .

[<sup>F22</sup>“service pipe” means a pipe, other than a distribution main of a public gas transporter, which is used for the purpose of conveying gas from such a main to any premises, and includes part of any such pipe;

“storage”, in relation to gas, means storage in, or in a facility which is connected (directly or indirectly) to, a pipe-line system operated by a public gas transporter;]

“subsidiary” [<sup>F14</sup>has the meaning given by section 736 of] the Companies Act 1985;

<sup>F23</sup> . . .

“therm” means 105.506 megajoules.

[<sup>F24</sup>(1A) In this Part any reference to an officer authorised by any person includes, in relation to an officer who is an officer or servant of an agent of that person, an officer who, in accordance with the terms of any written authority given by that person to the agent, is authorised by the agent on behalf of that person.]

(2) In this Part, except in section 18, references to the supply of gas do not include references [<sup>F25</sup>to the supply of gas (directly or indirectly) to a public gas transporter, gas supplier or gas shipper].

[<sup>F26</sup>(2A) In relation to any time after 31st December 1999—

(a) references in this Part to 2,500, 75,000 and 2 million therms shall be construed as references to 73,200, 2,196,000 and 58 million kilowatt hours respectively; and

(b) other references in this Part to therms, and references in this Part to therms or kilowatt hours, shall be construed as references to kilowatt hours.

(2B) A person is of pensionable age for the purposes of this Part if—

(a) he has attained pensionable age (within the meaning given by the rules in paragraph 1 of Schedule 4 to the <sup>M3</sup>Pensions Act 1995); or

(b) in the case of a man born before 6th April 1955, he is the same age as a woman who has attained pensionable age (within the meaning so given).

(3) Nothing in this Part relating to the modification of a licence shall authorise the inclusion in a licence of any condition other than one such as is mentioned in

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section 7B above or, in the case of a modification under section 27 above, as would be so mentioned if the references to the Director in subsection (4)(a), (b) and (d) of section 7B were references to the Secretary of State.]

- (4) Nothing in this Part and nothing done under it shall prejudice or affect the operation of any of the relevant statutory provisions (whenever made) as defined in Part I of the <sup>M4</sup>Health and Safety at Work etc. Act 1974.

### Textual Amendments

- F10** Word in s. 48(1) substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(a)**; S.I. 1996/218, **art. 2**
- F11** Words in s. 48(1) substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(b)**; S.I. 1996/218, **art. 2**
- F12** Definition in s. 48(1) inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(c)**; S.I. 1996/218, **art. 2**
- F13** Definition in s. 48(1) inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(d)**; S.I. 1996/218, **art. 2**
- F14** Words substituted by **Companies Act 1989** (c. 40, SIF 27), s. 144(4), **Sch. 18 para. 44(a)** (subject to the transitional provisions referred to in **S.I. 1990/1392art. 2(d)**)
- F15** Definition in s. 48(1) inserted (1.4.1992) by **S.I. 1992/450, reg. 3(2)**.
- F16** Definition in s. 48(1) inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(e)**; S.I. 1996/218, **art. 2**
- F17** Words in s. 48(1) repealed (1.4.1999) by **S.I. 1999/506, art. 20(d)**
- F18** Definitions in s. 48(1) inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(f)**; S.I. 1996/218, **art. 2**
- F19** Words in definition in s. 48(1) substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(g)**; **S.I. 1996/218, art. 2**
- F20** Definition in s. 48(1) substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(h)**; S.I. 1996/218, **art. 2**
- F21** Definition in s. 48(1) repealed (1.3.1996) by 1995 c. 45, ss. 10(1), 17(5), **Sch. 3 para. 54(1)(i), Sch. 6**; **S.I. 1996/218, art. 2**
- F22** Definitions in s. 48(1) inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(j)**; S.I. 1996/218, **art. 2**
- F23** Definition in s. 48(1) repealed (1.3.1996) by 1995 c. 45, ss. 10(1), 17(5), **Sch. 3 para. 54(1)(k), Sch. 6**; **S.I. 1996/218, art. 2**
- F24** **S. 48(1A)** inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(2)**; S.I. 1996/218, **art. 2**
- F25** Words in s. 48(2) substituted (1.3.1996) for s. 48(a)(b) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(3)**; S.I. 1996/218, **art. 2**
- F26** **S. 48(2A)-(3)** substituted for s. 48(3) (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(4)**; S.I. 1996/218, **art. 2**

### Modifications etc. (not altering text)

- C3** **S. 48(1)** amended (temp. until 31.12.1999) (1.4.1992) by **S.I. 1992/450, reg. 3(4)(b)**.

### Marginal Citations

- M2** 1985 c. 6.  
**M3** 1995 c.26.  
**M4** 1974 c. 37.

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