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Gas Act 1986

1986 CHAPTER 44

PART I

GAS SUPPLY

[^{F1} Gas conveyed by public gas transporters and others]

Textual Amendments

F1 S. 16 and cross-heading preceding it substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 12; S.I. 1996/218, art. 2

^{F2}16 Standards of quality.

(1) The Director—

- (a) shall, after consultation with public gas transporters and with the consent of the Secretary of State, by regulations prescribe standards of pressure and purity to be complied with by public gas transporters in conveying gas to premises; and
- (b) may, after such consultation and with such consent, so prescribe other standards with respect to the properties, condition and composition of gas so conveyed.

(2) The Director—

- (a) shall, after consultation with such persons and organisations as he considers appropriate and with the consent of the Secretary of State, by regulations prescribe standards of pressure and purity to be complied with by persons in supplying 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 this Act; and

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- (b) may, after such consultation and with such consent, so prescribe other standards with respect to the properties, condition and composition of such gas so supplied.
- (3) The Director shall appoint competent and impartial persons to carry out tests of—
- (a) gas which is conveyed by a public gas transporter; and
 - (b) gas which is supplied by any person (a “relevant supplier”) to premises and is conveyed through pipes to the premises otherwise than by such a transporter or in accordance with paragraph 1 of Schedule 2A to this Act,
- for the purpose of ascertaining whether it conforms with the standards prescribed under this section.
- (4) Regulations under this section may make provision—
- (a) for requiring such tests to be carried out at such places as the Director may direct;
 - (b) for requiring such premises, apparatus and equipment as the Director may direct to be provided and maintained by public gas transporters and relevant suppliers for the purpose of carrying out such tests;
 - (c) for persons representing the public gas transporter or relevant supplier concerned 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; and
 - (e) for conferring powers of entry on property of public gas transporters and relevant suppliers for the purpose of deciding where tests are to be carried out and otherwise for the purposes of this section.
- (5) There shall be paid out of money provided by Parliament to persons appointed under subsection (3) above who are members of the Director’s staff such remuneration and such allowances as may be determined by the Director with the approval of the Treasury, and such pensions as may be so determined may be paid out of money provided by Parliament to or in respect of those persons.
- (6) Every person who is a public gas transporter or relevant supplier during any period shall pay to the Director such proportion (if any) as the Director may determine of—
- (a) any sums paid by him under subsection (5) above in respect of that period; and
 - (b) such part of his other expenses for that period 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 under this subsection to pay to the Director sums on account of pensions (whether paid by him under subsection (5) above or otherwise) shall, if the Director so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Treasury, by reference to remuneration.
- (7) Any sums received by the Director under this section shall be paid into the Consolidated Fund.]

Textual Amendments

F2 S. 16 substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 12**; S.I. 1996/218, **art. 2**

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[^{F3}17 Meter testing and stamping.

- (1) No meter shall be used for the purpose of ascertaining the quantity of gas supplied through pipes 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 under this section.
- (2) Subject to subsections (3) to (5) below, it shall be the duty of a meter examiner who is a member of the Director's staff, on being required to do so by any person and on payment of the requisite fee—
 - (a) to examine any meter used or intended to be used for ascertaining the quantity of gas supplied to any person; and
 - (b) to stamp, or authorise the stamping of, that meter.
- (3) 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 is approved by the Director and that the meter conforms with such standards as may be prescribed for the purposes of this subsection.
- (4) A meter examiner may stamp or authorise another person to stamp a meter, notwithstanding that he has not himself examined it, if—
 - (a) the meter was manufactured or repaired by the person submitting it to the examiner;
 - (b) that person has obtained the consent of the Director to his submission; and
 - (c) any conditions subject to which the consent was given have been satisfied.
- (5) A meter examiner may authorise another person to stamp a meter, notwithstanding that he has not himself examined it, if—
 - (a) the meter was manufactured or repaired by that person;
 - (b) that person has obtained the consent of the Director to his stamping of the meter; and
 - (c) any conditions subject to which the consent was given have been satisfied.
- (6) The Director shall appoint competent and impartial persons as meter examiners for the purposes of this section.
- (7) There shall be paid out of money provided by Parliament to meter examiners who are members of the Director's staff such remuneration and such allowances as may be determined by the Director with the approval of the Treasury, and such pensions as may be so determined may be paid out of money provided by Parliament to or in respect of such examiners.
- (8) All fees payable to meter examiners who are members of the Director's staff for the performance of functions conferred by or under this section shall be paid to the Director; and any sums received by him under this subsection shall be paid into the Consolidated Fund.
- (9) Regulations under this section, which shall be made by the Director with the consent of the Secretary of State, 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; and

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- (c) for the revocation of any approval given by the Director 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 for the purposes of this subsection.
- (10) The fees to be paid to meter examiners who are members of the Director’s staff for the performance of functions conferred by or under this section, and the persons by whom they are to be paid, shall be such as the Director may, with the approval of the Treasury, from time to time determine; and a determination under this subsection may—
 - (a) make different provision for different areas or in relation to different cases or different circumstances; and
 - (b) make such supplementary, incidental or transitional provision as the Director considers necessary or expedient.
- (11) 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 level 3 on the standard scale.
- (12) Where the commission by any person of an offence under subsection (11) above is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.
- (13) In any proceedings for an offence under subsection (11) above it shall be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.
- (14) The preceding provisions of this section shall not have effect in relation to the supply of gas to a person under any agreement providing for the quantity of gas supplied to him to be ascertained by a meter designed for rates of flow which, if measured at a temperature of 15°C and a pressure of 1013.25 millibars, would exceed 1600 cubic metres an hour.
- (15) Regulations under this section may provide that subsection (14) above shall have effect as if for the number of cubic metres an hour which is for the time being applicable for the purposes of that subsection there were substituted such lower number of cubic metres an hour as the Director considers appropriate.]

Textual Amendments
F3 S. 17 substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 13**; S.I. 1996/218, **art. 2**

18 Safety regulations.

- ^{F4}(1)
- (2) The Secretary of State may by regulations make provision for empowering any officer authorised by the relevant authority—
 - (a) to enter any premises in which there is a service pipe connected with a gas main, 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 [^{F5}any part of the gas system on the premises, that is to say,]any service pipe or other

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- apparatus (not being a gas fitting) which is on the premises and is used for the [F⁵conveyance or]supply of gas or is connected with a gas main;
- (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; 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 [F⁶gas system on the premises, or disconnect the premises or, if the premises are not connected, to signify the refusal of the relevant authority to convey gas or, as the case may be, allow gas to be conveyed to the premises].
- (3) Where any regulations under subsection (2) above confer any power in accordance with paragraph (c) of that subsection, 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 subsection (2) above may make provision for prohibiting any person, except with the consent of the relevant authority 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 [F⁷any part of any gas system] which has been disconnected by or on behalf of the relevant authority in exercise of a power conferred by the regulations; or
- (b) [F⁸reconnecting any premises which have been disconnected] by or on behalf of the relevant authority in the exercise of any such power; or
- (c) causing gas from a gas main to be [F⁹conveyed] to any premises where in pursuance of the regulations the refusal of the relevant authority to [F¹⁰convey gas or, as the case may be, allow gas to be conveyed] to those premises has been signified and that refusal has not been withdrawn.
- (5) Where in pursuance of any powers conferred by regulations made under subsection (2) above, entry is made on any premises by an officer authorised by the relevant authority—
- (a) the officer shall ensure that the premises are left no less secure by reason of the entry; and
- (b) the relevant authority shall make good, or pay compensation for, any damage caused by the officer, or by any person accompanying him in entering the premises, in taking any action therein authorised by the regulations, or in making the premises secure.
- (6) Any officer exercising powers of entry conferred by regulations made under subsection (2) above may be accompanied by such persons as may be necessary or

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- expedient for the purpose for which entry is made, or for the purposes of subsection (5) above.
- (7) If any person intentionally obstructs any officer exercising powers of entry conferred by regulations made under subsection (2) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) The ^{M1}Rights of Entry (Gas and Electricity Boards) Act 1954 (entry under a justice's warrant) shall apply in relation to any powers of entry conferred by regulations made under subsection (2) above as if [^{F11}any reference to a gas operator were a reference to the relevant authority].
- [^{F12}(9) In this section “the relevant authority”—
- (a) in relation to dangers arising from the conveyance of gas by a public gas transporter, or from the use of gas conveyed by such a transporter, means that transporter; and
- (b) in relation to dangers arising from the conveyance of gas by a person other than a public gas transporter, or from the use of gas conveyed by such a person, means the Secretary of State.
- (10) Where the relevant authority is a public gas transporter, any reference in this section to any officer authorised by the authority includes a reference to any officer authorised by another such transporter with whom the authority has made arrangements for officers authorised by the other transporter to discharge any functions of the authority under this section.
- (11) Except in cases of emergency, no officer shall be authorised by a public gas transporter to exercise any powers of entry conferred by regulations under this section unless the transporter has taken all reasonable steps to ensure that he is a fit and proper person to exercise those powers.]

Textual Amendments

- F4** S. 18(1) repealed (6.3.1992) by Offshore Safety Act 1992 (c. 15), ss. 3(3)(a), 7(2), Sch. 2.
- F5** Words in s. 18(2)(a) inserted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 14(1)(a); S.I. 1996/218, art. 2
- F6** Words in s. 18(2)(c) substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 14(1)(b); S.I. 1996/218, art. 2
- F7** Words in s. 18(4)(a) substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 14(2)(a); S.I. 1996/218, art. 2
- F8** Words in s. 18(4)(b) substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 14(2)(b); S.I. 1996/218, art. 2
- F9** Word in s. 18(4)(c) substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 14(2)(c); S.I. 1996/218, art. 2
- F10** Words in s. 18(4)(c) substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 14(2)(c); S.I. 1996/218, art. 2
- F11** Words in s. 18(8) substituted for s. 18(8)(a)(b) (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 14(3); S.I. 1996/218, art. 2
- F12** S. 18(9)-(11) substituted for s. 18(9) (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 14(4); S.I. 1996/218, art. 2

Marginal Citations

- M1** 1954 c. 21.

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[^{F13}18A Gas escape regulations.

- (1) The Secretary of State may by regulations make provision—
- (a) for empowering any officer authorised by a public gas transporter, if the transporter has reasonable cause to suspect—
 - (i) that gas conveyed by the transporter is escaping, or may escape, in any premises; or
 - (ii) that gas so conveyed which has escaped has entered, or may enter, any premises,to enter the premises, to carry out any work necessary to prevent the escape of gas and to take any other steps necessary to avert danger to life or property; and
 - (b) for empowering any officer so authorised, if the transporter has reasonable cause to suspect—
 - (i) that gas conveyed through pipes by some other person is escaping, or may escape, in any premises; or
 - (ii) that gas so conveyed which has escaped has entered, or may enter, any premises,to enter the premises and take any steps necessary to avert danger to life or property.
- (2) Subsections (5) to (7) and (11) of section 18 above shall apply for the purposes of this section as if—
- (a) any reference to subsection (2) of that section were a reference to subsection (1) above;
 - (b) any reference to the relevant authority were a reference to a public gas transporter;
 - (c) any reference to subsection (5) of that section were a reference to that subsection as applied by this subsection; and
 - (d) the reference in subsection (11) of that section to regulations under that section were a reference to regulations under this section.
- (3) The ^{M2}Rights of Entry (Gas and Electricity Boards) Act 1954 (entry under a justice's warrant) shall apply in relation to any powers of entry conferred by regulations made under subsection (1) above.
- (4) Any reference in this section to any officer authorised by a public gas transporter includes a reference to any officer authorised by another such transporter with whom the transporter has made arrangements for officers authorised by the other transporter to discharge any functions under this section of officers authorised by the transporter.]

Textual Amendments

F13 S. 18A inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 15**; S.I. 1996/218, **art. 2**

Marginal Citations

M2 1954 c.21.

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