



Gas Act 1986

1986 CHAPTER 44

PART I

GAS SUPPLY

[^{F1} Powers and duties of public gas transporters]

Textual Amendments

F1 Cross-heading substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 3; S.I. 1996/218, art. 2

9 ^{F2} General powers and duties.]

- (1) It shall be the duty of a [^{F3}gas transporter] as respects each authorised area of his—
- (a) to develop and maintain an efficient and economical pipe-line system for the conveyance of gas; and
 - (b) subject to paragraph (a) above, to comply, so far as it is economical to do so, with any reasonable request for him [^{F4}—
 - (i)]
to connect to that system, and convey gas by means of that system to, any premises [^{F5}; or.
 - (ii) to connect to that system a pipe-line system operated by an authorised transporter.]

[^{F6}(1A) It shall also be the duty of a gas transporter to facilitate competition in the supply of gas.]

- (2) It shall also be the duty of a [^{F3}gas transporter] to avoid any undue preference or undue discrimination—
- (a) in the connection of premises [^{F7}, or a pipe-line system operated by an authorised transporter,] to any pipe-line system operated by him; or

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- (b) in the terms on which he undertakes the conveyance of gas by means of such a system.
- (3) The following provisions shall have effect, namely—
 - (a) Schedule 3 to this Act (which provides for the acquisition of land by [^{F3}gas transporters]); and
 - (b) Schedule 4 to this Act (which relates to the breaking up of streets and bridges by such transporters).

Textual Amendments

- F2** S. 9 substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 3**; S.I. 1996/218, **art. 2**
- F3** Words in s. 9(1)(2)(3)(a) substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. I para. 2(1)**; S.I. 2001/3266, **arts. 1(2), 2, Sch.** (subject to transitional provisions in **arts. 3-20**)
- F4** S. 9(1)(b): “-(i)” inserted (1.10.2001) by 2000 c. 27, **s. 79(2)(a)**; S.I. 2001/3266, **arts. 1(2), 2, Sch.** (subject to transitional provisions in **arts. 3-20**)
- F5** S. 9(1)(b)(ii) and the word “or” immediately preceding it inserted (1.10.2001) by 2000 c. 27, **s. 79(2)(b)**; S.I. 2001/3266, **arts. 1(2), 2, Sch.** (subject to transitional provisions in **arts. 3-20**)
- F6** S. 9(1A) inserted (1.10.2001) by 2000 c. 27, **s. 79(3)**; S.I. 2001/3266, **arts. 1(2), 2, Sch.** (subject to transitional provisions in **arts. 3-20**)
- F7** Words in s. 9(2)(a) inserted (1.10.2001) by 2000 c. 27, **s. 79(4)**; S.I. 2001/3266, **arts. 1(2), 2, Sch.** (subject to transitional provisions in **arts. 3-20**)

Modifications etc. (not altering text)

- C1** S. 9(1)(b) applied (with modifications) (1.3.1996) by S.I. 1996/399, **art. 3(1)**
- C2** S. 9(3)(a) functions exercisable in or as regards Scotland (14.12.2000) by S.I. 2000/3253, **art. 2, Sch. 1 para. 6** (with transitional provisions in **art. 6**)
S. 9(3)(a) functions transferred to Scottish Ministers (15.12.2000) by S.I. 2000/3253, **art. 3, Sch. 2** (with transitional provisions in **art. 6**)

[^{F8}10] Duty to connect certain premises.

- (1) Subsection (2) below applies to any premises in an authorised area of a [^{F9}gas transporter] which—
 - (a) are situated within 23 metres from a relevant main of the transporter; or
 - (b) could be connected to any such main by a pipe supplied and laid, or proposed to be supplied and laid, by the owner or occupier of the premises.
- (2) Subject to the provisions of this Part and any regulations made under those provisions, a [^{F9}gas transporter] shall, on being required to do so by the owner or occupier of any premises to which this subsection applies—
 - (a) in the case of premises falling within paragraph (a) of subsection (1) above, connect the premises to the relevant main, and supply and lay any pipe that may be necessary for that purpose; and
 - (b) in the case of premises falling within paragraph (b) of that subsection, connect the premises to the relevant main by the pipe there mentioned;
 and in the following provisions of this section “connect”, in relation to any premises, means connect to a relevant main of a [^{F9}gas transporter] and “connection” shall be construed accordingly.

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- (3) Subject to the provisions of this Part and any regulations made under those provisions, where any premises are connected (whether by virtue of subsection (2) above or otherwise), the [^{F9}gas transporter] shall maintain the connection until such time as it is no longer required by the owner or occupier of the premises.

[A gas transporter may require any person who requires a connection under ^{F10}(3A) subsection (2)(b) to accept any terms—

- (a) indemnifying the transporter in respect of any liability connected with the laying of the pipe;
- (b) which it is reasonable in all the circumstances for that person to be required to accept.]

- (4) Where any person requires a connection in pursuance of subsection (2) above, he shall serve on the [^{F9}gas transporter] a notice specifying—

- (a) the premises in respect of which the connection is required; and
- (b) the day (not being earlier than a reasonable time after the service of the notice) upon which the connection is required to be made.

- (5) Where any pipe is supplied and laid by a [^{F9}gas transporter] in pursuance of subsection (2)(a) above, the cost of supplying and laying the pipe shall, if and to the extent that the transporter so requires and the conditions of his licence so allow, be defrayed by the person requiring the connection.

[Where in pursuance of subsection (2)(b) a gas transporter connects any premises to a ^{F11}(5A) relevant main by a pipe supplied and laid by the owner or occupier of the premises, the cost of making the connection shall, if and to the extent that the transporter so requires and the conditions of his licence so allow, be defrayed by the person supplying and laying the pipe.]

- (6) Where at any time a [^{F9}gas transporter] connects any premises under subsection (2) (b) above—

- (a) the pipe supplied and laid by the owner or occupier of the premises; and
- (b) any rights [^{F12}or liabilities] of the owner or occupier which relate to the laying, maintenance, repair, alteration or removal of the pipe,

shall at that time vest in and become property [^{F13}, rights or liabilities] of the transporter.

- (7) The Director may, with the consent of the Secretary of State, make provision by regulations for entitling a [^{F9}gas transporter] to require a person requiring a connection in pursuance of subsection (2) above to pay to the transporter an amount in respect of the expenses of the laying of the main used for the purpose of making that connection if—

- (a) the connection is required within the prescribed period after the laying of the main;
- (b) a person for the purpose of connecting whose premises the main was laid has made a payment to the transporter in respect of those expenses;
- (c) the amount required does not exceed any amount paid in respect of those expenses by such a person or by any person previously required to make a payment under the regulations; and
- (d) the transporter has not recovered those expenses in full.

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- (8) Nothing in subsection (2) or (3) above shall be taken as requiring a [F⁹ gas transporter] to connect, or maintain the connection of, any premises if the supply of gas to those premises is likely to exceed 75,000 therms in any period of twelve months.
- (9) Nothing in subsection (2) or (3) above shall be taken as requiring a [F⁹ gas transporter] to connect, or to maintain the connection of, any premises if—
- (a) he is prevented from doing so by circumstances not within his control;
 - (b) circumstances exist by reason of which his doing so would or might involve danger to the public, and he has taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect; or
 - (c) in the case of premises falling within paragraph (b) of subsection (1) above, the pipe supplied and laid by the owner or occupier of the premises is not fit for the purpose.
- (10) Where—
- (a) any person requires a connection to be made or maintained in pursuance of subsection (2) or (3) above;
 - (b) the making or maintenance of the connection would involve a new or increased supply of gas to the premises in question;
 - (c) the [F⁹ gas transporter] reasonably expects that, if the connection were made or maintained, gas would be supplied to the premises in question at a rate exceeding 2,500 therms a year; and
 - (d) the new or increased supply is such that the connection cannot be made or maintained without the laying of a new main, or the enlarging of an existing main, or the construction or enlarging of any other works required for the conveyance of gas,
- the transporter may, if he thinks fit, refuse to make or maintain the connection unless that person enters into a written contract with the transporter to make such payments to him as he may reasonably require having regard to the expense to be incurred in laying or enlarging the main or constructing or enlarging the other works and the extent to which it is reasonable to expect that the transporter will recover that expense from elsewhere.
- (11) If and to the extent that regulations made by the Director with the consent of the Secretary of State so provide, subsection (10) above shall have effect as if—
- (a) the reference in paragraph (d) to the laying of a new main, the enlarging of an existing main or the construction or enlarging of any other works required for the conveyance of gas included a reference to a new main which had previously been laid, an existing main which had previously been enlarged or any other works required for the conveyance of gas which had previously been constructed or enlarged;
 - (b) the reference to the expense to be incurred in laying or enlarging the main or constructing or enlarging the other works included a reference to the expense which had been so incurred; and
 - (c) the reference to the extent to which it is reasonable to expect that the transporter will recover that expense from elsewhere included a reference to the extent to which the transporter had been able so to recover that expense.
- (12) Subject to subsection (13) below, in this section “relevant main”, in relation to a [F⁹ gas transporter], means any distribution main in [F¹⁴an authorised area of his] which is

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being used for the purpose of giving a supply of gas to any premises in that area at a rate not exceeding 75,000 therms a year.

- (13) Any pipe which—
- (a) vests in and becomes the property of a [^{F9}gas transporter] by virtue of subsection (6) above; and
 - (b) apart from this subsection, would be a relevant main for the purposes of this section,

shall be such a main if, and only if, it has been declared to be such a main by the transporter.

- (14) A [^{F9}gas transporter] shall make a declaration under subsection (13) above in respect of each pipe falling within that subsection which is fit for the purpose of being a relevant main; and a declaration under that subsection shall not be capable of being revoked.]

Textual Amendments

- F8** S. 10 substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 4**; S.I. 1996/218, **art. 2**
- F9** Words in s. 10(1)-(10)(12)-(13) substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. I para. 2(1)**; S.I. 2001/3266, **art. 2, Sch.** (subject to transitional provisions in arts. 3-20)
- F10** S. 10(3A) inserted (1.10.2001) by 2000 c. 27, s. 80(2); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F11** S. 10(5A) inserted (1.10.2001) by 2000 c. 27, s. 80(3); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F12** Words in s. 10(6)(b) inserted (1.10.2001) by 2000 c. 27, s. 80(4); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F13** Words in s. 10(6) substituted (1.10.2001) by 2000 c. 27, s. 80(5); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F14** Words in s. 10(12) substituted (1.10.2001) by 2000 c. 27, s. 80(6); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)

[^{F15}10A Restriction on use of certain pipe-lines for providing a supply.

- (1) Any pipe-line of a gas transporter—
- (a) for the construction of which the execution of works has begun before the commencement of section 76 of the Utilities Act 2000 (abolition of geographical exclusivity of authorised areas of gas transporters); and
 - (b) which is situated in an area which, immediately before the commencement of that section, is the authorised area of a public gas transporter (the “other transporter”),

shall not be used for the purpose of giving a supply of gas to any premises in that area at a rate less than 2,196,000 kilowatt hours per year unless the other transporter consents in writing to such use.

- (2) If the other transporter refuses or fails to give consent under subsection (1) consent may instead be given in writing by the Authority where it considers it appropriate to do so.
- (3) Consent given under this section may not be withdrawn.
- (4) In this section “pipe-line” has the same meaning as in the ^{M1}Pipe-lines Act 1962.]

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Textual Amendments

F15 S. 10A inserted (1.10.2001) by 2000 c. 27, s. 77(1); S.I. 2001/3266, arts. 1(2), 2, Sch. (subject to transitional provisions in arts. 3-20)

Marginal Citations

M1 1962 c. 58.

[^{F16}11 Power to require security.

- (1) Where any person requires a connection in pursuance of paragraph (a) of section 10(2) above and a pipe falls to be supplied and laid by the [^{F17}gas transporter] in pursuance of that paragraph—
 - (a) the transporter may require that person to give him reasonable security for the payment to him of all money which may become due to him in respect of the supply and laying of the pipe; and
 - (b) if that person fails to give such security or, where any security given by him has become invalid or insufficient, fails to provide alternative or additional security, the transporter may if he thinks fit refuse to supply and lay the pipe for so long as the failure continues.
- (2) Where any amount is deposited with a [^{F17}gas transporter] by way of security in pursuance of this section, the transporter shall pay interest on that amount, at such rate as may from time to time be fixed by the transporter with the approval of the Director, in respect of the period during which it remains in the hands of the transporter.
- (3) In this section “connection” shall be construed in accordance with section 10(2) above.]

Textual Amendments

F16 S. 11 substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 5; S.I. 1996/218, art. 2

F17 Words in s. 11(1)(2) substituted (1.10.2001) by 2000 c. 27, s. 108, Sch. 6 Pt. I para. 2(1); S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

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