



Gas Act 1986

1986 CHAPTER 44

PART III

MISCELLANEOUS AND GENERAL

62 Exclusion of certain agreements from Restrictive Trade Practices Act 1976.

- (1) The ^{M1}Restrictive Trade Practices Act 1976 shall not apply, and that Act and the ^{M2}Restrictive Trade Practices Act 1956 shall be deemed never to have applied, to any agreement which—
 - (a) was made before 28th November 1985; and
 - (b) was an agreement containing provisions relating to, or to activities connected with, the supply at a relevant place or to the Corporation of gas won under the authority of a petroleum production licence.
- (2) The said Act of 1976 shall not apply, and shall be deemed never to have applied, to any agreement which—
 - (a) is or was made on or after 28th November 1985;
 - ^{F1}(b) is or was an agreement containing provisions relating to, or to activities connected with, the supply otherwise than under a licence granted under section 7A(1) above [^{F2}or Article 8(1)(c) of the Gas (Northern Ireland) Order 1996] of gas won under the authority of a petroleum production licence;
 - (c) satisfies such other conditions as may be specified in an order made by the Secretary of State.
- ^{F3}(2A) The said Act of 1976 shall not apply, and shall be deemed never to have applied, to any agreement which—
 - (a) is or was made on or after 2nd March 1995;
 - (b) is or was an agreement containing provisions relating to, or to activities connected with—
 - (i) the introduction of gas into;
 - (ii) the taking out of gas from; or
 - (iii) the use by gas shippers of,

Status: Point in time view as at 01/10/2001.

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- a pipe-line system or storage facility operated by a [^{F4}gas transporter]; and
- (c) is specified, or is of a description specified, in an order made by the Secretary of State and satisfies such conditions as may be so specified.

[If immediately before the commencement of paragraph 2 of Schedule 6 to the
^{F5}(2AB) Utilities Act 2000 (substitution of “gas transporter ” for “public gas transporter ”) subsection (2A) applies to an agreement, that subsection continues to apply to that agreement notwithstanding the substitution.]

(2B) Before making an order under subsection (2) or (2A) above, the Secretary of State shall consult the Director and the Director General of Fair Trading.]

(3) The conditions specified in an order under subsection (2) [^{F6}or (2A)]above may include—

- (a) conditions which are to be satisfied in relation to a time before the coming into force of this section;
- (b) conditions which refer any matter (which may be the general question whether the said Act of 1976 should apply to a particular agreement) to the Secretary of State [^{F7}, the Director or the Director General of Fair Trading] for determination after such consultation as may be so specified.

(4) Any modification on or after 28th November 1985 of any agreement made before that date shall—

- (a) if it relates exclusively to the identities of the parties to the agreement, be treated for the purposes of this section and the said Act of 1976 as a modification before that date; and
- (b) in any other case, be treated for those purposes in relation to the original agreement as a separate agreement;

and, accordingly, in neither case shall the modification be capable of having the effect of requiring an agreement made before that date to be treated for those purposes as an agreement made on or after that date.

(5) For the purposes of this section, the following in particular, that is to say, exploration for gas and the production, transport and treatment of gas shall be regarded as activities connected with the supply of gas.

(6) In this section—

“gas ” means substance which is or (if it were in a gaseous state) would be gas within the meaning of Part I of this Act;

[^{F8} “gas shipper ” and “[^{F4} gas transporter ”]have the same meanings as in Part I of this Act;]

“petroleum production licence ” means a licence granted under the ^{M3}Petroleum (Production) Act 1934 [^{F9}, Part I of the Petroleum Act 1998]or the ^{M4}Petroleum (Production) Act (Northern Ireland) 1964 or any corresponding licence granted under the law of a country or territory outside the United Kingdom;

“relevant place ”, in relation to any gas won under the authority of a petroleum production licence, means—

- (a) in the case of gas won at a place in the United Kingdom, that place or any place within one mile from that place;

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(b) in the case of gas won at a place outside the United Kingdom and landed at a place in the United Kingdom, any place outside the United Kingdom, the place of landing or any place within one mile from the place of landing; and expressions which are also used in the said Act of 1976 have the same meanings as in that Act.

^{F10}(7)

Textual Amendments

- F1** S. 62(2)(b) substituted (8.11.1995) by 1995 c. 45, s. 11(1)
- F2** Words in s. 62(2)(b) inserted (N.I.) (10.6.1996) by S.I. 1996/275 (N.I. 2), art. 71(1), Sch. 6; S.R. 1996/216, art. 2 (subject to transitional provisions in arts. 3, 4)
- F3** S. 62(2A)(2B) inserted (8.11.1995) by 1995 c. 45, s. 11(2)
- F4** Words in s. 62 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)
- F5** S. 62(2AB) inserted (1.10.2001) by 2000 c. 27, s. 108, Sch. 6 Pt. I para. 20; S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)
- F6** Words in s. 62(3) inserted (8.11.1995) by 1995 c. 45, s. 11(3)(a)
- F7** Words in s. 62(3) inserted (8.11.1995) by 1995 c. 45, s. 11(3)(b)
- F8** Words in s. 62(6) inserted (8.11.1995) by 1995 c. 45, s. 11(4)
- F9** Words in s. 62(6) inserted (15.2.1999) by 1998 c. 17, s. 50, Sch. 4 para. 22 (with Sch. 3 para. 51); S.I. 1999/161, art. 2(1)
- F10** S. 62(7) repealed (8.11.1995) by 1995 c. 45, ss. 11(5), 17(5), Sch. 6

Modifications etc. (not altering text)

- C1** S. 62(2) modified (8.11.1995 with effect as mentioned by Sch. 5 Pt. II para. 30(1) of the amending Act) by 1995 c. 45, s. 17(1), Sch. 5 Pt. II para. 30(1); S.I. 1996/218, art. 2
- C2** S. 62(2A) modified (8.11.1995 with effect as mentioned by Sch. 5 Pt. II para. 30(2) of the amending Act) by 1995 c. 45, s. 17(1), Sch. 5 Pt. II para. 30(2); S.I. 1996/218, art. 2

Marginal Citations

- M1** 1976 c. 34.
- M2** 1956 c. 68.
- M3** 1934 c. 36.
- M4** 1964 c. 28.(N.I.).

^{F11}63

Textual Amendments

- F11** S. 63 repealed (1.3.1996) by 1995 c. 45, ss. 11(6), 17(5), Sch. 6 (with Sch. 5 Pt. II para. 23); S.I. 1996/218, art. 2

64 Provisions as to orders.

- (1) Any power conferred on the Secretary of State by this Act to make orders shall be exercisable by statutory instrument.

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- (2) Any statutory instrument containing an order under this Act, other than an order appointing a day or an order under section [F12] 23, 30A, 33BC, 41A, 41C]. . . , 49(2) or 57(2) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F12** Words in s. 64(2) inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6, Pt. I para. 21**; S.I. 2001/3266, **arts. 1(2), 2 Sch.** (subject to transitional provisions in arts. 3-20)

65 Financial provisions.

There shall be paid out of money provided by Parliament any administrative expenses incurred by the Secretary of State in consequence of the provisions of this Act and any increase attributable to this Act in the sums payable out of money so provided under any other Act.

66 General interpretation.

In this Act, unless the context otherwise requires—

“the 1972 Act ” means the ^{M5}Gas Act 1972;

“the appointed day ” has the meaning given by section 3 above;

[^{F13} “the Authority ” means the Gas and Electricity Markets Authority;]

“contravention ”, in relation to any direction, condition, requirement, regulation or order, includes any failure to comply with it and cognate expressions shall be construed accordingly;

“the Corporation ” means the British Gas Corporation;

[^{F14} “the Council ” means the Gas and Electricity Consumer Council;]

^{F15}
. . .

“modifications ” includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

“subordinate legislation ” has the same meaning as in the ^{M6}Interpretation Act 1978;

“the successor company ” has the meaning given by section 49(1) above;

“the transfer date ” has the meaning given by section 49(1) above;

“the transitional period ” has the meaning given by section 57(1) above.

Textual Amendments

- F13** Definition of “the Authority ” in s. 66 inserted (20.12.2000) by 2000 c. 27 s. 108, Sch. 6 Pt. I para. 22(a); S.I. 2000/3343, **art. 2, Sch.** (subject to transitional provisions in arts. 3-15)
- F14** Definition of “the Council ” in s. 66 inserted (7.11.2000) by 2000 c. 27 s. 108, Sch. 6 Pt. I para. 22(b); S.I. 2000/2974, **art. 2, Sch.** (subject to transitional provisions in arts. 3-12)
- F15** Definition of “the Director ” in s. 66 repealed (1.10.2001) by 2000 c. 27, s. 108, **Sch. 8**; S.I. 2001/3266, **arts. 1(2), 2, Sch.** (subject to transitional provisions in arts. 3-20)

Marginal Citations

- M5** 1972 c. 60.

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M6 1978 c. 30.

67 Amendments, transitional provisions, savings and repeals.

- (1) The enactments mentioned in Schedule 7 to this Act shall have effect subject to the amendments there specified (being minor amendments or amendments consequential on the preceding provisions of this Act).
- (2) The Secretary of State may by order make such consequential modifications of any provision contained in any Act (whether public general or local) passed, or in subordinate legislation made, before the appointed day as appear to him necessary or expedient in respect of—
 - (a) any reference in that Act or subordinate legislation to the Corporation;
 - (b) any reference (in whatever terms) in that Act or subordinate legislation to a person carrying on a gas undertaking or to such an undertaking; or
 - (c) any reference in that Act or subordinate legislation to any enactment repealed by this Act.
- (3) The transitional provisions and savings contained in Schedule 8 to this Act shall have effect; but those provisions and savings are without prejudice to sections 16 and 17 of the ^{M7}Interpretation Act 1978 (effect of repeals).
- (4) The enactments mentioned in Schedule 9 to this Act (which include some which are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

Marginal Citations

M7 1978 c. 30.

68 Short title, commencement and extent.

- (1) This Act may be cited as the Gas Act 1986.
- (2) The following provisions of this Act, namely—
 - Part I except sections 1 and 2;
 - section 66;
 - section 67(1) and Schedule 7;
 - section 67(2);
 - Part I of Schedule 8 and section 67(3) so far as relating to that Part; and
 - Part I of Schedule 9 and section 67(4) so far as relating to that Part,shall come into force on the appointed day.
- (3) The following provisions of this Act, namely—
 - Part II;
 - Part II of Schedule 8 and section 67(3) so far as relating to that Part; and
 - Part II of Schedule 9 and section 67(4) so far as relating to that Part,shall come into force on the transfer date.
- (4) Part III of Schedule 9 and section 67(4) so far as relating to that Part shall come into force on the dissolution of the Corporation.

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- (5) Subject to subsections (2) to (4) above, this Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be so appointed for different provisions or for different purposes.
- (6) This Act, except this section and the following provisions, namely—
- sections 49 and 50;
 - section 58;
 - sections 62 and 63;
 - section 66;
 - paragraph 7 of Schedule 1 and section 1(5) so far as relating to that paragraph;
 - paragraph 8 of Schedule 2 and section 2(5) so far as relating to that paragraph;
 - paragraphs 15, 23 and 28 of Schedule 7 and section 67(1) so far as relating to those paragraphs; and
 - paragraph 27 to 31 of Schedule 8 and section 67(3) so far as relating to those paragraphs; and
 - Schedule 9 and section 67(4) so far as relating to the repeal of section 33(2) of the 1972 Act and the repeals in the ^{M8}House of Commons Disqualification Act 1975, does not extend to Northern Ireland.

Modifications etc. (not altering text)

C3 Power of appointment conferred by s. 68(5) fully exercised: [S.I. 1986/1315](#), 1809

Marginal Citations

M8 [1975 c. 24.](#)

Status:

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