

Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1(5).

DIRECTOR GENERAL OF GAS SUPPLY

- 1 There shall be paid to the Director such remuneration, and such travelling and other allowances, as the Secretary of State with the approval of the Treasury may determine.

Modifications etc. (not altering text)

- C1** Sch. 1 para. 1: functions of the Treasury transferred to the Minister for the Civil Service (1.4.1995) by [S.I. 1995/269, art. 3, Sch.](#)

- 2 In the case of any such holder of the office of the Director as may be determined by the Secretary of State with the approval of the Treasury, there shall be paid such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or payments towards provision for such a pension, allowance or gratuity as may be so determined.

Modifications etc. (not altering text)

- C2** Sch. 1 para. 2: functions of the Treasury transferred to the Minister for the Civil Service (1.4.1995) by [S.I. 1995/269, art. 3, Sch.](#)

- 3 If, when any person ceases to hold office as the Director, the Secretary of State determines with the approval of the Treasury that there are special circumstances which make it right that he should receive compensation, there may be paid to him a sum by way of compensation of such amount as may be so determined.

Modifications etc. (not altering text)

- C3** Sch. 1 para. 3: functions of the Treasury transferred to the Minister for the Civil Service (1.4.1995) by [S.I. 1995/269, art. 3, Sch.](#)

- 4 The Director may, with the approval of the Treasury as to numbers and terms and conditions of service, appoint such staff as he may determine.

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- 5 There shall be paid out of money provided by Parliament the remuneration of, and any travelling or other allowances payable under this Act to, the Director and any staff of the Director, any sums payable under this Act to or in respect of the Director and any expenses duly incurred by the Director or by any of his staff in consequence of the provisions of this Act.

F1

6

Textual Amendments

- F1** Sch. 1 para. 6 repealed by [Parliamentary and Health Service Commissioners Act 1987 \(c. 39, SIF 89\)](#), s. 10(2), [Sch. 2](#)

- 7 In the ^{M1}House of Commons Disqualification Act 1975 in Part III of Schedule 1 (other disqualifying offices) there shall be inserted (at the appropriate place) the following entry—

“Director General of Gas Supply”;

and the like insertion shall be made in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

Marginal Citations

- M1** [1975 c. 24.](#)

- 8 The Director shall have an official seal for the authentication of documents required for the purposes of his functions.

- 9 The Documentary Evidence Act 1868 shall have effect as if the Director were included in the first column of the Schedule to that Act, as if the Director and any person authorised to act on behalf of the Director were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Director or by any such person.

- 10 Anything authorised or required by or under this Act to be done by the Director [^{F2}(other than the making of a statutory instrument)] may be done by any member of the staff of the Director who is authorised generally or specially in that behalf by the Director.

Textual Amendments

- F2** Words in Sch. 1 para. 10 inserted (1.3.1996) by [1995 c. 45, s. 10\(1\)](#), SCh. 3 para. 55; [S.I. 1996/208, art. 2](#)

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- 10 Anything authorised or required by or under this Act to be done by the Director may be done by any member of the staff of the Director who is authorised generally or specially in that behalf by the Director.

SCHEDULE 2

Section 2(5).

GAS CONSUMERS’ COUNCIL

- 1 The Council shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- 2 The Council may pay to any member such sums, whether by way of remuneration or allowances or otherwise, as the Secretary of State may with the approval of the Treasury determine.
- 3 (1) Subject to sub-paragraph (2) below, the Council may, with the approval of the Secretary of State as to numbers and terms and conditions of service, appoint such staff as it may determine.
- (2) The Council shall not appoint a person to act as principal officer of the Council except after consultation with the Secretary of State.
- (3) For the purpose of ensuring that there are persons available in particular localities to assist the Council in the performance in those localities of its functions under this Act, the Council may, without any such approval as is required by sub-paragraph (1) above, appoint such persons to be so available as it may determine.
- (4) Persons appointed under sub-paragraph (3) above shall not be paid any sums by the Council for or in respect of their services except sums reimbursing them for their travelling expenses and such of their other out-of-pocket expenses as do not relate to loss of remuneration.
- (5) The consent of the Treasury shall be required for the giving by the Secretary of State of an approval for the purposes of sub-paragraph (1) above.
- 4 The Council shall have power to do anything which is calculated to facilitate, or is incidental or conducive to, the performance of any of its functions under this Act.
- 5 It shall be the duty of the Council to comply with any notice given by the Secretary of State with the approval of the Treasury requiring it to perform duties of a financial nature specified in the notice.
- 6 The Secretary of State or the Director may, to such extent as may be approved by the Treasury, defray or contribute towards the expenses of the Council.

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7 Any sums required by the Secretary of State for the purposes of paragraph 6 above shall be paid out of money provided by Parliament.

8 In the ^{M2}House of Commons Disqualification Act 1975 in Part II of Schedule 1 (bodies of which all members are disqualified) there shall be inserted (at the appropriate place) the following entry—

“The Gas Consumers’ Council”;

and the like insertion shall be made in Part II of Schedule 1 to the ^{M3}Northern Ireland Assembly Disqualification Act 1975.

Marginal Citations

M2 1975 c. 24.

M3 1975 c. 25.

[^{F3}SCHEDULE 2A

EXCEPTIONS TO PROHIBITION ON UNLICENSED ACTIVITIES

Textual Amendments

F3 Sch. 2A inserted (1.3.1996) by 1995 c. 45, s. 3(2), **Sch. 1**; S.I. 1996/218, **art. 2**

Conveyance or supply by landlords etc.

1 Section 5(1) of this Act is not contravened by a person—

(a) conveying within a building or part of a building in which he has an interest;
or

(b) supplying for use in such a building or part of a building,
gas supplied to the building by a person authorised to supply it by or under section 6A or 7A of this Act or this Schedule.

Conveyance or supply to associated companies

2 Section 5(1) of this Act is not contravened by a company conveying or supplying gas to any premises occupied by a subsidiary or holding company of the company, or by a subsidiary of a holding company of the company.

Conveyance or supply of propane or butane

3 (1) Section 5(1) of this Act is not contravened by a person conveying or supplying to any premises gas which consists wholly or mainly of propane or butane.

(2) In the case of a supply, this paragraph does not apply unless—

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- (a) the contract for the supply contains provisions empowering a person authorised by the supplier to enter the premises where in his opinion it is necessary to do so for the purpose of averting danger to life or property;
- (b) those provisions are in terms approved for the purposes of this paragraph by the Secretary of State; and
- (c) the gas is conveyed to the premises otherwise than by a public gas transporter.

Modifications etc. (not altering text)

- C4** Sch. 2A para. 3 extended (8.11.1995 with effect as mentioned by [Sch. 5 Pt. II para. 13](#) of the amending Act) by [1995 c. 45, s. 17\(1\)](#), [Sch. 5 Pt. II para. 13](#); [S.I. 1996/218, art. 2](#)

Conveyance for supply to large consumers

- 4 Section 5(1) of this Act is not contravened by a person conveying gas to any premises at any time if they are supplied with gas at a rate which, at any time within the period of 12 months immediately preceding that time, he reasonably expected to exceed 75,000 therms a year.

Supply to very large consumers

- 5 (1) Sub-paragraph (2) below applies where a person (in this paragraph referred to as a “supplier”) notifies the Director—
- (a) that he proposes to undertake a supply of gas to any premises at a rate in excess of 2,000,000 therms a year (in this paragraph referred to as “the required rate”); or
 - (b) that, in such circumstances as may be described in the notification, he would undertake a supply of gas to any premises, at a rate in excess of the required rate, for such period as may be so described.
- (2) Section 5(1) of this Act is not contravened by a supply of gas to the premises (or, as the case may require, a supply of gas to the premises in the circumstances and for the period described in the notification) unless, within six weeks of receiving the notification, the Director notifies the supplier either—
- (a) that he is of the opinion that the rate of supply to those premises would be unlikely to exceed the required rate; or
 - (b) that he is unable to form an opinion as to whether the rate of supply to those premises would or would not be likely to exceed the required rate.
- (3) Where a supplier has given the Director a notification under sub-paragraph (1)(a) above and—
- (a) the rate of supply to the premises to which the notification relates fails to exceed the required rate for three successive periods of twelve months;
 - (b) the supplier fails to furnish the Director with such information as he may require for the purpose of determining whether the condition in paragraph (a) above is fulfilled; or
 - (c) the supplier fails to afford to the Director such facilities as he may require for the purpose of verifying any information furnished in pursuance of such a requirement as is mentioned in paragraph (b) above,

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the Director may direct that the supplier's notification shall be treated as invalid for the purposes of that sub-paragraph except as regards gas previously supplied.

- (4) As soon as practicable after receiving a notification under sub-paragraph (1) above, giving a notification under sub-paragraph (2) above or giving a direction under sub-paragraph (3) above, the Director shall send a copy of the notification or direction to the Health and Safety Executive.]

Modifications etc. (not altering text)

- C5** Sch. 2A para. 5(1) extended (8.11.1995 with effect as mentioned by [Sch. 5 Pt. II para. 14\(1\)](#) of the amending Act) by [1995 c. 45, s. 17\(1\)](#), [Sch. 5 Pt. II para. 14\(2\)](#); S.I. 1996/218, [art. 2](#)

[^{F4}SCHEDULE 2B

THE GAS CODE]

Textual Amendments

- F4** [Sch. 2B](#) inserted (1.3.1996) by [1995 c. 45, s. 9\(2\)](#), [Sch. 2](#); S.I. 1996/218, [art. 2](#)

[^{F5} Preliminary

Textual Amendments

- F5** [Sch. 2B](#) inserted (1.3.1996) by [1995 c. 45, s. 9\(2\)](#), [Sch. 2](#); S.I. 1996/218, [art. 2](#)

- 1 (1) In this Schedule, unless the context otherwise requires—
- “the appointed day ” means the day appointed under section 18(2) of the Gas Act 1995;
- “connect ”, in relation to any premises, means connect to a main of a public gas transporter, whether directly or by means of a service pipe, and “disconnect ” and “re-connect ” have corresponding meanings except that they also include discontinuing or, as the case may be, resuming the conveyance of gas to the premises;
- “consumer ” means a person who is supplied with gas conveyed to particular premises (in this Schedule referred to as his premises) by a public gas transporter;
- “relevant gas supplier ” and “relevant gas shipper ”, in relation to a consumer, mean respectively any gas supplier who is supplying him with gas conveyed to his premises and any gas shipper who has made arrangements in pursuance of which gas is conveyed to those premises.
- (2) In so far as the provisions of this Schedule, other than paragraphs 20 to 22 below, apply in relation to a public gas transporter, gas supplier or gas shipper, they shall have effect subject to any conditions of his licence.

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Consumption of gas to be ascertained by meter

- 2 (1) Every consumer shall take his supply through a meter—
 - (a) the use of which does not contravene section 17 of this Act; and
 - (b) which is of a type appropriate for registering the quantity of gas supplied.
- (2) In default of the consumer's doing so or agreeing to do so—
 - (a) the public gas transporter may disconnect or, as the case may be, refuse to connect his premises; and
 - (b) any relevant gas supplier may cut off the supply of gas to his premises.

Meters to be kept in proper order

- 3 (1) Every consumer shall at all times, at his own expense, keep all meters—
 - (a) which belong to him, or which are lent or hired to him and are owned otherwise than by the public gas transporter or a relevant gas supplier; and
 - (b) by which the quantity of gas supplied is registered,
in proper order for correctly registering the quantity of gas.
- (2) In default of the consumer's doing so—
 - (a) the public gas transporter may disconnect his premises; and
 - (b) any relevant gas supplier may cut off the supply of gas to his premises.
- (3) In the case of any consumer, the public gas transporter or any relevant gas supplier shall at all times, without charge to the consumer, keep any meter which is owned by him and is lent or hired to the consumer in proper order for correctly registering the quantity of gas supplied.
- (4) Sub-paragraph (3) above is without prejudice to any remedy the transporter or supplier may have against the consumer for failure to take proper care of the meter.
- (5) In the case of any consumer, the public gas transporter, any relevant gas supplier and any relevant gas shipper—
 - (a) shall have power to remove, inspect and re-install any meter by which the quantity of gas supplied is registered; and
 - (b) shall, while any such meter is removed, fix a substitute meter on the premises;and, subject to sub-paragraph (6) below, the cost of removing, inspecting and re-installing a meter and of fixing a substitute meter shall be defrayed by the transporter, supplier or shipper.
- (6) Where such a meter is removed for the purpose of being examined by a meter examiner in accordance with section 17 of this Act, the expenses incurred in removing, examining and re-installing the meter and fixing a substitute meter shall be defrayed as follows—
 - (a) if the examination is carried out at the request of any person and the meter is found in proper order, by that person;
 - (b) if the meter is not so found, by the person required by sub-paragraph (1) or (3) above to keep the meter in proper order.

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- (7) A meter is found in proper order for the purposes of sub-paragraph (6) above if it is found to register correctly or to register erroneously to a degree not exceeding the degree permitted by regulations under section 17 of this Act.
- (8) Nothing in this paragraph shall apply in relation to any meter which, in pursuance of an agreement falling within section 17(14) of this Act, is used for ascertaining the quantity of gas supplied to a consumer if either—
- (a) the agreement was entered into before the appointed day; or
 - (b) the public gas transporter and each relevant gas shipper have agreed that the meter should be kept in proper order by a person other than the consumer.

Modifications etc. (not altering text)

C6 Sch. 2B para. 3(6)(b) applied (with modifications) (1.3.1996) by S.I. 1996/399, art. 7(2)(b)

Meter as evidence of quantity of gas supplied

- 4 (1) This paragraph applies where a consumer is supplied with gas through a meter at a rate not exceeding 75,000 therms a year.
- (2) Subject to sub-paragraph (3) below, the register of the meter shall be prima facie evidence of the quantity of gas supplied.
- (3) Where the meter is found, when examined by a meter examiner appointed under section 17 of this Act, to register erroneously to a degree exceeding the degree permitted by regulations under that section, the meter shall be deemed to have registered erroneously to the degree so found since the relevant date, except in a case where it is proved to have begun to do so on some later date.
- (4) In sub-paragraph (3) above “the relevant date ” means—
- (a) the penultimate date on which, otherwise than in connection with the examination, the register of the meter was ascertained; or
 - (b) if regulations so provide, such other date as may be determined by or under the regulations.

Installation of meters in new premises etc.

- 5 (1) This paragraph applies where a meter is to be used to register the quantity of gas supplied to a consumer and—
- (a) gas has not previously been conveyed by the public gas transporter to the consumer’s premises;
 - (b) a new or substituted pipe is to be laid between the transporter’s main and the meter; or
 - (c) the meter is to be installed in a different position.
- (2) Subject to sub-paragraph (3) below, the meter shall be installed as near as practicable to the public gas transporter’s main, but within a building comprised in the premises.
- (3) The meter may be installed otherwise than within a building comprised in the premises if it is installed either—

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- (a) in accommodation of a type and construction approved by the public gas transporter by an approval given in relation to premises generally, or to any class or description of premises; or
 - (b) in a separate meter house or other accommodation outside a building comprised in the premises which is approved by the transporter in the case of those particular premises.
- (4) If the requirements of this paragraph are not complied with, the public gas transporter may refuse to connect or, as the case may be, disconnect the consumer's premises.

Meters for disabled persons

- 6 Where, in the case of any consumer, the public gas transporter or a relevant gas supplier, for the purpose of meeting the needs of a disabled person—
- (a) alters the position of any gas meter which is owned by the transporter or supplier and is lent or hired to the consumer; or
 - (b) replaces such a meter with one which has been specially adapted,
- the transporter or supplier shall not charge the consumer for the alteration or replacement.

VALID FROM 01/10/2001

[^{F6} Use of pre-payment meters]

Textual Amendments

F6 Sch. 2B para. 6A and cross-heading inserted (1.10.2001) by 2000 c. 27, s. 84(2); S.I. 2001/3266, arts. 1(2), 2, Sch. (subject to transitional provisions in arts. 3-20)

- [^{F7}6A A pre-payment meter installed by an authorised supplier on any premises shall not be used to recover any sum other than a sum owing to an authorised supplier in respect of the supply of gas to those premises or the provision of the meter.]

Textual Amendments

F7 Sch. 2 para. 6A inserted (1.10.2001) by 2000 c. 27, s. 84(2); S.I. 2001/3266, arts. 1(2), 2, Sch. (subject to transitional provisions in arts. 3-20)

Recovery of gas charges etc.

- 7 (1) Sub-paragraphs (3) and (4) below apply where—
- (a) a demand in writing is made by a gas supplier for the payment of any of the charges due to him from a consumer in respect of the supply of gas to the consumer's premises, or to any premises previously owned or occupied by him; and

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- (b) the consumer does not pay those charges within 28 days after the making of the demand.
- (2) Sub-paragraph (3) below also applies where—
 - (a) a request in writing is made by a gas supplier for the provision of a deposit by way of reasonable security for the payment of the charges due to him from a consumer in respect of the supply of gas to the consumer’s premises; and
 - (b) the consumer does not provide such a deposit, or agree to take his supply through a pre-payment meter, within 7 days after the making of the request.
- (3) If the supplier is a relevant supplier, he may, after giving not less than 7 days’ notice of his intention—
 - (a) cut off the supply to the consumer’s premises by disconnecting the service pipe at the meter or by such other means as he thinks fit; and
 - (b) recover any expenses incurred in so doing from the consumer.
- (4) If—
 - (a) the supplier is not a relevant supplier but another supplier (“the new supplier”) is such a supplier; and
 - (b) the supplier has assigned to the new supplier his right to recover any of the charges due to him from the consumer,
 sub-paragraph (3) above shall apply as if any reference to the supplier were a reference to the new supplier.
- (5) The powers conferred by sub-paragraphs (3) and (4) above shall not be exercisable as respects any charges or deposit the amount of which is genuinely in dispute.

Modifications etc. (not altering text)

C7 Sch. 2B para. 7(1)(3) modified (8.11.1995 with effect as mentioned by Sch. 5 Pt. II para. 24 of the amending Act) by 1995 c. 45, s. 17(1), Sch. 5 Pt. II para. 24; S.I. 1996/218, art. 2

Deemed contracts in certain cases

- 8 (1) Where a gas supplier supplies gas to a consumer otherwise than in pursuance of a contract, the supplier shall be deemed to have contracted with the consumer for the supply of gas as from the time (“the relevant time”) when he began so to supply gas to the consumer.
- (2) Where—
 - (a) the owner or occupier of any premises takes a supply of gas which has been conveyed to those premises by a public gas transporter in pursuance of arrangements made with the transporter by a gas shipper, or by a person authorised to make the arrangements by an exemption granted under section 6A of this Act;
 - (b) that supply is not made by a gas supplier, or by a person authorised to make it by an exemption granted under section 6A of this Act or an exception contained in Schedule 2A to this Act; and
 - (c) a supply of gas so conveyed has been previously made by a gas supplier,

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the owner or occupier shall be deemed to have contracted with the appropriate supplier for the supply of gas as from the time (“the relevant time ”) when he began to take such a supply; but nothing in this sub-paragraph shall be taken to afford a defence in any criminal proceedings.

- (3) In sub-paragraph (2) above “the appropriate supplier ” means—
- (a) the gas supplier who previously supplied gas to the premises or, if more than one, the gas supplier who last supplied gas to the premises; or
 - (b) where that supplier’s licence has been assigned generally, or has been assigned so far as relating to the premises, the person to whom the licence was so assigned; or
 - (c) where that supplier’s licence has been revoked on his application, or has been so restricted on his application as to exclude the premises, the gas supplier with whom that supplier made arrangements for securing continuity of supply to the premises.
- (4) Sub-paragraphs (1) and (2) above shall not apply in any case where gas is supplied or, as the case may be, a supply of gas is taken at a rate which is reasonably expected to exceed 2,500 therms a year.
- (5) If a gas supplier at any time so elects, sub-paragraph (4) above shall have effect, so far as relating to him and to supplies begun to be made or taken after that time, as if the reference to 2,500 therms were a reference to 75,000 therms.
- (6) If a gas supplier at any time withdraws an election under sub-paragraph (5) above, sub-paragraph (4) above shall have effect, so far as relating to him and to supplies begun to be made or taken after that time, without the modification made by sub-paragraph (5) above.
- (7) The express terms and conditions of a contract which, by virtue of sub-paragraph (1) or (2) above, is deemed to have been made shall be provided for by a scheme made under this paragraph.
- (8) Each gas supplier shall make, and from time to time revise, a scheme for determining the terms and conditions which are to be incorporated in the contracts which, by virtue of sub-paragraph (1) or (2) above, are to be deemed to have been made; but this sub-paragraph shall not apply in any case where it is reasonably expected that neither of those sub-paragraphs will apply.
- (9) The terms and conditions so determined may include terms and conditions for enabling the gas supplier to determine, in any case where the meter is not read immediately before the relevant time, the number of therms or kilowatt hours which are to be treated as supplied to the consumer, or taken by the owner or occupier of the premises, during the period beginning with the relevant time and ending with—
- (a) the time when the meter is first read after the relevant time; or
 - (b) the time when the supplier ceases to supply gas to the consumer, or the owner or occupier ceases to take a supply of gas,
- whichever is the earlier.
- (10) A scheme under this paragraph may make different provisions for different cases or classes of cases, or for different areas, determined by, or in accordance with, the provisions of the scheme.

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- (11) As soon as practicable after a gas supplier makes a scheme under this paragraph, a revision of such a scheme, an election under sub-paragraph (5) above or a withdrawal under sub-paragraph (6) above of such an election, he shall—
- (a) publish, in such manner as he considers appropriate for bringing it to the attention of persons likely to be affected by it, a notice stating the effect of the scheme, revision, election or withdrawal;
 - (b) send a copy of the scheme, revision, election or withdrawal to the Director and to the Council; and
 - (c) if so requested by any other person, send such a copy to that person without charge to him.

Supplies of gas illegally taken

- 9 (1) Where any person takes a supply of gas which is in the course of being conveyed by a public gas transporter, the transporter shall be entitled to recover from that person the value of the gas so taken.
- (2) Where—
- (a) any person at premises which have been reconnected in contravention of paragraph 11(1) below takes a supply of gas which has been conveyed to those premises by the public gas transporter; and
 - (b) the supply is taken otherwise than in pursuance of a contract made with a gas supplier, or deemed to have been made with such a supplier by virtue of paragraph 8 above or paragraph 19 of Schedule 5 to the Gas Act 1995,
- the transporter shall be entitled to recover from that person the value of the gas so taken.
- (3) Each public gas transporter shall make, and from time to time revise, a scheme providing for the manner in which, and the persons by whom, the number of therms or kilowatt hours represented by a supply of gas taken in such circumstances as are mentioned in sub-paragraph (1) or (2) above is to be determined for the purposes of that sub-paragraph.
- (4) Sub-paragraphs (10) and (11) of paragraph 8 above shall apply in relation to a scheme under this paragraph as they apply in relation to a scheme under that paragraph.
- (5) In this paragraph—
- “gas supplier ” includes a person authorised to supply gas by an exemption granted under section 6A of this Act or an exception contained in Schedule 2A to this Act;
- “value ”, in relation to any gas taken in such circumstances as are mentioned in sub-paragraph (1) or (2) above, means the amount which, if the gas had been taken in such circumstances as are mentioned in sub-paragraph (2) of paragraph 8 above, could reasonably be expected to have been payable in respect of the gas under a contract deemed to have been made by virtue of that sub-paragraph.

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Injury to gas fittings and interference with meters

- 10 (1) If any person intentionally or by culpable negligence—
- (a) injures or allows to be injured any gas fitting provided by a public gas transporter or gas supplier, or any service pipe by which any premises are connected to such a transporter’s main;
 - (b) alters the index to any meter used for measuring the quantity of gas conveyed or supplied by such a transporter or supplier; or
 - (c) prevents any such meter from duly registering the quantity of gas conveyed or supplied,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) In the case of any offence under sub-paragraph (1) above, the transporter or supplier may disconnect the premises of, or cut off the supply of gas to, the person so offending.
- (3) Where any person is prosecuted for an offence under sub-paragraph (1)(b) or (c) above, the possession by him of artificial means for causing an alteration of the index of the meter or, as the case may be, for preventing the meter from duly registering shall, if the meter was in his custody or under his control, be prima facie evidence that the alteration or prevention was intentionally caused by him.

Restoration of supply without consent

- 11 (1) Where a consumer’s premises have been disconnected by a public gas transporter, or a supply of gas to a consumer’s premises has been cut off by a gas supplier, otherwise than in the exercise of a power conferred by—
- (a) paragraph 20, 21 or 22 below;
 - (b) regulations under section 18(2) or 18A(1) of this Act; or
 - (c) regulations under section 15 of the ^{M4}Health and Safety at Work etc. Act 1974 (health and safety regulations),
- no person shall, without the relevant consent, reconnect the premises or restore the supply.
- (2) If any person acts in contravention of sub-paragraph (1) above—
- (a) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; and
 - (b) the transporter or supplier may again disconnect the premises or, as the case may be, cut off the supply.
- (3) In this paragraph “the relevant consent ” means—
- (a) where the premises are reconnected, the consent of the public gas transporter to whose main the reconnection is made;
 - (b) where the supply is restored, the consent of the supplier who cut off the supply, or the consent of a person who is or is about to become a relevant gas supplier.

Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C8** Sch. 2B para. 11 modified (8.11.1995 with effect as mentioned in Sch. 5 Pt. II para. 26 of the amending Act) by 1995 c. 45, s. 17(1), Sch. 5 Pt. II para. 26; S.I. 1996/218, art. 2

Marginal Citations

- M4** 1974 c.37.

Failure to notify connection or disconnection of service pipe

- 12 (1) No person shall connect any meter with a service pipe through which gas is conveyed to any premises by a public gas transporter, or disconnect any meter from any such pipe, unless he has given—
- (a) in a case where gas is supplied to the premises by a relevant gas supplier whose name and address are known to him, to the supplier; and
 - (b) in any other case, to the transporter,
- so that it is received by the supplier or transporter at least 48 hours before he does so, notice in the prescribed form of his intention to do so.
- (2) Subject to sub-paragraph (3) below, a notice under sub-paragraph (1) above shall contain—
- (a) details of the time and place of the proposed connection or disconnection; and
 - (b) such other information as may be prescribed.
- (3) In so far as it is not reasonably practicable for a notice under sub-paragraph (1) above to contain any information required by sub-paragraph (2)(b) above, it shall be a sufficient compliance with that requirement if the information is given to the relevant gas supplier or, as the case may be, the public gas transporter within 48 hours after the connection or disconnection is effected.
- (4) If any person acts in contravention of this paragraph, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Modifications etc. (not altering text)

- C9** Sch. 2B para. 12(1) extended (8.11.1995 with effect as mentioned in Sch. 5 Pt. II para. 27 of the amending Act) by 1995 c. 45, s. 17(1), Sch. 5 Pt. II para. 27; S.I. 1996/218, art. 2

Failure to notify disconnection of meter

- 13 (1) Subject to sub-paragraph (2) below, this paragraph applies where any meter through which gas has been supplied to any premises is completely disconnected, that is to say, is disconnected both from the service pipe and from all other pipes within the premises.
- (2) This paragraph does not apply where the meter—

Status: Point in time view as at 01/04/1999.

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- (a) is disconnected for the purposes of an examination under section 17 of this Act or an inspection under paragraph 3(5) above; or
 - (b) is disconnected for a particular purpose (whether repair or repositioning of the meter, detection of a gas leak or otherwise) and is intended to be reconnected.
- (3) Except in so far as it is not reasonably practicable for him to do so, the person making the disconnection shall—
- (a) ascertain the name and address of the owner of the meter; and
 - (b) inform that owner of the disconnection and of the address at which the meter will be available for collection.
- (4) If any person fails to comply with sub-paragraph (3) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Failure to maintain shipping arrangements

- 14 (1) Where—
- (a) any arrangements for the conveyance of gas by a public gas transporter to a consumer's premises at a rate reasonably expected to exceed 2,500 therms a year have been made by a gas shipper, or by a person authorised to make the arrangements by an exemption granted under section 6A of this Act; and
 - (b) those arrangements have ceased to operate and have not been replaced by arrangements made for the like purpose,
- the transporter may, after giving 21 days' notice to the relevant persons, disconnect the premises.
- (2) The relevant persons for the purposes of sub-paragraph (1) above are—
- (a) the occupier, or the owner of the premises if they are unoccupied; and
 - (b) any gas supplier who, to the knowledge of the transporter, has contracted to supply gas to the premises.
- (3) The notice required to be given by sub-paragraphs (1) and (2)(a) above may, in the case of unoccupied premises the owner of which is unknown to the public gas transporter and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises.

Maintenance etc. of service pipes

- 15 (1) A public gas transporter shall carry out any necessary work of maintenance, repair or renewal of any service pipe by which gas is conveyed by him to a consumer's premises, whether or not the service pipe was supplied and laid at the transporter's expense.
- (2) The cost of any work carried out in accordance with sub-paragraph (1) above shall be defrayed as follows—
- (a) if the work was made necessary by any intentional act or culpable negligence of the consumer and the transporter so requires, by the consumer;
 - (b) in any other case, by the transporter.

Status: Point in time view as at 01/04/1999.

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Alterations etc. of burners on change of calorific value

- 16 (1) This paragraph applies where there is a change in the properties of any gas which is conveyed by a public gas transporter to a consumer's premises at a rate not exceeding 75,000 therms a year.
- (2) It shall be the duty of the public gas transporter to take without charge to the consumer such steps as may be necessary to alter, adjust or replace the burners in appliances at the premises which burn that gas in such manner as to secure that the gas can be burned with safety and efficiency.

Use of antifluctuators and valves

- 17 (1) Where a consumer uses gas for working or supplying a compressor, that is to say—
- (a) an engine, gas compressor or other similar apparatus; or
 - (b) any apparatus liable to produce in any main of the public gas transporter a pressure less than atmospheric pressure,
- he shall, if so required by the transporter by notice, fix in a suitable position and keep in use an appliance provided by him which will effectually prevent^{F8} . . . inconvenience^{F8} . . . being caused to persons by reason that he and they are supplied with gas conveyed through the same system.
- (2) Where a consumer uses for or in connection with the consumption of gas—
- (a) any air at high pressure (“compressed air ”); or
 - (b) any gaseous substance not conveyed by the public gas transporter (“extraneous gas ”),
- he shall, if so required [^{F9}other than for the purpose of preventing danger]by the transporter by notice, fix in a suitable position and keep in use an appliance provided by him which will effectually prevent the admission of the compressed air or extraneous gas into the service pipe or into any main through which gas is conveyed by the transporter.
- (3) Where a person is required by this paragraph to keep in use any appliance, he shall at his own expense keep it in proper order and repair, and repair, renew or replace it if it is not in proper order or repair.
- (4) A consumer shall not be entitled to use a compressor, or any apparatus for using compressed air or extraneous gas, unless he has given to the public gas transporter not less than 14 days' notice of his intention to do so; but this sub-paragraph shall not apply to the use of any compressor or apparatus which was lawfully in use immediately before the appointed day.
- (5) If a consumer makes default in complying with any provision of this paragraph [^{F10}or regulation 38 of the Gas Safety (Installation and Use) Regulations 1998 or directions made thereunder], the public gas transporter may disconnect the consumer's premises.
- (6) The public gas transporter shall have power to disconnect, remove, test and replace any appliance which a consumer is required by this paragraph [^{F10}or regulation 38 of the Gas Safety (Installation and Use) Regulations 1998 or directions made

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thereunder]to keep in use; and any expenses incurred by the transporter under this sub-paragraph shall, if the appliance is found in proper order and repair, be paid by the transporter, but otherwise shall be paid by the consumer.

Textual Amendments

- F8** Words in Sch. 2B para. 17(1) deleted (31.10.1998) by S.I. 1998/2451, reg. 41(2)(a)
F9 Words in Sch. 2B para. 17(2) added (31.10.1998) by S.I. 1998/2451, reg. 41(2)(b)
F10 Words in Sch. 2B para. 17(5)(6) added (31.10.1998) by S.I. 1998/2451, reg. 41(2)(c)

Modifications etc. (not altering text)

- C10** Sch. 2B para. 17(1)(2) extended (8.11.1995 with effect as mentioned by Sch. 5 Pt. II para. 25 of the extending Act) by 1995 c. 45, s. 17(1), Sch. 5 Pt. II para. 25; S.I. 1996/218, art. 2

Improper use of gas

- 18 If a consumer improperly uses or deals with gas so as to interfere with the efficient conveyance of gas by the public gas transporter (whether to the consumer or to any other person), the transporter may, if he thinks fit, disconnect the consumer's premises.

No obligation to restore supply where consumer in default

- 19 (1) This paragraph applies where—
- a consumer's premises have been disconnected by a public gas transporter in pursuance of paragraph 2(2)(a), 3(2)(a), 5(4), 10(2), 11(2)(b), 14(1), 17(5) or 18 above; or
 - a supply of gas to a consumer's premises has been cut off by a gas supplier in pursuance of paragraph 2(2)(b), 3(2)(b), 7(3) or (4), 10(2) or 11(2)(b) above.
- (2) The transporter or supplier shall not be under any obligation to reconnect the consumer's premises or, as the case may be, resume the supply of gas to the consumer's premises until the consumer either is no longer an owner or occupier of the premises or—
- has made good the default, or remedied the matter, in consequence of which the premises were disconnected or the supply was cut off; and
 - has paid the reasonable expenses of disconnecting and reconnecting the premises or, as the case may be, of cutting off the supply and restoring the supply.
- (3) In this paragraph "consumer", in relation to a disconnection or cutting off under paragraph 11(2)(b) above, means—
- the owner of the premises at the time when the reconnection was made, or the supply was restored, without the relevant consent—
 - if the premises were unoccupied at that time, or
 - if that reconnection or restoration of supply was made by him or on his behalf; and
 - the occupier of the premises at that time in any other case;

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and in this sub-paragraph “relevant consent” has the same meaning as in paragraph 11 above.

Notified escapes of gas

^{F11}20

Textual Amendments

F11 Sch. 2B para. 20 repealed (1.4.1996) by [S.I. 1996/551](#), **reg. 12(2)**

Suspected escapes of gas

^{F12}21

Textual Amendments

F12 Sch. 2B para. 21 repealed (1.4.1996) by [S.I. 1996/551](#), **reg. 12(2)**

Entry for preventing escapes of gas etc.

^{F13}22

Textual Amendments

F13 Sch. 2B para. 22 repealed (8.1.1997) by [S.I. 1996/3203](#), **art. 2**

Entry during continuance of supply

- 23 (1) Any officer authorised by a public gas transporter may at all reasonable times, on the production of some duly authenticated document showing his authority, enter a consumer’s premises for the purpose of—
- (a) inspecting gas fittings;
 - (b) ascertaining the quantity of gas conveyed to the premises;
 - (c) exercising the power conferred on the transporter by paragraph 3(5) above;
 - (d) performing the duty imposed on the transporter by paragraph 15 or 16 above;
 - (e) exercising the power conferred on the transporter by paragraph 17(6) above;
- or
- (f) in the case of premises where the transporter has reason to believe that a compressor or compressed air or extraneous gas is being used, inspecting the premises and ascertaining whether the provisions of paragraph 17 above are being complied with.
- (2) Any officer authorised by a relevant gas supplier or relevant gas shipper may at all reasonable times, on the production of some duly authenticated document showing his authority, enter a consumer’s premises for the purpose of—
- (a) inspecting gas fittings;

Status: Point in time view as at 01/04/1999.

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- (b) ascertaining the quantity of gas supplied or conveyed to the premises; or
 - (c) exercising the power conferred on the supplier or shipper by paragraph 3(5) above.
- (3) In this paragraph “compressor”, “compressed air” and “extraneous gas” have the same meanings as in paragraph 17 above, and any reference to a relevant gas supplier or relevant gas shipper includes a reference to a person who has been or is about to become such a supplier or shipper.

Modifications etc. (not altering text)

C11 Sch. 2B para. 23(1)(b) extended (8.11.1995 with effect as mentioned by Sch. 5 Pt. II para. 28(1) of the amending Act) by 1995 c. 45, s. 17(1), **Sch. 5 Pt. II para. 28(1)**; S.I. 1996/218, **art. 2**

Entry on discontinuance of supply

- 24 (1) This paragraph applies where—
- (a) a public gas transporter or gas supplier is authorised by any provision of this Act to disconnect any premises, or, as the case may be, to cut off or discontinue the supply of gas to any premises;
 - (b) a person occupying premises supplied with gas by a gas supplier ceases to require a supply of gas; or
 - (c) a person entering into occupation of any premises previously supplied with gas by a gas supplier does not take a supply of gas.
- (2) Any officer authorised by the public gas transporter or gas supplier, after 24 hours’ notice to the occupier, or to the owner of the premises if they are unoccupied, may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of—
- (a) disconnecting the premises, or cutting off or discontinuing the supply of gas to the premises; or
 - (b) removing any meter or other gas fitting owned by the transporter or supplier.
- (3) The notice required to be given by sub-paragraph (2) above may, in the case of unoccupied premises the owner of which is unknown to the public gas transporter or gas supplier and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises not less than 48 hours before the premises are entered.

Modifications etc. (not altering text)

C12 Sch. 2B para. 24(2) extended (8.11.1995 with effect as mentioned by Sch. 5 Pt. II para. 28(3) of the amending Act) by 1995 c. 45, s. 17(1), **Sch. 5 Pt. II para. 28(3)**; S.I. 1996/218, **art. 2**

Status: Point in time view as at 01/04/1999.

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Entry following discontinuance of supply

- 25 (1) This paragraph applies where a consumer’s premises have been disconnected by a public gas transporter, or a supply of gas to a consumer’s premises has been cut off by a gas supplier, otherwise than in the exercise of a power conferred by—
- (a) paragraph 20, 21 or 22 above;
 - (b) regulations under section 18(2) or 18A(1) of this Act; or
 - (c) regulations under section 15 of the ^{M5}Health and Safety at Work etc. Act 1974 (health and safety regulations).
- (2) Any officer authorised by the public gas transporter or gas supplier may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of ascertaining whether the premises have been reconnected, or the supply has been restored, without the relevant consent.
- (3) In this paragraph “the relevant consent ” has the same meaning as in paragraph 11 above.

Modifications etc. (not altering text)

C13 Sch. 2B para. 25 modified (8.11.1995 with effect as mentioned by Sch. 5 Pt. II para. 26 of the amending Act) by 1995 c. 45, s. 17(1), Sch. 5 Pt. II para. 26; S.I. 1996/218, art. 2

Marginal Citations

M5 1974 c. 37.

Entry for removing fittings and meters

- 26 (1) This paragraph applies where—
- (a) a person occupying premises supplied with gas through a meter or other gas fitting owned by a public gas transporter or gas supplier ceases to take a supply through that meter or fitting; or
 - (b) a person entering into occupation of any premises previously supplied with gas through a meter or other gas fitting so owned does not take a supply of gas through that meter or fitting.
- (2) Any officer authorised by the public gas transporter or gas supplier, after 24 hours’ notice to the occupier, or to the owner of the premises if they are unoccupied, may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of removing the meter or other gas fitting.
- (3) Sub-paragraph (3) of paragraph 24 above applies for the purposes of this paragraph as it applies for the purposes of that paragraph.

Status: Point in time view as at 01/04/1999.

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Entry for replacing, repairing or altering pipes

- 27 (1) Any officer authorised by a public gas transporter, after 7 clear days' notice to the occupier of any premises, or to the owner of any premises which are unoccupied, may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of—
- (a) placing a new pipe in the place of any existing pipe which has already been lawfully placed; or
 - (b) repairing or altering any such existing pipe.
- (2) The notice required to be given by sub-paragraph (1) above may, in the case of unoccupied premises the owner of which is unknown to the public gas transporter and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises.
- (3) In cases of emergency arising from defects in any pipes entry may be made under sub-paragraph (1) above without the notice required to be given by that sub-paragraph, but notice of the entry and the justification for it shall then be given as soon as possible after the occurrence of the emergency.

Provisions as to powers of entry

- 28 (1) No officer shall be authorised by a public gas transporter, gas supplier or gas shipper to exercise any powers of entry conferred by this Schedule unless—
- (a) the transporter, supplier or shipper has taken all reasonable steps to ensure that he is a fit and proper person to exercise those powers; or
 - (b) in cases of emergency, those powers are powers conferred by paragraph 22 above.
- (2) Where in pursuance of any powers of entry conferred by this Schedule, entry is made on any premises by an officer authorised by a public gas transporter, gas supplier or gas shipper—
- (a) the officer shall ensure that the premises are left no less secure by reason of the entry; and
 - (b) the transporter, supplier or shipper 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 this Schedule, or in making the premises secure.
- (3) Any officer exercising powers of entry conferred by this Schedule may be accompanied by such persons as may be necessary or expedient for the purpose for which the entry is made, or for the purposes of sub-paragraph (2) above.
- (4) If any person intentionally obstructs any officer exercising powers of entry conferred by this Schedule, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) The ^{M6}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 this Schedule.

Status: Point in time view as at 01/04/1999.

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Marginal Citations

M6 1954 c. 21.

Gas meters and fittings not to be subject to distress

- 29 (1) Any gas meter which is connected to a service pipe, and any gas fitting in a consumer's premises which is owned by a public gas transporter or gas supplier and is marked or impressed with a sufficient mark or brand indicating its owner—
- (a) shall not be subject to distress or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession it may be; and
 - (b) shall be deemed not to be a landlord's fixture, notwithstanding that it may be fixed or fastened to any part of the premises in which it may be situated.
- (2) In the application of sub-paragraph (1)(a) above to Scotland, for the word “distress” and the words “in bankruptcy against” there shall be substituted respectively the word “poining” and the words “for the sequestration of the estate of”.

SCHEDULE 3

Section 9(3).

ACQUISITION OF LAND BY PUBLIC GAS SUPPLIERS

PART I

POWERS OF ACQUISITION ETC.

Modifications etc. (not altering text)

C14 Sch. 3 Pt. I (ss. 1-3): Functions transferred (15.10.2000) to the Scottish Ministers by [S.I. 2000/3253](#), [arts. 1\(1\), 3](#), [Sch. 2](#)

C15 Sch. 3 Pt. I (ss. 1-3) modified (14.12.2000) by [S.I. 2000/3253](#), [arts. 1\(2\), 2](#), [Sch. 1 para. 6](#)

- 1 (1) The Secretary of State, after consultation with the Director, may authorise a ^{F14}public gas transporter] to purchase compulsorily any land.
- (2) In sub-paragraph (1) above “land” includes any right over land; and the power of the Secretary of State under that sub-paragraph includes power to authorise the acquisition of rights over land by creating new rights as well as acquiring existing ones.

Textual Amendments

F14 Words in [Sch. 3 para. 1](#) substituted (1.3.1996) by [1995 c. 45, s. 10\(1\)](#), [Sch. 3 para. 56\(a\)](#); [S.I. 1996/218](#), [art. 2](#)

Status: Point in time view as at 01/04/1999.

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- 2 (1) This paragraph applies to land which—
- (a) for the purposes of the ^{M7}Acquisition of Land Act 1981, is or forms part of a common, open space or a fuel or field garden allotment; or
 - (b) for the purposes of the ^{M8}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, is or forms part of a common or open space.
- (2) Where for any purpose a [^{F15}public gas transporter] has acquired, or proposes to acquire, any land to which this paragraph applies, or any right over any such land, and other land is required for the purpose of being given in exchange for the land or right in question, the Secretary of State may authorise [^{F16}the transporter] to purchase that other land compulsorily, or he may acquire it by agreement.

Textual Amendments

- F15** Words in Sch. 3 para. 2(2) substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 56(a); S.I. 1996/218, art. 2
- F16** Words in Sch. 3 para. 2(2) substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 56(c); S.I. 1996/218, art. 2

Marginal Citations

- M7** 1981 c. 67.
- M8** 1947 c. 42.

- 3 Where a [^{F17}public gas transporter] has acquired any land by virtue of paragraph 1 above, he shall not dispose of that land or of any interest in or right over it except with the consent of the Director.

Textual Amendments

- F17** Words in Sch. 3 para. 3 substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 56(a); S.I. 1996/218, art. 2

PART II

PROCEDURE, COMPENSATION ETC. (ENGLAND AND WALES)

Application of Acquisition of Land Act 1981 generally

- 4 The Acquisition of Land Act 1981 shall apply to a compulsory purchase by a [^{F18}public gas transporter] of land or rights in England and Wales, subject, in the case of a compulsory acquisition of a right by the creation of a new right, to Schedule 3 to that Act.

Status: Point in time view as at 01/04/1999.

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Textual Amendments

- F18** Words in Sch. 3 para. 4 substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 56(a); S.I. 1996/218, art. 2

New rights: general adaptation of Compulsory Purchase Act 1965

- 5 The ^{M9}Compulsory Purchase Act 1965 shall have effect with the modifications necessary to make it apply to a [^{F19}public gas transporter’s] compulsory acquisition of a right in England and Wales by the creation of a new right as it applies to the compulsory acquisition of land, so that, in appropriate contexts, references in that Act to land are to be read as referring, or as including references, to the right acquired or to be acquired, or to land over which the right is or is to be exercisable, according to the requirements of the particular context.

Textual Amendments

- F19** Words in Sch. 3 para. 5 substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 56(a); S.I. 1996/218, art. 2

Marginal Citations

- M9** 1965 c. 56.

New rights: specific adaptations of Act of 1965

- 6 Without prejudice to the generality of paragraph 5 above, Part I of the said Act of 1965 shall apply in relation to a [^{F20}public gas transporter’s] compulsory acquisition of a right in England and Wales by the creation of a new right with the modifications specified in paragraphs 7 to 12 below.

Textual Amendments

- F20** Words in Sch. 3 para. 6 substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 56(a); S.I. 1996/218, art. 2

- 7 For section 7 of that Act (measure of compensation) there shall be substituted the following section—
- “7 In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”
- 8 For subsection (1) of section 8 of that Act (protection for vendor against severance of house, garden, etc.) there shall be substituted the following subsections—

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“(1) No person shall be required to grant any right over part only—
(a) of any house, building or manufactory; or
(b) of a park or garden belonging to a house,
if he is willing to sell the whole of the house, building, manufactory, park or garden, unless the Lands Tribunal determine that—
(i) in the case of a house, building or manufactory, the part over which the right is proposed to be acquired can be made subject to that right without material detriment to the house, building or manufactory; or
(ii) in the case of a park or garden, the part over which the right is proposed to be acquired can be made subject to that right without seriously affecting the amenity or convenience of the house;
and if the Lands Tribunal so determine, the Tribunal shall award compensation in respect of any loss due to the acquisition of the right, in addition to its value; and thereupon the party interested shall be required to grant to the acquiring authority that right over the part of the house, building, manufactory, park or garden.

(1A) In considering the extent of any material detriment to a house, building or manufactory, or any extent to which the amenity or convenience of a house is affected, the Lands Tribunal shall have regard not only to the right which is to be acquired over the land, but also to any adjoining or adjacent land belonging to the same owner and subject to compulsory purchase.”

9 The following provisions of that Act (being provisions stating the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land)—

section 9(4) (refusal by owners to convey);
Schedule 1, paragraph 10(3) (owners under incapacity);
Schedule 2, paragraph 2(3) (absent and untraced owners); and
Schedule 4, paragraphs 2(3) and 7(2) (common land),

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

10 Section 11 of that Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff’s warrant in the event of obstruction) shall be modified correspondingly.

11 Section 20 of that Act (protection for interests of tenants at will etc.) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

12 Section 22 of that Act (protection of acquiring authority’s possession where by inadvertence an estate, right or interest has not been got in) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred

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to in that section, to continue entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

New rights: compensation

- 13 The enactments in force in England and Wales with respect to compensation for the compulsory purchase of land shall apply with the necessary modifications as respects compensation in the case of a [^{F21}public gas transporter's] compulsory acquisition of a right by the creation of a new right as they apply to compensation on the compulsory purchase of land and interests in land.

Textual Amendments

- F21** Words in Sch. 3 para. 13 substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 56(b); S.I. 1996/218, art. 2

PART III

PROCEDURE, COMPENSATION ETC. (SCOTLAND)

Modifications etc. (not altering text)

- C16** Sch. 3 Pt. III (ss. 14-29): Functions transferred (15.10.2000) to the Scottish Ministers by S.I. 2000/3253, arts. 1(1), 3, Sch. 2
- C17** Sch. 3 Pt. III (ss. 14-29) modified (14.12.2000) by S.I. 2000/3253, arts. 1(2), 2, Sch. 1 para. 6

Application of Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 generally

- 14 The ^{M10}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to the compulsory purchase by a [^{F22}public gas transporter] of land or rights in Scotland as if [^{F23}the transporter] were a local authority within the meaning of that Act, and as if this Act had been in force immediately before the commencement of that Act.

Textual Amendments

- F22** Words in Sch. 3 para. 14 substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 56(a); S.I. 1996/218, art. 2
- F23** Words in Sch. 3 para. 14 substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 56(c); S.I. 1996/218, art. 2

Marginal Citations

- M10** 1947 c. 42.

Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

New rights: general application of Act of 1947 and incorporated enactments

- 15 The enactments incorporated with this Act by virtue of Part I of Schedule 2 to the said Act of 1947 and that Act shall have effect with the modifications necessary to make them apply to a [^{F24}public gas transporter’s] compulsory acquisition of a right in Scotland by the creation of a new right as they apply to the compulsory acquisition of land, so that, in appropriate contexts, references in those enactments and that Act to land are to be read as referring, or as including references, to the right acquired or to be acquired, or to land over which the right is or is to be exercisable, according to the requirements of the particular context.

Textual Amendments

F24 Words in Sch. 3 para. 15 substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 56(b); S.I. 1996/218, art. 2

New rights: specific adaptations of Act of 1947

- 16 Without prejudice to the generality of paragraph 15 above, Part III of Schedule 1 to the said Act of 1947 (requirement of special parliamentary procedure, and other special provisions, in the case of acquisition of certain descriptions of land) shall apply in relation to a [^{F25}public gas transporter’s] compulsory acquisition of a right in Scotland by the creation of a new right with the modifications specified in paragraphs 17 to 20 below.

Textual Amendments

F25 Words in Sch. 3 para. 16 substituted (1.3.1996) by 1995 c. 45, s. 10(1), Sch. 3 para. 56(b); S.I. 1996/218, art. 2

- 17 In paragraph 9 of that Schedule (compulsory purchase affecting land of the National Trust for Scotland) for references to the compulsory purchase of land there shall be substituted references to the compulsory acquisition of rights over land.
- 18 In paragraph 10 of that Schedule (land of statutory undertakers)—
- (a) for the words “land comprised in the order” there shall be substituted the words “land over which a right is to be acquired by virtue of the order”;
 - (b) for the words “purchase of” there shall be substituted the words “acquisition of a right over”;
 - (c) for the words “it can be purchased and not replaced” there shall be substituted the words “the right can be acquired”; and
 - (d) for sub-paragraph (ii) there shall be substituted the following sub-paragraph—
 - “(ii) that any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to, or available for acquisition by, them”.
- 19 In paragraph 11 of that Schedule (common or open space), for sub-paragraph (1) there shall be substituted the following sub-paragraph—

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“(1) In so far as a compulsory purchase order authorises the acquisition of a right over land forming part of a common or open space, it shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

- (a) that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before; or
- (b) that there has been or will be given in exchange for the right additional land which will as respects the persons in whom there is vested the land over which the right is to be acquired, the persons, if any, entitled to rights of common or other rights over that land, and the public, be adequate to compensate them for the disadvantages which result from the acquisition of the right, and that the additional land has been or will be vested in the persons in whom there is vested the land over which the right is to be acquired, and subject to the like rights, trusts and incidents as attach to that land apart from the compulsory purchase order; or
- (c) that the land affected by the right to be acquired does not exceed 250 square yards in extent, and that the giving of other land in exchange for the right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.”

20 In paragraph 12 of that Schedule, for the words “the purchase of” there shall be substituted the words “the acquisition of a right over”.

21 Paragraph 10 above shall have effect in relation to the said Act of 1947 with the substitution of a reference to paragraph 3(1) of the Second Schedule to that Act for the reference to section 11 of the ^{M11}Compulsory Purchase Act 1965, and with the omission of the words from “and sections” to the end of the paragraph.

Marginal Citations

M11 1965 c. 56.

22 For paragraph 4 of the Second Schedule to the said Act of 1947 (protection for owner against severance of property) there shall be substituted the provisions substituted by paragraph 8 of this Schedule for section 8(1) of the said Act of 1965, and any reference in those provisions to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Scotland.

Restrictions on application of paragraphs 15 to 20 above

23 So much of paragraph 15 above as relates to the said Act of 1947, and paragraphs 16 to 20 above, shall not apply to any compulsory purchase to which, by virtue of section 12 or 13 of the ^{M12}Gas Act 1965, Part I of Schedule 4 to that Act applies.

Status: Point in time view as at 01/04/1999.

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Marginal Citations

M12 1965 c. 36.

New Rights: specific adaptations of Lands Clauses Consolidation (Scotland) Act 1845

24 For section 61 of the ^{M13}Lands Clauses Consolidation (Scotland) Act 1845 (estimation of compensation) there shall be substituted the following section—

“**61** In estimating the purchase money or compensation to be paid by the promoters of the undertaking in the Special Act, in any of the cases aforesaid, regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right, but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or injuriously affecting that other land by the exercise of the powers conferred by this or the Special Act.”

Marginal Citations

M13 1845 c. 19.

25 The following provisions of that Act (being provisions stating the effect of a notarial instrument or of a disposition executed in various circumstances where there is no conveyance by persons with interests in the land)—

section 74 (failure by owner to convey);

section 76 (refusal to convey or show title or owner cannot be found);

section 98 (vesting of common land),

shall be so modified as to secure that, as against persons with interests in the land over which the right is to be compulsorily acquired such right is vested absolutely in the promoters of the undertaking.

26 Paragraph 11 above shall have effect in relation to that Act with the substitution of a reference to sections 114 and 115 thereof for the reference to section 20 of the ^{M14}Compulsory Purchase Act 1965.

Marginal Citations

M14 1965 c. 56.

27 Paragraph 12 above shall have effect in relation to that Act with the substitution of a reference to sections 117 and 118 thereof for any reference to section 22 of the said Act of 1965.

New rights: compensation

28 Paragraph 13 above shall have effect in relation to Scotland with the substitution of. “Scotland” for “England and Wales”.

29 This Part of this Schedule shall extend to Scotland only.

Status: Point in time view as at 01/04/1999.

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SCHEDULE 4

POWER OF PUBLIC GAS SUPPLIERS TO BREAK UP STREETS, BRIDGES ETC.

- 1 (1) Subject to the following provisions of this Schedule, a [^{F26}public gas transporter] may execute the following kinds of works, that is to say—
- [^{F27}(a) placing pipes, conduits, service pipes, cables, sewers and other works, and pressure governors, ventilators and other apparatus, in or under any street; and
 - (b) from time to time repairing, altering or removing any such works or apparatus placed in or under any street (whether by him or by any other person).]
- (2) Subject as aforesaid, a [public gas transporter] may execute any works requisite for or incidental to the purposes of any works falling within sub-paragraph (1) above, including for those purposes—
- (a) opening or breaking up any [^{F28}street] or any sewers, drains or tunnels within or under any [^{F28}street]; and
 - (b) removing or using all earth and materials in or under any [^{F28}street].
- (3) A [^{F26}public gas transporter] shall do as little damage as possible in the exercise of the powers conferred by this paragraph and shall make compensation for any damage done in the exercise of those powers.
- [^{F29}(4) The Secretary of State shall by regulations provide that, in such cases and to such extent as may be provided by the regulations, a public gas transporter shall pay, by way of compensation for any loss sustained by any person in consequence of the exercise of those powers, such sum as may be determined in accordance with the regulations.
- (5) No regulations may be made under sub-paragraph (4) above which amend, or re-enact with modifications, regulations previously made under that sub-paragraph.]

Textual Amendments

- F26** Words in Sch. 4 para. 1 substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 57(1)(a)**; S.I. 1996/218, **art. 2**
- F27** Sch. 4 para. 1(1)(a)(b) substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 57(2)**; S.I. 1996/218, **art. 2**
- F28** Words in Sch. 4 para. 1(1)(2) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 119(2)** (with s. 25(2)); (E.W.) S.I. 1992/2984, art. 2(2), **Sch. 2** and (S.) S.I. 1992/2990, art. 2(2), **Sch. 2**.
- F29** Sch. 4 para. 1(4)(5) inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 57(3)**; S.I. 1996/218, **art. 2**

- 2 (1) The powers of a [^{F30}public gas transporter] under paragraph 1 above shall include power to erect in any street one or more structures for housing any apparatus, but only with the consent, which shall not be unreasonably withheld, of the [^{F31}street authority].

Status: Point in time view as at 01/04/1999.

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- (2) Any question whether or not consent to the erection of such a structure is unreasonably withheld shall be determined by a single arbitrator to be appointed by the parties or, in default of agreement, appointed by the Director.
- (3) For the purposes of this paragraph the withholding of consent shall, to the extent that it is based on the ground that the structure ought to be erected elsewhere than in a street, be treated as unreasonable if [^{F32}the transporter] either that there is no reasonably practicable alternative to erecting it in a street, or that all such alternatives would, on the balance of probabilities, involve greater danger to life or property.

Textual Amendments

- F30** Words in Sch. 4 para. 2 substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 57(a)**; S.I. 1996/218, **art. 2**
- F31** Words in Sch. 4 para. 2(1) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 119(3)** (with s. 25(2)); (E.W.) S.I. 1992/2984, art. 2(2), **Sch. 2** and (S.) S.I. 1992/2990, art. 2(2), **Sch. 2**.
- F32** Words in Sch. 4 para. 2 substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 57(b)**; S.I. 1996/218, **art. 2**

- 3 (1) Subject to sub-paragraph (2) below, nothing in paragraph 1 above shall empower a [^{F33}public gas transporter] to lay down or place any pipe or other works into, through or against any building, or in any land not dedicated to the public use.
- (2) A [^{F33}public gas transporter] may exercise the powers conferred by paragraph 1 above in relation to any street which has been laid out but not dedicated to the public use [^{F34}only for the purpose of][^{F35}conveying] gas to any premises which abut on the street.

Textual Amendments

- F33** Words in Sch. 4 para. 3 substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 57(1)(a)**; S.I. 1996/218, **art. 2**
- F34** Words in Sch. 4 para. 3(2) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 119(4)** (with s. 25(2)); (E.W.) S.I. 1992/2984, art. 2(2), **Sch. 2** and (S.) S.I. 1992/2990, art. 2(2), **Sch. 2**.
- F35** Word in Sch. 4 para. 3(2) substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 57(4)**; S.I. 1996/218, **art. 2**

- 4 (1) Except in cases of emergency arising from defects in any pipes or other works, a [^{F36}street] which—
 - (a) does not constitute for the purposes of the ^{M15}Highways Act 1980 a highway or part of a highway maintainable at the public expense; and
 - (b) is under the control or management of, or maintainable by, any railway authority or navigation authority,shall not be opened or broken up under paragraph 1 above except with the consent, which shall not be unreasonably withheld, of that authority.

Status: Point in time view as at 01/04/1999.

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(2) Any question whether or not consent to the opening or breaking up of such a [^{F36}street] is unreasonably withheld shall be determined by a single arbitrator to be appointed by the parties or, in default of agreement, appointed by the Director.

Textual Amendments

F36 Words in Sch. 4 para. 4(1)(2) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 119\(2\)](#) (with s. 25(2)); (E.W.) S.I. 1992/2984, art. 2(2), [Sch. 2](#) and (S.) S.I. 1992/2990, art. 2(2), [Sch. 2](#).

Marginal Citations

M15 1980 c. 66.

5 ^{F37}(1)

(2) Nothing in paragraph 1 above shall effect the application to any operation of sections 34 to 36 of the ^{M16}Coast Protection Act 1949.

Textual Amendments

F37 Sch. 4 para. 5(1) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1)(2), [Sch. 8 para. 119\(5\)](#), [Sch.9](#) (with s. 25(2)); (E.W.) S.I. 1992/2984, art. 2(2), [Sch. 2](#) and (S.) S.I. 1992/2990, art. 2(2), [Sch. 2](#).

Marginal Citations

M16 1949 c. 74.

6 In this Schedule—

^{F38}
. . .

“navigation authority” means any person or body of persons, whether incorporated or not, authorised by or under any enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock;

“railway authority” means any person or body of persons, whether incorporated or not, authorised by any enactment to construct, work or carry on a railway; and

“

[^{F39}“street” and “street authority” have the same meaning as in Part III of the New Roads and Street Works Act 1991.]

Textual Amendments

F38 Sch. 4 para. 6, definition of "highway authority" omitted (1.1.1993) by virtue of [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 119\(6\)](#) (with s. 25(2)); (E.W.) S.I. 1992/2984, art. 2(2), [Sch.2](#) and (S.) S.I. 1992/2990, art. 2(2), [Sch. 2](#).

F39 Sch. 4 para. 6, definition of "street" and "street authority" substituted (1.1.1993) for definition of "street" by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 119\(6\)](#) (with s. 25(2)); (E.W.) S.I. 1992/2984, art. 2(2), [Sch.2](#) and (S.) S.I. 1992/2990, art. 2(2), [Sch. 2](#).

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- 7 In its application to Scotland this Schedule shall have effect with the following modifications—
- (a) in paragraphs 1 to 4, for the word “street”, wherever it occurs, there shall be substituted the word “road”;
 - [^{F40}(b) in paragraph 2(1) for the words “street authority” there shall be substituted the words “road works authority”];
 - (c) in paragraphs 2(2) and 4(2), for the word “arbitrator” there shall be substituted the words “arbiter”;
 - (d) in paragraph 4(1), for the words “for the purposes of the Highways Act 1980 a highway part of a highway maintainable at the public expense” there shall be substituted the words “a road within the meaning of the ^{M17}Roads (Scotland) Act 1984”;
 - ^{F41}(e)
 - [^{F42}(f) in paragraph 6, for “street” and “street authority” substitute “road” and “road works authority” and for “Part III” substitute “Part IV”.]

Textual Amendments

F40 Sch. 4 para. 7(b) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), **Sch. 8 para. 119(7)(a)** (with s. 25(2)); (E.W.) S.I. 1992/2984, art. 2(2), **Sch. 2** and (S.) S.I. 1992/2990, art. 2(2), **Sch. 2**.

F41 Sch. 4 para. 7(e) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), **Sch. 8 para. 119(7)(b)**, **Sch. 9** (with s. 25(2)); (E.W.) S.I. 1992/2984, art. 2(2), **Sch. 2** and (S.) S.I. 1992/2990, art. 2(2), **Sch. 2**.

F42 Sch. 4 para. 7(f) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), **Sch. 8 para. 119(7)(c)** (with s. 25(2)); (E.W.) S.I. 1992/2984, art. 2(2), **Sch. 2** and (S.) S.I. 1992/2990, art. 2(2), **Sch. 2**.

Marginal Citations

M17 1984 c. 54.

^{F43}SCHEDULE 5

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Textual Amendments

F43 Sch. 5 repealed (1.3.1996) by [1995 c. 45, ss. 9\(3\), 17\(5\)](#), **Sch. 6**; S.I. 1996/218, **art. 2**; Sch. 5 expressed to be amended (30.12.2002) by [2002 asp 17, ss. 61, 64\(2\)](#), **Sch. 3 Pt. 1 para. 16(3)** (with s. 63)

^{F46}SCHEDULE 6

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Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F46 Sch. 6 repealed 31.7.1998 but without effect in relation to gas levy for the year 1997-98 or any other previous year) by 1998 c. 36, s. 165, **Sch. 27 Pt. V(3)** Note 1

SCHEDULE 7

Section 67(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Interpretation

1 In this Schedule “public gas supplier” has the same meaning as in Part I of this Act.

Enactments relating to statutory undertakers etc.

^{F47}2

Textual Amendments

F47 Sch. 7 para. 2 repealed (1.3.1996) by 1995 c. 45, s. 17(5), **Sch. 6**; S.I. 1996/218, **art. 2**

3 ^{F48}

Textual Amendments

F48 Sch. 7 para. 3 repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

The Rights of Entry (Gas and Electricity Boards) Act 1954

^{F49}4

Textual Amendments

F49 Sch. 7 para. 4 repealed (1.3.1996) by 1995 c. 45, s. 17(5), **Sch. 6**; S.I. 1996/218, **art. 2**

The Pipe-lines Act 1962

^{F50}5

Textual Amendments

F50 Sch. 7 para. 5 repealed (1.3.1996) by 1995 c. 45, s. 17(5), **Sch. 6**; S.I. 1996/218, **art. 2**

6 (1) The ^{M19}Gas Act 1965—

Status: Point in time view as at 01/04/1999.

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- (a) shall have effect without the amendments made by paragraph 14 of Schedule 6 to the 1972 Act and the associated repeals made by Schedule 8 to that Act; and
- (b) as so having effect, shall be amended as follows.

^{F51}(2)

- (3) In Part II, for the words “section 11 of the principal Act”, wherever they occur, there shall be substituted the words “ Schedule 3 to the principal Act ”.
- (4) In section 4(2), the words from “shall relate only” to “statutory corporation and” shall be omitted.
- (5) In section 5(5), for the words “inform the Minister that they object” there shall be substituted the words “ informs the Minister that he objects ”.
- (6) In section 6(1), for the word “apply” there shall be substituted the word “ applies ”, for the word “satisfy” there shall be substituted the word “ satisfies ” and for the words “they think” there shall be substituted the words “ he thinks ”.
- (7) In section 6(2), for the words “have taken” there shall be substituted the words “ has taken ” and for the word “them” there shall be substituted the word “ him ”.
- (8) In section 6(3), for the word “them” there shall be substituted the word “ him ”.
- (9) In section 6(4), for the word “their” there shall be substituted the word “ his ” and for the word “cause” there shall be substituted the word “ causes ”.
- (10) In section 6(8), for the word “apply” there shall be substituted the word “ applies ” and for the word “they” there shall be substituted the word “ he ”.
- (11) In section 13(3), for the word “propose” there shall be substituted the word “ proposes ” and for the words “the said section 11” there shall be substituted the words “ the said Schedule 3 ”.
- (12) In section 15(2), for the word “their” there shall be substituted the word “ his ”.
- (13) In section 16(1), for the words “develop or operate” there shall be substituted the words “ develops or operates ”.
- (14) In sections 16(5) and 18(9), for the word “fail” there shall be substituted the word “ fails ”.
- (15) In section 17(5), for the word “them” there shall be substituted the word “ him ”.
- (16) In section 19(3)—
 - (a) at the beginning there shall be inserted the words “ Every public gas supplier to whom a storage authorisation order applies during any period shall pay to the Minister such proportion as the Minister may determine of ”; and
 - (b) for the words “shall be repaid to him by the Gas Council and” there shall be substituted the words “ and any sums received by the Minister under this subsection shall be ”.
- (17) In section 19(4), for the words “the Gas Council in respect of sums payable by them” there shall be substituted the words “ a public gas supplier in respect of sums payable by him ”.

Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (18) In section 21(1), for the words “Section 68(1)” there shall be substituted the words “Section 43(1)”.
- (19) In section 21(2), for the words “Section 69(1)” there shall be substituted the words “Section 43(2)” and for the words “section 68(1)” there shall be substituted the words “section 43(1)”.
- (20) In section 21(3), the words “any gas authority or” and the words “authority or”, in the second place where they occur, shall be omitted.
- (21) In section 22(1), for the words “Section 70” there shall be substituted the words “Section 46”.
- (22) In section 22(2), for the words “Section 73 of the principal Act” there shall be substituted the words “Section 46 of the Gas Act 1972” and for the words “the principal Act”, in the second place where they occur, there shall be substituted the words “that Act”.
- (23) In section 27(1), for the words “the Corporation” there shall be substituted the words “the public gas supplier concerned”.
- (24) In section 28(1)—
- (a) the definition of “gas authority” shall be omitted; and
 - (b) for the definition of “large-scale map” there shall be substituted the following definition—

““large-scale map” means a map drawn on a scale not less than 1 in 10,560;”
- (25) In section 32(2), for the words “the Gas Act 1948, ” Area Board ’ has the same meaning as in” there shall be substituted the words “the Gas Act 1986, ” public gas supplier ’ has the same meaning as in Part I of”.
- (26) In Schedule 2—
- (a) for the words “the applicants”, wherever they occur, there shall be substituted the words “the applicant”;
 - (b) for the words “their proposals”, wherever they occur, there shall be substituted the words “his proposals”;
 - (c) for the words “their application”, wherever they occur, there shall be substituted the words “his application”;
 - (d) for the words “section 73 of the principal Act”, wherever they occur, there shall be substituted the words “section 46 of the Gas Act 1972”;
 - (e) in paragraph 5(2), for the words “the applicants” there shall be substituted the words “the applicant’s”;
 - (f) in paragraph 9(1), for the words “they have been, or expect” there shall be substituted the words “he has been, or expects” and for the words “they must” there shall be substituted the words “he must”;
 - (g) in paragraph 9(2), for the word “have”, in both places where it occurs, there shall be substituted the word “has”; and
 - ^{F51}(h)
- (27) In Schedule 6—
- (a) for the words “the applicants”, wherever they occur, there shall be substituted the words “the applicant”;

Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) in paragraph 1(2), for the words “their application” there shall be substituted the words “ his application ”;
- (c) in paragraph 1(4), for the words “their proposals” there shall be substituted the words “ his proposals ”;
- (d) in paragraph 5, for the words “gas board” there shall be substituted the words “ public gas supplier ”;
- (e) in paragraph 7(1), for the words “their powers” there shall be substituted the words “ his powers ”; and
- (f) in paragraph 7(2), for the words “their duty” there shall be substituted the words “ his duty ”.

Textual Amendments

F51 Sch. 7 para. 6(2)(26)(h) repealed (1.3.1996) by [1995 c. 45, s. 17\(5\)](#), [Sch. 6](#); S.I. 1996/218, [art. 2](#)

Marginal Citations

M19 [1965 c. 36](#).

The Local Government (Scotland) Act 1966

F52⁷

Textual Amendments

F52 Sch. 7 para. 7 repealed (19.5.1997) by [1997 c. 29, s. 33\(2\)](#), [Sch. 4](#); S.I. 1997/1097, [art. 3\(d\)](#), [Sch.](#)

8 **F53**

Textual Amendments

F53 Sch. 7 para. 8 repealed for financial years beginning in or after 1990 by [Local Government Finance Act 1988 \(c. 41, SIF 81:1\)](#), [ss. 142, 149](#), [Sch. 13 Pt. I](#) (but subject to any saving under s. 117(8) of that 1988 Act)

The Transport Act 1968

9 In section 109(2) of the ^{M20}Transport Act 1968 (power of certain bodies to maintain or take over waterways and connected works), for paragraph (d) there shall be substituted the following paragraph—

“(d) a public gas supplier within the meaning of Part I of the Gas Act 1986;”.

Marginal Citations

M20 [1968 c. 73](#).

Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The Post Office Act 1969

- 10 In section 7(1A) of the ^{M21}Post Office Act 1969 (powers of the Post Office), after paragraph (c) there shall be inserted the following paragraph—
“(ca) a public gas supplier (within the meaning of Part I of the Gas Act 1986);”.

Marginal Citations

M21 1969 c. 48.

The Chronically Sick and Disabled Persons Act 1970

- 11 In section 14(1) of the ^{M22}Chronically Sick and Disabled Persons Act 1970 (miscellaneous advisory committees), for the words “the National Gas Consumers’ Council and the Regional Gas Consumers’ Councils” there shall be substituted the words “the Gas Consumers’ Council”.

Marginal Citations

M22 1970 c. 44.

- 12 ^{F54}

Textual Amendments

F54 Sch. 7 para. 12 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)

The Town and Country Planning (Scotland) Act 1972

- ^{F55}13

Textual Amendments

F55 Sch. 7 para. 13 repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\), Sch. 1 Pt. I](#) (with s. 5, Sch. 3)

The Land Compensation Act 1973

- 14 (1) In section 44(2) of the ^{M23}Land Compensation Act 1973 (compensation for injurious affection), for the words “paragraph 13 of Schedule 2 to the Gas Act 1972” there shall be substituted the words “ paragraph 7 of Schedule 3 to the Gas Act 1986 ”.
- (2) In section 58(2) of that Act (determination of material detriment where part of house etc. proposed for compulsory acquisition), for the words “paragraph 14 of Schedule 2 to the Gas Act 1972” there shall be substituted the words “ paragraph 8 of Schedule 3 to the Gas Act 1986 ”.

Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M23 1973 c. 26.

The Fair Trading Act 1973

- 15 (1) The Director General of Fair Trading shall consult with the Director before publishing under section 124 of the Fair Trading Act 1973 (publication of information or advice) any information or advice which the Director has power to publish under section 35(1) of this Act.
- (2) Section 125(1) of that Act (annual and other reports) shall not apply to activities of the ^{F56}Competition Commission]on which the Director is required to report by section 39(1) of this Act.
- (3) In section 133(2) of that Act (exceptions to general restriction on disclosure of information), after the words “the Director General of Telecommunications,” there shall be inserted the words “the Director General of Gas Supply,” and after the words “the ^{M24}Telecommunications Act 1984,” there shall be inserted the words “or the Gas Act 1986,”.
- ^{F57}(4)

Textual Amendments

F56 Words in *Sch. 7 para. 15(2)* substituted (1.4.1999) by *S.I. 1999/506, art. 20(e)*

F57 *Sch. 7 para. 15(4)* repealed (1.3.1996) by *1995 c. 45, s. 17(5), Sch. 6; S.I. 1996/218, art. 2*

Marginal Citations

M24 1984 c. 12.

The Land Compensation (Scotland) Act 1973

- 16 (1) In section 41(2) of the ^{M25}Land Compensation (Scotland) Act 1973 (compensation for injurious affection), for the words “paragraph 26 of Schedule 2 to the Gas Act 1972” there shall be substituted the words “ paragraph 24 of Schedule 3 to the Gas Act 1986 ”.
- (2) In section 54(2) of that Act (determination of material detriment where part of house etc. proposed for compulsory acquisition), for the words “paragraph 24 of Schedule 2 to the Gas Act 1972” there shall be substituted the words “ paragraph 22 of Schedule 3 to the Gas Act 1986 ”.

Marginal Citations

M25 1973 c. 56.

Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The Local Government Act 1974

^{F58}17

Textual Amendments

F58 Sch. 7 para. 17 repealed (1.3.1996) by 1995 c. 45, s. 17(5), **Sch. 6**; S.I. 1996/218, **art. 2**

The Health and Safety at Work etc. Act 1974

18 At the end of section 34 of the ^{M26}Health and Safety at Work etc. Act 1974 (extension of time for bringing summary proceedings) there shall be inserted the following subsection—

“(6) In the application of subsection (4) above to Scotland, after the words ” applies to ’ there shall be inserted the words ” any offence under section 33(1) (c) above where the health and safety regulations concerned were made for the general purpose mentioned in section 18(1) of the Gas Act 1986 and”.

Marginal Citations

M26 1974 c. 37.

The Consumer Credit Act 1974

19 In section 174(3)(a) of the ^{M27}Consumer Credit Act 1974 (exceptions to general restriction on disclosure of information), after the words “the ^{M28}Telecommunications Act 1984” there shall be inserted the words “or the Gas Act 1986” and after the words “the Director General of Telecommunications,” there shall be inserted the words “the Director General of Gas Supply,”.

Marginal Citations

M27 1974 c. 39.

M28 1984 c. 12.

The Oil Taxation Act 1975

^{F59}20

Textual Amendments

F59 Sch. 7 para. 20 repealed (1.3.1996) by 1995 c. 45, s. 17(5), **Sch. 6**; S.I. 1996/218, **art. 2**

Status: Point in time view as at 01/04/1999.

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^{F60} *The Local Government (Scotland) Act 1975*

Textual Amendments

F60 Sch. 7 para. 21 repealed (S.) by [Local Government Finance Act 1988 \(c. 41, SIF 81:1\)](#), ss. 142, 149, [Sch. 13](#)

- 21 In Schedule 1 to the ^{M29}Local Government (Scotland) Act 1975—
- (a) in paragraphs 3 to 3B, for references to the Corporation there shall be substituted references to a public gas supplier;
 - (b) in paragraph 3, there shall be added at the end the following sub-paragraph—
 - “(3) In this paragraph and in paragraphs 3A and 3B below—
 - “gas” means any substance which is or (if it were in a gaseous state) would be gas within the meaning of Part I of the Gas Act 1986;
 - “public gas supplier” has the same meaning as in Part I of the Gas Act 1986;
 - “private gas supplier” means a person who is authorised by section 6 of the said Act of 1986, or by an authorisation under section 8 of that Act, to supply gas through pipes to consumers’ premises.”; and
 - (c) in paragraphs 3A and 3B, for references to a private supplier there shall be substituted references to a private gas supplier.]

Marginal Citations

M29 1975 c. 30.

The Coal Industry Act 1975

^{F61}22

Textual Amendments

F61 Sch. 7 para. 22 repealed (31.10.1994) by [1994 c. 21, s. 67, Sch. 11 Pt. II](#) (with s. 40(7)); S.I. 1994/2553, [art. 2](#)

The Restrictive Trade Practices Act 1976

- 23 In section 41(1)(a) of the ^{M30}Restrictive Trade Practices Act 1976 (disclosure of information), after the words “the Director General of Telecommunications,” there shall be inserted the words “ the Director General of Gas Supply, ” and after the words “or the ^{M31}Telecommunications Act 1984” there shall be inserted the words “ or the Gas Act 1986 ”.

Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M30 1976 c. 34.

M31 1984 c. 12.

The Local Government (Miscellaneous Provisions) Act 1976

- 24 In section 33 of the ^{M32}Local Government (Miscellaneous Provisions) Act 1976 (restoration or continuation of supply of water, gas or electricity), for the word “undertakers”, wherever it occurs, there shall be substituted the word “ person ”.

Marginal Citations

M32 1976 c. 57.

The Land Drainage Act 1976

- [^{F62}25 In section 112(2)(a) of the ^{M33}Land Drainage Act 1976 (protection of nationalised undertakings etc.), for the words “the British Gas Corporation” there shall be substituted the words “ any public gas supplier within the meaning of Part I of the Gas Act 1986 ”.]

Textual Amendments

F62 Sch. 7 para. 25 repealed (E.W.) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), **Sch.3** (with s. 2(2), Sch. 2 paras. 10, 14(1), 15)

Marginal Citations

M33 1976 c. 70.

The Energy Act 1976

- 26 ^{F63}(1)
- (2) In section 12(2) of that Act (disposal of gas by flaring), for the words “the British Gas Corporation” there shall be substituted the words “ a public gas supplier within the meaning of Part I of the Gas Act 1986 ”.

Textual Amendments

F63 Sch. 7 para. 26(1) repealed (1.3.1996) by [1995 c. 45, s. 17\(5\)](#), **Sch. 6**; [S.I. 1996/218, art. 2](#)

The Estate Agents Act 1979

- 27 In section 10(3)(a) of the ^{M34}Estate Agents Act 1979 (exceptions to restrictions on disclosure of information), after the words “the Telecommunications Act 1984” there shall be inserted the words “or the Gas Act 1986” and after the words “the Director General of Telecommunications,” there shall be inserted the words “the Director General of Gas Supply.”.

Status: Point in time view as at 01/04/1999.

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Marginal Citations

M34 1979 c. 38.

The Competition Act 1980

- 28 (1) In subsection (2)(a) of section 19 of the ^{M35}Competition Act 1980 (exceptions to restriction on disclosure of information), after the words “the Director General of Telecommunications,” there shall be inserted the words “the Director General of Gas Supply,”.
- (2) In subsection (3) of that section, at the end there shall be inserted the following paragraph—
- “(h) the Gas Act 1986.”

Marginal Citations

M35 1980 c. 21.

The Acquisition of Land Act 1981

- 29 In section 28 of the ^{M36}Acquisition of Land Act 1981 (acquisition of rights over land by the creation of new rights), paragraph (a) shall be omitted and after paragraph (f) there shall be inserted the following paragraph—
- “(g) paragraph 1 of Schedule 3 to the Gas Act 1986.”

Marginal Citations

M36 1981 c. 67.

The Building Act 1984

- 30 In section 80(3) of the ^{M37}Building Act 1984 (notice to local authority of intended demolition), for paragraph (b) there shall be substituted the following paragraph—
- “(b) any public gas supplier (as defined in Part I of the Gas Act 1986) in whose authorised area (as so defined) the building is situated,”.

Marginal Citations

M37 1984 c. 55.

Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F64 Sch. 7 para. 31 repealed by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 438, **Sch. 12**; Sch. 7 para. 31 expressed to be repealed (1.3.1996) by [1995 c. 45, s. 17\(5\)](#), **Sch. 6**; [S.I. 1996/218](#), **art. 2**

The Bankruptcy (Scotland) Act 1985

- 32 In section 70(4)(a) of the ^{M38}Bankruptcy (Scotland) Act 1985 (supplies by utilities), for the words “the British Gas Corporation” there shall be substituted the words “a public gas supplier within the meaning of Part I of the Gas Act 1986”.

Marginal Citations

M38 [1985 c. 66](#).

SCHEDULE 8

Section 67(3).

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

PROVISIONS AND SAVINGS COMING INTO FORCE ON APPOINTED DAY

- 1 (1) A notification received or given by the Secretary of State under subsection (1) of section 29A of the 1972 Act which is effective on the appointed day shall have effect as if received or given by the Secretary of State under subsection (1) of section 6 of this Act; and the provisions of this Act shall apply accordingly.
- (2) A direction given by the Secretary of State under subsection (2) of the said section 29A which is effective on the appointed day shall have effect as if given by the Secretary of State under subsection (2) of the said section 6; and the provisions of this Act shall apply accordingly.
- 2 A consent given or having effect as if given under section 29 of the 1972 Act by the Secretary of State which is effective on the appointed day shall have effect as an authorisation granted by the Secretary of State under section 8 of this Act; and the provisions of this Act shall apply accordingly.
- 3 Any regulations made under section 25 of the 1972 Act which are effective on the appointed day shall have effect as if—
- (a) they were made under section 12 of this Act; and
 - (b) references in those regulations to the Corporation were references to a public gas supplier within the meaning of Part I of this Act;
- and the provisions of this Act shall apply accordingly.
- 4 Any regulations made or having effect as if made under section 29B of the 1972 Act which are effective on the appointed day shall have effect as if—
- (a) they were made under section 16 of this Act; and

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(b) references in those regulations to the Corporation were references to a public gas supplier within the meaning of Part I of this Act; and the provisions of this Act shall apply accordingly.

5 Any meter which immediately before the appointed day is, or is treated as, stamped under section 30 of the 1972 Act shall be treated as stamped under section 17 of this Act.

6 (1) This paragraph applies to any regulations made or having effect as if made under section 31 of the 1972 Act which—

- (a) are effective on the appointed day; and
- (b) do not make such provision as is mentioned in subsections (2) to (4) of that section or in section 42(2) of that Act.

(2) Any regulations to which this paragraph applies shall have effect as if made under section 15 of the ^{M39}Health and Safety at Work etc. Act 1974 for [^{F65}the general purpose of protecting the public from personal injury, fire, explosions and other dangers arising from the transmission or distribution of gas through pipes, or from the use of gas supplied through pipes]; and, subject to sub-paragraph (3) below, the provisions of Part I of that Act and the provisions of this Act shall apply accordingly.

[^{F66}(2A) In sub-paragraph (2) above “gas” has the same meaning as in Part I of this Act.]

(3) Section 1(2) of the said Act of 1974 shall have effect as if any regulations to which this paragraph applies were in force under an enactment specified in the third column of Schedule 1 to that Act.

(4) Section 20 of the said Act of 1974 shall have effect as if anything done before the appointed day in contravention of any regulations to which this paragraph applies has been done on or after that day.

Textual Amendments

F65 Words in Sch. 8 para. 6(2) substituted (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\), s. 3\(3\)\(c\)](#).

F66 Sch. 8 para. 6(2A) inserted (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\), s. 3\(3\)\(d\)](#).

Marginal Citations

M39 [1974 c. 37](#).

7 (1) A direction given by the Secretary of State under section 17 of the ^{M40}Oil and Gas (Enterprise) Act 1982 which is effective on the appointed day shall have effect as if given by the Director under section 19 of this Act; and the provisions of this Act shall apply accordingly.

(2) Any reference in a deed or other instrument to the functions of the Corporation shall be taken to include a reference to any obligations arising under an agreement entered into by the Corporation in pursuance of directions given or having effect as if given under section 19 of this Act.

Marginal Citations

M40 [1982 c. 23](#).

Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 8 (1) A notice given to the Secretary of State under subsection (1) of section 15 of the Oil and Gas (Enterprise) Act 1982 which is effective on the appointed day shall have effect as if given to the Director under subsection (1) of section 20 of this Act and as if any map accompanying that notice and complying with the requirements of subsection (2) of the said section 15 complied with the requirements of subsection (2) of the said section 20; and the provisions of this Act shall apply accordingly.
- (2) A notice published by the Secretary of State under section 15(3) of the said Act of 1982 which is effective on the appointed day shall have effect as if published by the Director under section 20(3) of this Act; and the provisions of this Act shall apply accordingly.
- (3) A direction given by the Secretary of State under section 15(4) of the said Act of 1982 which is effective on the appointed day shall have effect as if given by the Director under section 20(4) of this Act; and the provisions of this Act shall apply accordingly.
- 9 A direction given by the Secretary of State under section 16(1) of the ^{M41}Oil and Gas (Enterprise) Act 1982 which is effective on the appointed day shall have effect as if given by the Director under section 21(1) of this Act; and the provisions of this Act shall apply accordingly.

Marginal Citations

M41 1982 c. 23.

- 10 Any maximum prices fixed by the Corporation under paragraph 12 of Schedule 4 to the 1972 Act which are effective on the appointed day shall have effect as if fixed by the Director under section 37 of this Act.
- 11 Any office fixed or address published before the appointed day for the purposes of section 44 of the 1972 Act shall be deemed on and after that day to have been fixed or published for the purposes of section 46(3) of this Act.
- 12 (1) Where immediately before the appointed day there is in force an agreement which—
- confers or imposes on the Corporation any rights or liabilities; and
 - refers (in whatever terms and whether expressly or by implication) to any provision of the 1972 Act, to the Corporation’s statutory gas undertaking or to statutory purposes,
- the agreement shall have effect, in relation to anything falling to be done on or after that day, as if for that reference there were substituted a reference to the corresponding provision of this Act, to the Corporation’s undertaking as a public gas supplier or, as the case may require, to purposes connected with the supply of gas through pipes to premises in the Corporation’s authorised area.
- (2) In this paragraph “authorised area” and “public gas supplier” have the same meanings as in Part I of this Act.
- (3) References in this paragraph to an agreement include references to a deed, bond or other instrument.
- 13 Where—
- any sum was deposited with the Corporation by way of security under any provision of the 1972 Act; and
 - on and after the appointed day that sum is treated by the Corporation as deposited under any provision of this Act,

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any period beginning three months or less before that day, being a period during which the sum was deposited with the Corporation, shall be treated for the purposes of the payment of interest on that sum as a period during which the sum was deposited under that provision of this Act.

- 14 The repeal by this Act of section 43 of the 1972 Act shall not affect the operation of that section in relation to offences committed before the appointed day.
- 15 The repeal by this Act of section 46 of the 1972 Act shall not affect the operation of that section as applied by section 22 of the ^{M42}Gas Act 1965.

Marginal Citations

M42 1965 c. 36.

- 16 The repeal by this Act of Schedule 4 to the 1972 Act shall not affect the operation on or after the appointed day of so much of that Schedule as relates to the determination by arbitration of any matter which immediately before that day falls to be determined by arbitration under that Schedule.
- 17 The repeal by this Act of any provision by virtue of which any enactment applies in relation to a person carrying on a gas undertaking shall not affect the continuing validity of anything done under that enactment before the appointed day; and that enactment shall continue for the purposes of anything so done to have effect on and after that day as if the enactment continued to apply in relation to the Corporation and, after the transfer date, to the successor company as it applied in relation to the Corporation before the appointed day.

PART II

PROVISIONS AND SAVINGS COMING INTO FORCE ON TRANSFER DATE

- 18 An authorisation granted under section 7 of this Act to the Corporation which is effective on the transfer date shall have effect as if granted to the successor company.
- 19 A declaration made by the Corporation in accordance with regulations made, or having effect as if made, under section 12(3) of this Act which is effective on the transfer date shall have effect as if made by the successor company.
- 20 A tariff fixed, or having effect as fixed, under section 14(1) of this Act by the Corporation which is effective on the transfer date shall have effect as if fixed by the successor company.
- 21 A direction given, or having effect as if given, under section 19 of this Act to the Corporation which is effective on the transfer date shall have effect as if given to the successor company.
- 22 (1) A notice given, or having effect as if given, under section 20(1) of this Act by the Corporation which is effective on the transfer date shall have effect as if given by the successor company.
- (2) A direction given, or having effect as if given, under section 20(4) of this Act to the Corporation which is effective on the transfer date shall have effect as if given to the successor company.

Status: Point in time view as at 01/04/1999.

Changes to legislation: Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 23 A direction given, or having effect as if given, under section 21(1) this Act to the Corporation which is effective on the transfer date shall have effect as if given to the successor company.
- 24 Any office fixed or address published by the Corporation for the purposes of section 46(3) of this Act, and any office or address having effect as if so fixed or published, shall be deemed on and after the transfer date to have been so fixed or published by the successor company.
- 25 A direction given under section 63 of this Act to the Corporation which is effective on the transfer date shall have effect as if given to the successor company.
- 26 A compulsory purchase order made by the Corporation which was made, or has effect as if made, by virtue of Schedule 3 to this Act and is effective on the transfer date shall have effect as if made by the successor company.
- 27 (1) Where immediately before the transfer date there is in force an agreement which—
- (a) confers or imposes on the Corporation any rights or liabilities which vest in the successor company by virtue of section 49 of this Act; and
 - (b) refers (in whatever terms and whether expressly or by implication) to a member or officer of the Corporation,
- the agreement shall have effect, in relation to anything falling to be done on or after that date, as if for that reference there were substituted a reference to such person as that company may appoint or, in default of appointment, to the officer of that company who corresponds as nearly as may be to the member or officer of the Corporation in question.
- (2) References in this paragraph to an agreement include references to a deed, bond or other instrument.
- 28 (1) Any agreement made, transaction effected or other thing done by, to or in relation to the Corporation which is in force or effective immediately before the transfer date shall have effect as if made, effected or done by, to or in relation to the successor company, in all respects, as if the successor company were the same person, in law, as the Corporation, and accordingly references to the Corporation—
- (a) in any agreement (whether or not in writing) and in any deed, bond or instrument;
 - (b) in any process or other document issued, prepared or employed for the purposes of any proceeding before any court or other tribunal or authority; and
 - (c) in any other document whatsoever (other than an enactment) relating to or affecting any property, right or liability of the Corporation which vests by virtue of section 49 of this Act in the successor company,
- shall be taken as referring to the successor company.
- (2) Nothing in sub-paragraph (1) above shall be taken as applying in relation to any agreement made, transaction effected or other thing done with respect to any right or liability of the Corporation which vests by virtue of section 50 of this Act in the Treasury.
- 29 It is hereby declared for the avoidance of doubt that—
- (a) the effect of section 49 of this Act in relation to any contract of employment with the Corporation in force immediately before the transfer date is merely to modify the contract by substituting the successor company as the employer (and not to terminate the contract or vary it in any other way); and

Status: Point in time view as at 01/04/1999.

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- (b) that section is effective to vest the rights and liabilities of the Corporation under any agreement or arrangement for the payment of pensions, allowances or gratuities in the successor company along with all other rights and liabilities of the Corporation;
- and accordingly any period of employment with the Corporation or a wholly owned subsidiary of the Corporation shall count for all purposes as a period of employment with the successor company or (as the case may be) a wholly owned subsidiary of the successor company.
- 30 (1) Any certificate issued or other thing done in pursuance of any regulation made or having effect as if made under section 21 of the 1972 Act which is in force or effective immediately before the transfer date shall have effect as if issued or done in pursuance of the corresponding enactment, regulation or rule relating to securities issued under the ^{M43}National Loans Act 1968.
- (2) Any agreement made, transaction effected or other thing done in relation to any British Gas 3% Guaranteed Stock, 1990-95 which is in force or effective immediately before the transfer date shall have effect as if made, effected or done in relation to that Stock as renamed under subsection (3) of that section and, accordingly, references to that Stock in any agreement (whether or not in writing) or in any deed, bond, instrument or other document whatsoever shall be taken as referring to that Stock as so renamed.
- (3) In this paragraph “British Gas Stock” has the same meaning as in section 50 of this Act.

Marginal Citations

M43 1968 c. 13.

- 31 (1) It shall be the duty of the Corporation and of the successor company to take, as and when during the transitional period the successor company considers appropriate, all such steps as may be requisite to secure that the vesting in the successor company by virtue of section 49 of this Act or this paragraph of any foreign property, right or liability is effective under the relevant foreign law.
- (2) During the transitional period, until the vesting in the successor company by virtue of section 49 of this Act or this paragraph of any foreign property, right or liability is effective under the relevant foreign law, it shall be the duty of the Corporation to hold that property or right for the benefit of, or to discharge that liability on behalf of, the successor company.
- (3) Nothing in sub-paragraphs (1) and (2) above shall be taken as prejudicing the effect under the law of the United Kingdom or of any part of the United Kingdom of the vesting in the successor company by virtue of section 49 of this Act or this paragraph of any foreign property, right or liability.
- (4) The Corporation shall have all such powers as may be requisite for the performance of its duty under this paragraph, but—
- (a) it shall be the duty of the successor company during the transitional period to act on behalf of the Corporation (so far as possible) in performing the duty imposed on the Corporation by this paragraph; and

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- (b) any foreign property, rights and liabilities acquired or incurred by the Corporation during that period shall immediately become property, rights and liabilities of the successor company.
- (5) References in this paragraph to any foreign property, right or liability are references to any property, right or liability as respects which any issue arising in any proceedings would have been determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.
- (6) Any expenses incurred by the Corporation under this paragraph shall be met by the successor company.
- 32 (1) Notwithstanding the repeal by this Act of section 8 of the 1972 Act, it shall be the duty of the Corporation to make a report to the Secretary of State in accordance with that section in respect of each financial year of the Corporation ending before the transfer date.
- (2) Notwithstanding the repeal by this Act of section 23 of that Act, it shall be the duty of the Corporation to prepare statements of accounts in accordance with subsection (1) (b) and (2) of that section in respect of each financial year of the Corporation ending before the transfer date, and that section shall continue to apply during the transitional period in relation to those statements and in relation also to the auditing of those statements and of accounts kept in accordance with subsection (1)(a) of that section in respect of that financial year.
- (3) Any expenses incurred by the Corporation under this paragraph shall be met by the successor company.
- 33 Where by virtue of anything done before the transfer date, any enactment amended by Schedule 7 to this Act has effect in relation to the Corporation, that enactment shall have effect in relation to the successor company as if that company were the same person, in law, as the Corporation.
- 34 Every provision contained in a local Act, or in subordinate legislation, which is in force immediately before the transfer date and then applicable to the Corporation shall have effect as if—
- (a) for references therein to the Corporation there were substituted references to the successor company; and
- (b) for any reference (however worded and whether expressly or by implication) to the undertaking or business, or any part of the undertaking or business, of the Corporation there were substituted a reference to the undertaking or business, or the corresponding part of the undertaking or business, of the successor company.
- 35 (1) Nothing in this Act shall effect the validity of anything done by, or in relation to, the Corporation before the transfer date under or by virtue of the ^{M44}Public Utilities Street Works Act 1950; and anything which, immediately before that date, is in process of being done under, or by virtue of, that Act by or in relation to it (including, in particular, any legal proceedings to which it is a party) may be continued by, or in relation to, the successor company.
- (2) Any notice or direction given or other thing whatsoever done under the said Act of 1950 by the Corporation shall, if effective at the transfer date, continue in force and have effect as if similarly given or done by the successor company.

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Marginal Citations

M44 1950 c. 39.

- 36 (1) For the purposes of section 33 of the ^{M45}General Rate Act 1967 (public gas suppliers) the successor company shall be treated as if it were the same person as the Corporation.
- (2) An order under subsection (1) of that section which applies that section to the Corporation and is effective on the transfer date shall have effect as if it applied that section to the successor company.
- (3) An order under subsection (5) of that section which applies in relation to hereditaments occupied by the Corporation and is effective on the transfer date shall have effect as if it applied to the corresponding hereditaments occupied by the successor company.

Marginal Citations

M45 1967 c. 9.

- 37 (1) Where an asset, or the right to receive an asset, vests in the successor company by virtue of section 49 of this Act, then for the purposes of Part I of the ^{M46}Industry Act 1972 and Part II of the ^{M47}Industrial Development Act 1982—
- (a) so much of any expenditure incurred by the Corporation in providing that asset as is approved capital expenditure (of any description relevant for the purposes of regional development grant) in respect of which no payment of regional development grant has been made to the Corporation shall be treated as having been incurred by the successor company and not by the Corporation; and
- (b) where the asset itself vests in the successor company by virtue of section 49 of this Act, it shall be treated as a new asset if it would have fallen to be so treated if it had remained vested in the Corporation.
- (2) In this paragraph “regional development grant” means a grant under Part I of the Industry Act 1972 or Part II of the Industrial Development Act 1982 and “approved capital expenditure” has the same meaning as it has for the purposes of the provisions relating to regional development grant.

Marginal Citations

M46 1972 c. 63.

M47 1982 c. 52.

- 38 An order under section 19 of the ^{M48}Local Government Act 1974 (rating of certain public utilities and other bodies) which applies in relation to hereditaments occupied by the Corporation and is effective on the transfer date shall have effect as if it applied to the corresponding hereditaments occupied by the successor company.

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Marginal Citations

M48 1974 c. 7.

- 39 An order under section 6 of the ^{M49}Local Government (Scotland) Act 1975 (valuation by formula of certain lands and heritages) which applies in relation to lands and heritages occupied by the Corporation and is effective on the transfer date shall have effect as if it applied in relation to the corresponding lands and heritages occupied by the successor company.

Marginal Citations

M49 1975 c. 30.

- 40 The repeal by this Act of section 10 of and Schedule 1 to the ^{M50}Oil and Gas (Enterprise) Act 1982 shall not affect the operation of any scheme made under that section before the transfer date.

Marginal Citations

M50 1982 c. 23.

- 41 (1) Where a distribution is proposed to be declared during the accounting reference period of the successor company which includes the transfer date or before any accounts are laid or filed in respect of that period, sections 270 to 276 of the ^{M51}Companies Act 1985 (accounts relevant for determining whether a distribution may be made by a company) shall have effect as if—
- (a) references in section 270 to the company's accounts or to accounts relevant under that section; and
 - (b) references in section 273 to initial accounts,
- included references to such accounts as, on the assumptions stated in subparagraph (2) below, would have been prepared under section 227 of that Act in respect of the relevant year.
- (2) The said assumptions are—
- (a) that the relevant year had been a financial year of the successor company;
 - (b) that the vesting effected by section 49 of this Act had been a vesting of all the property, rights and liabilities (other than any rights or liabilities which vest in the Treasury by virtue of section 50 of this Act) to which the Corporation was entitled or subject immediately before the beginning of the relevant year and had been effected immediately after the beginning of that year;
 - (c) after the value of any asset and the amount of any liability of the Corporation vested in the successor company by virtue of that section had been the value or (as the case may be) the amount assigned to that asset or liability for the purposes of that statement of accounts prepared by the Corporation in respect of the financial year immediately preceding the relevant year;
 - (d) that any securities of the successor company issued or allotted before the declaration of the distribution had been issued or allotted before the end of the relevant year; and

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- (e) such other assumptions (if any) as may appear to the directors of the successor company to be necessary or expedient for the purposes of this paragraph.
- (3) For the purposes of the said accounts the amount to be included in respect of any item shall be determined as if anything done by the Corporation (whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise) had been done by the successor company.

Accordingly (but without prejudice to the generality of the preceding provision) the amount to be included in any reserves of the successor company as representing its accumulated realised profits shall be determined as if any profits realised and retained by the Corporation had been realised and retained by the successor company.

- (4) The said accounts shall not be regarded as statutory accounts for the purposes of section 55 of this Act.
- (5) In this paragraph—
“complete financial year” means a financial year ending with 31st March;
“the relevant year” means the last complete financial year of the Corporation ending before the transfer date;
“securities” has the same meaning as in Part II of this Act.

Marginal Citations

M51 1985 c. 6.

SCHEDULE 9

Section 67(4).

REPEALS

PART I

REPEALS COMING INTO FORCE ON APPOINTED DAY

Chapter	Short title	Extent of repeal
15 & 16 Geo. 5. c. 71.	The Public Health Act 1925.	In section 7(3), the word “gas”.
17 & 18 Geo. 5. c. 36.	The Landlord and Tenant Act 1927.	In section 25(1) in the definition of “statutory company”, the word “gas,”.
23 & 24 Geo. 5. c. 14.	The London Passenger Transport Act 1933.	In section 93(6), the words “gas or”.
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act 1936.	In section 343 in the definition of “statutory

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		undertakers”, the word “gas,”.
2 & 3 Geo. 6. c. 31.	The Civil Defence Act 1939.	In section 90(1) in the definition of “Public utility undertakers”, the word “gas,” where it first occurs and the words “gas or” immediately after “supplying”.
2 & 3 Geo. 6. c. xcix.	The London Gas Undertakings (Regulations) Act 1939.	The whole Act.
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	In section 1(1) of Schedule 3 in the definition of “statutory undertakers”, the word “gas,”.
10 & 11 Geo. 6. c. 42.	The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.	In section 7(1) in the definition of “statutory undertakers”, the word “gas,”.
11 & 12 Geo. 6. c. 22.	The Water Act 1948.	In section 15(1) in the definition of “appropriate Minister” in paragraph (b), the word “, gas” and, in the definition of “statutory undertakers”, the word “gas,”.
2 & 3 Eliz. 2. c. 21.	The Rights of Entry (Gas and Electricity Boards) Act 1954.	In section 3(1), the definition of “the Corporation”.
6 & 7 Eliz. 2. c. 69.	The Opencast Coal Act 1958.	In section 51(1) in the definition of “appropriate Minister”, the word “, gas”.
10 & 11 Eliz. 2. c. 58.	The Pipe-lines Act 1962.	In section 66(1) in the definition of “statutory undertakers”, the word “gas,”.
1964 c. 40.	The Harbours Act 1964.	In paragraph 6(2)(c) of Schedule 3, the word “gas,”.
1965 c. 36.	The Gas Act 1965.	In section 4(2), the words from “shall relate” to “statutory corporation and”.
		In section 28(1), the definition of “the Corporation” and, in the definition of “statutory undertakers”, the word “gas,”.

Status: Point in time view as at 01/04/1999.

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1967 c. 9.	The General Rate Act 1967.	In section 19(6) in the definition of “non-industrial building”, the word “gas,”.
1967 c. 10.	The Forestry Act 1967.	In section 40(2)(d), the word “gas,”.
1968 c. 16.	The New Towns (Scotland) Act 1968.	In section 47(1) in the definition of “statutory undertakers”, the word “gas,”.
1971 c. 78.	The Town and Country Planning Act 1971.	In section 224(1)(b), the word “, gas”. In section 290(1) in the definition of “statutory undertakers”, the word “, gas”.
1972 c. 52.	The Town and Country Planning (Scotland) Act 1972.	In section 213(1)(b), the words “gas or”. In section 275(1) in the definition of “statutory undertakers”, the word “gas”
1972 c. 60.	The Gas Act 1972.	Section 1(6). Section 2(1). Section 6(5). Sections 9 to 13. Part III. Section 34. Sections 37 to 47. In section 48(1), the definitions of “Area Board”, “calorific value”, “declared calorific value”, “distribution main”, “gas”, “gas fittings”, “the National Council”, “Regional Council” and “therm”. Section 49. Schedules 1 to 8.
1974 c. 40.	The Control of Pollution Act 1974.	In section 73(1) in the definition of “statutory undertakers”, the word “gas,”.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part III, the entry relating to

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		the Chairman in receipt of remuneration of the National Gas Consumers' Council or any Regional Gas Consumers' Council.
1975 c. 30.	The Local Government (Scotland) Act 1975.	In Schedule 1, paragraph 3A(2).
1975 c. 55.	The Statutory Corporations (Financial Provisions) Act 1975.	Section 6(2).
		In Schedule 3, Part II.
1975 c. 70.	The Welsh Development Agency Act 1975.	In section 27(1) in the definition of "statutory undertakers", the word "gas,".
1976 c. 75.	The Development of Rural Wales Act 1976.	In section 34(1) in the definition of "statutory undertakers", the word "gas,".
		In column (1) of the table to paragraph 56(3) of Schedule 3, the word ", gas".
1976 c. 76.	The Energy Act 1976.	In section 18(3), the words "or the British Gas Corporation".
1979 c. 46.	The Ancient Monuments and Archaeological Areas Act 1979.	In section 61(2)(a), the word "gas,".
1980 c. 37.	The Gas Act 1980.	The whole Act.
1980 c. 65.	The Local Government Planning and Land Act 1980.	In section 108(1)(a), the word "gas,".
		In section 120(3) in the definition of "statutory undertakers", the word "gas,".
		In section 170(1)(a), the word "gas,".
		In Schedule 16 in the definition of "statutory undertakers", the word "gas,".
		In paragraph 2 of Schedule 19, the word "gas,".
1980 c. 66.	The Highways Act 1980.	In section 121(6)(a), the word "gas,".

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		In section 157(9), the word “gas,”.
		In section 329(1), the definition of “gas undertakers”.
		In section 329(1) in the definition of “statutory undertakers”, the word “gas,”.
1981 c. 64.	The New Towns Act 1981.	In section 78(1)(b), the word “, gas”.
		In section 79(1)(a)(iii), the word “gas,”.
1981 c. 67.	The Acquisition of Land Act 1981.	In section 8(1)(a)(iii), the word “gas,”.
1982 c. 16.	The Civil Aviation Act 1982.	In section 105(1) in the definition of “statutory undertakers”, the word “, gas”.
1982 c. 23.	The Oil and Gas (Enterprise) Act 1982.	Sections 12 to 17. In section 32(1), the words “regulations or”.
		In Schedule 3, paragraphs 5, 6 and 12 to 20.
1982 c. 30.	The Local Government (Miscellaneous Provisions) Act 1982.	In section 30(1)(b), the words “gas or”.
1984 c. 12.	The Telecommunications Act 1984.	In paragraph 23(10)(a)(ii) of Schedule 2, the words “gas or”.
1984 c. 54.	The Roads (Scotland) Act 1984.	In Schedule 9, paragraph 71.
1984 c. 55.	The Building Act 1984.	In section 126 in the definition of “statutory undertakers”, the word “gas,”.

PART II

REPEALS COMING INTO FORCE ON TRANSFER DATE

Chapter	Short title	Extent of repeal
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Status: Point in time view as at 01/04/1999.

Changes to legislation: *Gas Act 1986 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

1970 c. 10.	The Income and Corporation Taxes Act 1970.	In section 350, subsections (1) and (2).
1972 c. 60.	The Gas Act 1972.	Section 1(3). In section 2, subsections (2) and (3). Sections 3 to 5. In section 6, subsections (1) to (4) and (6) to (8). Sections 7 and 8. Part II. Sections 32 and 33. Sections 35 and 36. Section 48 (so far as unrepealed). Section 50.
1979 c. 14.	The Capital Gains Tax Act 1979.	In Schedule 2, in Part I, in paragraph 1(b), the words “and the Gas Act 1972”.
1980 c. 63.	The Overseas Development and Co-operation Act 1980.	In Schedule 1, in Part III, the entry relating to the British Gas Corporation.
1982 c. 23.	The Oil and Gas (Enterprise) Act 1982.	Sections 9 to 11. In section 32, in subsection (1), the words “and the power conferred by section 11(1) above to give directions”, in subsection (2), the words from “an order” to “section 11(1) above”, and subsection (3). Sections 33 and 34. In section 36, the definitions of “the 1972 Act” and “the Gas Corporation”. Schedule 1.
1982 c. 39.	The Finance Act 1982.	Section 147.
1982 c. 41.	The Stock Transfer Act 1982.	Section 1(3)(d).
1983 c. 29.	The Miscellaneous Financial Provisions Act 1983.	In Schedule 2, the entry relating to the Gas Act 1972.
1985 c. 62.	The Oil and Pipelines Act 1985.	Section 7(2).

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PART III

REPEALS COMING INTO FORCE ON DISSOLUTION OF BRITISH GAS CORPORATION

Chapter	Short title	Extent of repeal
1972 c. 60.	The Gas Act 1972.	In section 1, subsections (1), (2), (4) and (5).
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the British Gas Corporation.
1983 c. 44.	The National Audit Act 1983.	In Schedule 4, the entry relating to the British Gas Corporation.

Status:

Point in time view as at 01/04/1999.

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