



# Gas Act 1986

## 1986 CHAPTER 44

### PART I

#### GAS SUPPLY

#### *[<sup>F1</sup>Enforcement of obligations of regulated persons]*

#### **[<sup>F1</sup>30A Penalties.**

- (1) Where the Authority is satisfied that a [<sup>F2</sup>regulated person] —
- (a) has contravened or is contravening any relevant condition or requirement; or
  - (b) has failed or is failing to achieve any standard of performance prescribed under section 33A or 33AA,
- the Authority may, subject to section 30C, impose on the [<sup>F2</sup>regulated person] a penalty of such amount as is reasonable in all the circumstances of the case.
- [<sup>F3</sup>(2) Before imposing a penalty on a regulated person under subsection (1), the Authority shall consider whether it would be more appropriate to proceed under the Competition Act 1998.
- (2A) The Authority shall not impose a penalty on a regulated person under subsection (1) if it considers that it would be more appropriate to proceed under the Competition Act 1998.]
- (3) Before imposing a penalty on a [<sup>F2</sup>regulated person] under subsection (1) the Authority shall give notice—
- (a) stating that it proposes to impose a penalty and the amount of the penalty proposed to be imposed;
  - (b) setting out the relevant condition or requirement or the standard of performance in question;
  - (c) specifying the acts or omissions which, in the opinion of the Authority, constitute the contravention or failure in question and the other facts which,

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*Status: Point in time view as at 01/04/2014. This version of this provision has been superseded.*

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in the opinion of the Authority, justify the imposition of a penalty and the amount of the penalty proposed; and

- (d) specifying the period (not being less than 21 days from the date of publication of the notice) within which representations or objections with respect to the proposed penalty may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

- (4) Before varying any proposal stated in a notice under subsection (3)(a) the Authority shall give notice—

- (a) setting out the proposed variation and the reasons for it; and
- (b) specifying the period (not being less than 21 days from the date of publication of the notice) within which representations or objections with respect to the proposed variation may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

- (5) As soon as practicable after imposing a penalty, the Authority shall give notice—

- (a) stating that it has imposed a penalty on the [F<sup>2</sup>regulated person] and its amount;
- (b) setting out the relevant condition or requirement or the standard of performance in question;
- (c) specifying the acts or omissions which, in the opinion of the Authority, constitute the contravention or failure in question and the other facts which, in the opinion of the Authority, justify the imposition of the penalty and its amount; and
- (d) specifying a date, no earlier than the end of the period of 42 days from the date of service of the notice on the [F<sup>2</sup>regulated person] , by which the penalty is required to be paid.

- (6) The [F<sup>2</sup>regulated person] may, within 21 days of the date of service on him of a notice under subsection (5), make an application to the Authority for it to specify different dates by which different portions of the penalty are to be paid.

- (7) Any notice required to be given under this section shall be given—

- (a) by publishing the notice in such manner as the Authority considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them;
- (b) by serving a copy of the notice on the [F<sup>2</sup>regulated person] ; F<sup>4</sup>...
- [F<sup>5</sup>(c) by serving a copy of the notice on Citizens Advice; and
- (d) by serving a copy of the notice on Citizens Advice Scotland.]

[F<sup>6</sup>(8A) This section is subject to section 30O (maximum amount of penalty or compensation that may be imposed).]

- (10) Any sums received by the Authority by way of penalty under this section shall be paid into the Consolidated Fund.

- (11) The power of the Authority under subsection (1) is not exercisable in respect of any contravention or failure before the commencement of section 95 of the Utilities Act 2000.]

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### Textual Amendments

- F1** SS. 30A-30F inserted (20.12.2000 for specified purposes otherwise 1.10.2001) by 2000 c. 27, s. 95(1); S.I. 2000/3343, art. 2, Sch. (subject to transitional provisions in arts. 3-15); S.I. 2001/3266, arts. 1(2), 2, Sch. (subject to transitional provisions in arts. 3-20)
- F2** Words in s. 30A substituted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), 37(4)(d)
- F3** S. 30A(2)(2A) substituted for s. 30A(2) (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 14 para. 3; S.I. 2014/416, art. 2(1)(e) (with Sch.)
- F4** Word in s. 30A(7) omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), Sch. 1 para. 4(8)(a) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F5** S. 30A(7)(c)(d) substituted for s. 30A(7)(c) (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), Sch. 1 para. 4(8)(b) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F6** S. 30A(8A) substituted for s. 30A(8)(9) (18.2.2014) by Energy Act 2013 (c. 32), s. 156(2)(h), Sch. 14 para. 1(4) (with Sch. 14 para. 1(8))

### Modifications etc. (not altering text)

- C1** Ss. 28-30F applied (with modifications) by 1995 c. 45, s. 12(5) (as substituted (21.3.2012) by Energy Act 2011 (c. 16), ss. 92(10), 121(1); S.I. 2012/873, art. 2(b)(ii))
- C2** S. 30A(1)(b) amended (*temp.* from 19.12.2000) by SI. 2000/3343, art. 9(2) (subject to transitional provisions in arts. 3-15)

**Status:**

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