



# Gas (Exempt Supplies) Act 1993

## 1993 CHAPTER 1

An Act to amend section 5 of the Gas Act 1986; and for connected purposes. [19th January 1993]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Prohibition on unauthorised supply: exception and exemptions**

For section 5 of the Gas Act 1986 there shall be substituted the following section—

#### **“5 Prohibition on unauthorised supply**

- (1) Subject to subsections (2) and (3) and sections 6 and 6A below, a person who supplies gas through pipes to any premises shall be guilty of an offence unless he is authorised to do so under section 7 or 8 below.
- (2) Subsection (1) above is not contravened by a person supplying, for use in a building or part of a building in which he has an interest, gas supplied to the building by a person authorised to supply it by or under section 6, 6A, 7 or 8 below.
- (3) Subsection (1) above is not contravened by a person supplying to any premises gas which consists wholly or mainly of propane or butane if—
  - (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; and
  - (b) those provisions are in terms approved for the purposes of this subsection by the Secretary of State.
- (4) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(5) No proceedings shall be instituted in England and Wales in respect of an offence under this section except by or on behalf of the Secretary of State or the Director.”

## 2 Exemptions from prohibition on unauthorised supply

After section 6 of the Gas Act 1986 there shall be inserted the following section—

### “6A Exemptions from section 5

- (1) The Secretary of State may, after consultation with the Director, by order grant exemption from section 5(1) above, but subject to compliance with such conditions (if any) as may be specified in the order.
- (2) An exemption may be granted either—
  - (a) to persons of a particular class; or
  - (b) to a particular person;
 and an exemption granted to persons of a particular class shall be published in such manner as the Secretary of State considers appropriate for bringing it to the attention of persons of that class.
- (3) An exemption, unless previously revoked in accordance with any term contained in the exemption, shall continue in force for such period as may be specified in or determined by or under the exemption.”

## 3 Keeping of register

In section 36 of the Gas Act 1986 (keeping of register), for subsections (1) and (2) there shall be substituted the following subsections—

- “(1) The Director shall keep a register of notifications and directions under section 6 above, exemptions granted under section 6A above to particular persons, authorisations under section 7 or 8 above and final and provisional orders at such premises and in such form as he may determine.
- (2) Subject to any direction given under subsection (3) below, the Director shall cause to be entered in the register the provisions of—
  - (a) every notification or direction under section 6 above;
  - (b) every exemption granted under section 6A above to a particular person and every revocation of such exemption;
  - (c) every revocation made otherwise than by order of an exemption granted under that section to persons of a particular class;
  - (d) every authorisation under section 7 or 8 above and every modification or revocation of, and every direction or consent given or determination made under, such an authorisation; and
  - (e) every final or provisional order, every revocation of such an order and every notice under section 28(6) above.”

#### **4 Short title, commencement and extent**

- (1) This Act may be cited as the Gas (Exempt Supplies) Act 1993.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be so appointed for different provisions or for different purposes.
- (3) This Act does not extend to Northern Ireland.