
STATUTORY INSTRUMENTS

1996 No. 399

GAS

**The Gas Act 1995 (Transitional Provisions
and Savings) (No. 2) Order 1996**

<i>Made</i>	- - - -	<i>22nd February 1996</i>
<i>Laid before Parliament</i>		<i>26th February 1996</i>
<i>Coming into force</i>	- -	<i>1st March 1996</i>

The Secretary of State, in exercise of the powers conferred upon him by section 17(3) of the Gas Act 1995⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Gas Act 1995 (Transitional Provisions and Savings) (No. 2) Order 1996 and shall come into force on 1st March 1996.

(2) In this Order—

“the 1986 Act” means the Gas Act 1986⁽²⁾;

“the 1995 Act” means the Gas Act 1995;

“the appointed day” means the day appointed under section 18(2) of the 1995 Act⁽³⁾;

“supply successor” and “transport successor”, in relation to a public gas supplier, have the respective meanings given by paragraphs 19(11) and 18(2) of Schedule 5 to the 1995 Act.

(3) Unless the context otherwise requires, other expressions appearing in this Order shall have the same meaning, if any, as they have in Part I of the 1986 Act or the 1995 Act.

(4) The transitional provisions and savings contained in this Order are without prejudice to sections 16 and 17 of the Interpretation Act 1978⁽⁴⁾ (effect of repeals).

Applications for authorisation under section 8 of 1986 Act

2.—(1) Where—

(1) 1995 c. 45.

(2) 1986 c. 44.

(3) By virtue of S.I. 1996/218 (c.4), the day so appointed is 1st March 1996.

(4) 1978 c. 30.

- (a) an application has been made to the Secretary of State or the Director under section 8 of the 1986 Act (authorisation of persons other than public gas suppliers) by any person;
- (b) the application is not determined before the appointed day; and
- (c) the applicant notifies the Director on or within 28 days after the appointed day that the application is henceforth to be treated as if it were an application to the Director for either or both of the following, namely—
 - (i) a licence granted under section 7A(1) of the 1986 Act (licensing of gas suppliers); and
 - (ii) a licence granted under section 7A(2) of that Act (licensing of gas shippers),
 the application shall, subject to the following provisions of this article, be treated accordingly.

(2) Sections 7A and 7B of the 1986 Act⁽⁵⁾ shall apply in relation to any application so treated, and any licence granted or proposed to be granted under the application, as if subsections (1) and (2) of section 7B were omitted.

(3) Any reference in this article to a licence of any description includes a reference to an extension of such a licence.

Requests for supply of gas to premises

3.—(1) Any request for the supply of gas to any premises which is made to a public gas supplier before the appointed day as provided for in section 9(1)(b) of the 1986 Act shall on and after that day have effect as if it were—

- (a) a request made to the public gas supplier’s supply successor for a supply of gas; and
- (b) if the premises are not connected to the pipe-line system maintained by the public gas supplier’s transport successor, a request to the public gas supplier’s transport successor as provided for in the new section 9(1)(b) for the premises to be connected to that system.

(2) In this article, the reference to the new section 9(1)(b) is a reference to section 9(1)(b) of the 1986 Act as substituted by paragraph 3 of Schedule 3 to the 1995 Act.

Acquisition of rights to use pipe-lines

4.—(1) Paragraph (2) below applies where before the appointed day a person has given notice to a public gas supplier in accordance with section 19(1) of the 1986 Act (acquisition of rights to use pipe-lines) but has not made an ensuing application.

(2) Where this paragraph applies, the new section 19 shall have effect on and after the appointed day as if the notice had been given in accordance with subsection (1) of that section to the public gas supplier’s transport successor on the day on which it was given to the public gas supplier.

(3) Paragraph (4) below applies where before the appointed day a person has made an application (an “outstanding application”) to the Director under section 19(1) of the 1986 Act but the Director has not informed that person whether he proposes to give directions under section 19 as a result of the application.

(4) Where this paragraph applies, then on and after the appointed day:—

- (a) the new section 19 shall have effect as if the outstanding application had been made under subsection (1) of that section;

(5) Sections 7A and 7B were inserted by sections 6 and 7 respectively of the 1995 Act.

- (b) any decision taken or notice given by the Director before the appointed day under section 19(2)(a) or (b) shall have effect as if taken or, as the case may be, given, in relation to the outstanding application under the new section 19(2)(a) or (b);
- (c) any notice given by the Director before the appointed day under section 19(2)(c) to a public gas supplier shall have effect as if given under the new section 19(2)(c) to the public gas supplier's transport successor; and
- (d) any subsequent representations made to the Director before the appointed day by that supplier shall have effect as if made by that successor.

(5) The obligation mentioned in the new section 19(2)(c) to give notice that the application is being considered further, and an opportunity of being heard, to the Health and Safety Executive and to any person who has a right to have gas conveyed by the pipe-line system in question shall not apply where a notice has effect as mentioned in paragraph (4)(c) above.

(6) On and after the appointed day, a direction given, or having effect as if given, to a public gas supplier under section 19 in relation to the conveyance of gas by a pipe-line belonging to the supplier shall, except to the extent that it includes any terms for the purpose specified in section 19(4)(a)(iv) (terms of supply), have effect under the new section 19 as if it had been given to the public gas supplier's transport successor in respect of the pipe-line system operated by the successor which consists of or includes the pipe-line to which the direction applies.

(7) In this article, references to the new section 19 are references to section 19 of the 1986 Act as substituted by paragraph 16 of Schedule 3 to the 1995 Act.

Compulsory purchase orders

5. A compulsory purchase order which—
- (a) was made by a public gas supplier by virtue of Schedule 3 to the 1986 Act; and
 - (b) is effective immediately before the appointed day, shall have effect on and after that day as if it had been made by the supplier's transport successor.

Power of public gas supplier to break up streets and bridges

6.—(1) Any works executed by a public gas supplier in the exercise of his powers under Schedule 4 to the 1986 Act shall on and after the appointed day be treated as if they had been executed by the transport successor of that public gas supplier.

(2) Any consent given to a public gas supplier under paragraph 2 or 4 of the said Schedule 4 before the appointed day in relation to any works which have not been completed on that day shall on and after that day be treated as if it had been given to the transport successor of that public gas supplier.

(3) Anything done by or in relation to any public gas supplier before the appointed day for the purpose of any arbitration under paragraph 2 or 4 of the said Schedule 4 shall on and after that day be treated as if it had been done by or in relation to the transport successor of that public gas supplier.

Removal of meters

7.—(1) This article applies where before the appointed day a public gas supplier has removed a meter (other than such a meter which is excluded from the scope of paragraph 3 of Schedule 2B(6) to the 1986 Act by virtue of paragraph 3(8) of that Schedule) in accordance with paragraph 4(3) of Schedule 5 to the 1986 Act.

- (2) Where this article applies, on and after the appointed day—

(6) Schedule 2B was inserted by section 9 of the 1995 Act.

- (a) subject to sub-paragraph (b) below, the meter shall be treated as if it had been removed by the public gas supplier's transport successor in accordance with paragraph 3(5) of Schedule 2B to the 1986 Act; and
- (b) paragraph 3(6)(b) of Schedule 2B shall have effect in relation to the removal as if the reference to the person there mentioned were a reference to the owner of the meter.

Installation of meters

8.—(1) This article applies where before the appointed day a public gas supplier has given an approval under paragraph 6(3)(a) or (b) of Schedule 5 to the 1986 Act (installation of meters in new premises).

(2) Any such approval shall on and after the appointed day have effect as if it had been given by the public gas supplier's transport successor under paragraph 5(3)(a) or (b) (as the case may be) of Schedule 2B to the 1986 Act.

Supplies of gas to former tariff customers

9.—(1) Paragraph (2) below applies where—

- (a) immediately before the appointed day a public gas supplier is supplying a tariff customer with gas; or
- (b) a public gas supplier has supplied a tariff customer with gas at any time before the appointed day.

(2) Notwithstanding the repeal by section 9(3) of the 1995 Act of Schedule 5 to the 1986 Act, the public gas supplier's supply successor shall be entitled on and after the appointed day to recover, in accordance with this article, charges (including standing charges) from the customer which—

- (a) are in respect of the supply of gas to him by the public gas supplier before the appointed day; and
- (b) have not been recovered by the public gas supplier before the appointed day.

(3) The charges recoverable by virtue of paragraph (2) above shall be recoverable in accordance with the tariff that was, in accordance with section 14(1) of the 1986 Act, in force in relation to that supply at the time it was given.

Escapes of gas

10. Any information given to a public gas supplier before the appointed day in relation to an escape of gas shall on and after that day be treated for the purpose of paragraph 20 of Schedule 2B of the 1986 Act as if it had been given to the transport successor of that public gas supplier.

Entry on discontinuance of supply

11. Any notice given before the appointed day by any officer authorised by a public gas supplier under paragraph 16 of Schedule 5 to the 1986 Act shall on and after that day have effect as if it had been given—

- (a) where the notice is given in respect of such a right to discontinue or cut off the supply of gas to the premises as is mentioned in paragraph 8 or 9 of the said Schedule 5, by an officer authorised by the transport successor of that public gas supplier under paragraph 24 of Schedule 2B to the 1986 Act;
- (b) where the notice is given in respect of such a right to cut off the supply of gas to the premises as is mentioned in paragraph 7 of the said Schedule 5, by an officer authorised

by the supply successor of that public gas supplier under paragraph 24 of the said Schedule 2B; and

(c) in any other case, by

(i) an officer authorised by that transport successor; and

(ii) an officer authorised by that supply successor,

under paragraph 24 or, in relation to a right such as is mentioned in paragraph 16(1)(d) of the said Schedule 5, paragraph 26 of the said Schedule 2B.

Entry for repairing, replacing or altering pipes

12. Any notice given before the appointed day by any officer authorised by a public gas supplier under paragraph 17 of Schedule 5 to the 1986 Act shall on and after that day have effect as if it had been given by an officer authorised by the transport successor of that public gas supplier under paragraph 27 of Schedule 2B to that Act.

22nd February 1996

Tim Eggar
Minister for Industry and Energy,
Department of Trade and Industry

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes a number of transitional provisions and savings in relation to the coming into force of the new regulatory regime for the conveyance, supply and shipping of gas introduced by the Gas Act 1995 as from 1st March 1996. These are in addition to the provisions made by Schedule 5 to the 1995 Act and by the Gas Act 1995 (Transitional Provisions and Savings) (No. 1) Order 1996 (S.I.1996/219).

The Order makes provision for a number of rights and obligations acquired and incurred, and other things done, by or in relation to public gas suppliers under the Gas Act 1986 to have effect as if they had been done by or in relation to the appropriate successor entities (public gas transporters or gas suppliers) under the new regime. The Order also provides for outstanding applications for authorisations to supply gas under section 8 of the 1986 Act to have effect after 1st March 1996 as the appropriate applications for licences under the new regime.