
STATUTORY INSTRUMENTS

1996 No. 752

GAS

The Gas (Extent of Domestic Supply Licences) Order 1996

Made - - - - *11th March 1996*
Laid before Parliament *12th March 1996*
Coming into force - - *2nd April 1996*

The Secretary of State, in exercise of the powers conferred on him by section 6(2), (6) and (10) of the Gas Act 1995(1), hereby makes the following Order:—

1. This Order may be cited as the Gas (Extent of Domestic Supply Licences) Order 1996 and shall come into force on 2nd April 1996.

2.—(1) In this Order—

“the Act” means the Gas Act 1995;

“domestic supply licence” has the meaning given by subsection (8) of section 6;

“the Director” means the Director General of Gas Supply;

“the relevant date” means the date provided for in subsection (2) of section 6 as being (subject to exceptions) the date before which no domestic supply licence may authorise the supply of gas to any premises; and

“section 6” means section 6 of the Act.

(2) The reference in article 3 below to the county of Avon shall be interpreted as meaning any of the new counties constituted by the Avon (Structural Change) Order 1995(2).

3.—(1) Subsection (2) of section 6 shall apply in relation to any domestic supply licence—

(a) in so far as it relates to any premises situated in the county of Cornwall, Devon or Somerset, as if for the relevant date there were substituted 29th April 1996; and

(b) in so far as it relates to any premises situated in the county of Avon, Dorset, East Sussex, Kent or West Sussex, as if for the relevant date there were substituted—

(i) such date as the Director may determine under paragraph (2) below, or

(ii) if no determination is made under that paragraph, 31st December 1997.

(2) For the purposes of paragraph (1)(b) above, the Director may determine a date which is:—

(1) 1995 c. 45.
(2) S.I.1995/493.

- (a) neither earlier than 1st January 1997 nor later than 30th December 1997;
 - (b) at least four months after the Director's proposal to determine a date for the purposes of that paragraph is notified under article 5 below; and
 - (c) at least two months after the date on which his determination is made.
4. For the purposes of subsection (2) of section 6, the Director may determine as the relevant date a date which is—
- (a) neither earlier than 1st January 1998, nor later than 31st December 1998;
 - (b) at least six months after—
 - (i) the date determined by him under paragraph (2) of article 3 above or, as the case may be, having effect in default of a determination under that paragraph; and
 - (ii) the Director's proposal to determine a date for the purposes of that subsection is notified under article 5 below; and
 - (c) at least two months after the date on which his determination is made.
- 5.—(1) Before determining a date under either article 3(2) or article 4 above, the Director shall notify—
- (a) every holder of a licence under the Gas Act 1986(3), other than a licence of the kind referred to in section 8(2) of that Act; and
 - (b) such other persons as he considers it appropriate to consult,
- that he intends to determine that date subject to any representations made to him (within such period as he may specify in the notification), in particular with regard to the matters specified in paragraph (2) below.
- (2) The matters referred to in paragraph (1) above are—
- (a) the extent to which there is effective competition between holders of domestic supply licences in those areas in which such persons are already authorised to supply gas to premises; and
 - (b) the extent to which effective recording and accounting systems have been established to facilitate the operations of the holders of domestic supply licences in those areas in which they are already authorised to supply gas to premises, and to which such systems have been or are likely to be established to facilitate such operations in those areas in which the holders of domestic supply licences would be so authorised in consequence of the determination.
- (3) After the period specified in any notification under paragraph (1) above has elapsed, and after taking into account any representations made to him during that period, the Director may either determine the date he originally intended or, subject to the requirements of article 3(2) or (as the case may be) article 4 above, such later date as he considers appropriate.
6. No more than 14 days after determining a date under either article 3(2) or article 4 above, the Director shall publish a notice stating the effect of the determination, in such manner as he considers appropriate for bringing it to the attention of persons likely to be affected by it.

(3) 1986 c. 44; section 8 was substituted by section 8 of the Gas Act 1995.

11th March 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 provides for the phased introduction of competition in the supply of piped gas to premises at rates not expected to exceed 2,500 therms a year (predominately domestic premises). By virtue of article 3 of the Order, domestic supply licences granted under section 7A(1)(a) of the Gas Act 1986 (as amended by the Gas Act 1995) may authorise the supply of gas in Devon, Cornwall and Somerset from 29th April 1996, and elsewhere in the south-west and south-east of England from 31st December 1997 or such earlier date during 1997 as may be determined by the Director General of Gas Supply (“the Director”). By virtue of article 4, the Director is enabled to provide for domestic supply licences to authorise the supply of gas anywhere in Great Britain from a date during 1998. Article 5 provides for consultation before the Director exercises the power to determine a date under either article 3 or article 4.

The Order does not affect the rights of British Gas plc or others authorised to supply gas prior to the commencement of the Gas Act 1995. These rights are preserved by provisions in section 6(3) to (5) of that Act.