
STATUTORY INSTRUMENTS

1997 No. 826

GAS

The Gas (Extent of Domestic Supply Licences) Order 1997

<i>Made</i>	- - - -	<i>14th March 1997</i>
<i>Laid before Parliament</i>		<i>17th March 1997</i>
<i>Coming into force</i>	- -	<i>14th April 1997</i>

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 1997 and shall come into force on 14th April 1997.

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;

“section 6” means section 6 of the Act; and

“the Schedule” means the Schedule to this Order.

(2) In the Schedule, any reference to a county is a reference to the area of that county on the date on which this Order is made.

3.—(1) Subsection (2) of section 6 shall apply in relation to any domestic supply licence, in so far as it relates to any premises situated in any of the areas specified in the Schedule, as if for the relevant date there were substituted such date as the Director may determine with respect to that area under paragraph (2) below.

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

(a) in the case of any of the areas specified in the Schedule—

(i) at least four months after the Director’s proposal to determine a date in respect of that area is notified under article 5 below; and

- (ii) at least two months after the date on which his determination in respect of that area is made;
 - (b) in the case of the area specified in Part I of the Schedule, not earlier than 1st October 1997;
 - (c) in the case of the area specified in Part II of the Schedule, not earlier than 1st January 1998;
 - (d) in the case of the area specified in Part III of the Schedule, after the date determined by him in respect of the area specified in Part II of the Schedule;
 - (e) in the case of the area specified in Part IV of the Schedule, after the date determined by him in respect of the area specified in Part III of the Schedule; and
 - (f) in the case of the area specified in Part V of the Schedule, after the date determined by him in respect of the area specified in Part IV of the Schedule.
4. For the purposes of subsection (2) of section 6, the Director may determine as the relevant date a date which is—
- (a) not earlier than 1st April 1998;
 - (b) after the date determined by him in respect of the area specified in Part V of the Schedule;
 - (c) at least four months after the Director's proposal to determine a date for the purposes of that subsection is notified under article 5 below; and
 - (d) 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⁽²⁾ 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;
 - (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
 - (c) the extent 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 determine the date he originally intended or such later date as he considers appropriate, subject in either case to the requirements of article 3(2) or (as the case may be) article 4 above.
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.

(2) 1986 c. 44; section 8 was substituted by section 8 of the Gas Act 1995.

7. Articles 4, 5 and 6 of the Gas (Extent of Domestic Supply Licences) Order 1996⁽³⁾ (which are superseded by articles 4, 5 and 6 of this Order) are hereby revoked.

14th March 1997

Richard Page,
Parliamentary Under Secretary of State for Small
Business, Industry and Energy,
Department of Trade and Industry

⁽³⁾ S.I.1996/752, amended by S.I. 1996/3275.

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

SCHEDULE

Articles 3 and 4

AREAS IN RESPECT OF WHICH THE DIRECTOR MAY DETERMINE A DATE EARLIER THAN THE RELEVANT DATE

PART I

The area comprising Scotland and the counties of Durham, Hartlepool, Middlesbrough, Northumberland, Redcar and Cleveland, Stockton-on-Tees and Tyne and Wear.

PART II

The area comprising the counties of Cumbria, Greater Manchester, Merseyside, the City of Kingston-upon-Hull, Lancashire, the East Riding of Yorkshire, North Yorkshire and York.

PART III

The area comprising the counties of Cheshire, Derbyshire, North Lincolnshire, North East Lincolnshire, Nottinghamshire, Shropshire, Staffordshire, South Yorkshire and West Yorkshire.

PART IV

The area comprising Wales and the counties of Gloucestershire, Hereford and Worcester, Leicestershire, Oxfordshire, Warwickshire, West Midlands and Wiltshire.

PART V

The area comprising the counties of Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Essex, Hampshire, Hertfordshire, the Isle of Wight, Lincolnshire, Norfolk, Northamptonshire and Suffolk.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the remaining stages in the introduction of competition in the supply of gas through pipes to premises at which the rate of supply is not expected to exceed 2,500 therms a year (“domestic premises”).

It enables the Director General of Gas Supply (“the Director”) to determine the “relevant date”, which is to be no earlier than 1st April 1998 and (by virtue of section 6(2) of the Gas Act 1995) no later than 1st January 1999, from which any licensed gas supplier may supply domestic premises anywhere in Great Britain subject only to any restrictions in his particular licence. It also enables the Director to determine a sequence of dates in advance of the relevant date, from which gas suppliers

are permitted to supply domestic premises in the different areas specified in the Schedule to the Order.

Articles 4–6 of the Order make provision for the Director to give notice of a proposed determination, to take account of representations made in response to the notice, and to publish a notice after the determination is made which states its effect. Similar provision was made in articles 4–6 of the Gas (Extent of Domestic Supply Licences) Order 1996, under which competition in the supply of gas was permitted in parts of the south-west and south-east of England and which also provided for the determination of the relevant date. As no determination will now be made under that Order, articles 4–6 are revoked by article 7 of this Order.