
STATUTORY INSTRUMENTS

2005 No. 1135

The Gas (Standards of Performance) Regulations 2005

PART I

General

Citation, commencement and transitional provisions

1.—(1) These Regulations may be cited as the Gas (Standards of Performance) Regulations 2005 and shall come into force on 1st April 2005.

(2) Where, in relation to any occasion upon which a regulation would otherwise apply, the applicable date falls before the date on which these Regulations come into force, the Gas (Standards of Performance) Regulations 2002(1) shall continue to apply to the exclusion of these Regulations.

Commencement Information

I1 Reg. 1 in force at 1.4.2005, see [reg. 1\(1\)](#)

Revocation

2. Subject to regulations 1 and 12, the Gas (Standards of Performance) Regulations 2002 are revoked.

Commencement Information

I2 Reg. 2 in force at 1.4.2005, see [reg. 1\(1\)](#)

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires,

“the Act” means the Gas Act 1986;

“accurate” means:

- (i) in respect of a standard quotation for the provision of a connection up to and including 275 kWh per hour within 5% or £150 (whichever is greater) of the correct amount as calculated in accordance with the relevant gas transporter’s connection charging statement issued in accordance with standard condition 4B of its licence; or
- (ii) in respect of a non-standard quotation for the provision of a connection up to and including 275 kWh per hour within 5% or £150 (whichever is the greater) of the

correct amount as calculated in accordance with the relevant gas transporter's connection charging statement issued in accordance with standard condition 4B of its licence; or

- (iii) in respect of a non-standard quotation for the provision of a connection greater than 275 kWh per hour within 5% or £300 (whichever is the greater) of the correct amount as calculated in accordance with the relevant gas transporter's connection statement issued in accordance with standard condition 4B of its licence;

“alteration” means the alteration of an existing service pipe operated by the relevant gas transporter at the relevant premises;

“apparent authority” shall mean that the name and address of the customer has been provided to the relevant operator together with confirmation that the relevant person is acting on behalf of the customer;

“applicable date” means, in relation to each occasion upon which a regulation applies, the day upon which that regulation first applies, or, where a prescribed period in a paragraph of a regulation is expressed in hours, the time on that day when that regulation first applies;

“appropriate meter” means a meter stamped in accordance with the provisions of section 17 of the Act⁽²⁾ or regulations made pursuant to that section;

“the Authority” means the Gas and Electricity Markets Authority established under Section 1 of the Utilities Act 2000⁽³⁾;

“complex connection” means a connection of sufficient complexity as described in a statement issued from time to time by the relevant gas transporter and agreed with the Authority after such consultation as the Authority directs;

“connection” means the provision of pipe-work from the gas pipe-line system of the relevant gas transporter to the emergency control valve at the relevant premises;

“the Council” means the Gas and Electricity Consumer Council established under section 2 of the Utilities Act 2000;

“customer” means an owner or occupier of premises in Great Britain who is supplied or requires to be supplied with gas conveyed to those premises through pipes;

“domestic customer” means a customer supplied or requiring to be supplied with gas at domestic premises (but excluding such customer in so far as he is supplied or requires to be supplied at premises other than domestic premises);

“domestic development” means a development of at least 5 new build domestic premises where there is no existing connection to the relevant gas transporter's pipe-line system;

“domestic premises” means premises at which a supply is taken or to be taken wholly or mainly for domestic purposes;

“excluded connection” means a connection described in a statement issued from time to time by the licensee and agreed by the Authority;

“gas supplier” means, in relation to any premises, a gas supplier who supplies to those premises gas which is conveyed thereto (or, where the premises are secondary sub-deduct premises, to the relevant primary sub-deduct premises) by a gas transporter;

“gas transporter” means the holder of a licence under section 7 of the Act⁽⁴⁾;

“land enquiry” means a request by a customer for an indication of the availability of gas, an estimate of pressure, an estimate of the cost of the relevant proposed connection and, where appropriate, the approval of a design for the provision of a new or alteration of an existing connection;

(2) 1986 c. 44: section 17 was substituted by paragraph 13 of Schedule 3 to the Gas Act 1995 (c. 45).

(3) 2000 c. 27.

(4) 1986 c. 44: section 7 was substituted by section 5 of the Gas Act 1995.

“margins of error” means, in relation to a meter, its operation outside the standards prescribed pursuant to the Gas (Meters) Regulations 1983⁽⁵⁾;

“non-domestic customer” means any customer other than a domestic customer;

“non domestic development” means a development of at least 5 new build non-domestic premises where there is no existing connection to the relevant gas transporter’s pipeline system;

“non-domestic premises” means any premises other than domestic premises;

“non-standard quotation” means a quotation which requires a site visit but excluding a self-quote;

“pay” includes crediting the account of the customer for charges incurred or to be incurred in respect of the supply of gas or in respect of the provision of any gas meter, and “payment” shall be construed accordingly;

“overcharge” means any sum exceeding the correct amount as calculated in accordance with the relevant gas transporter’s connection charging statement issued in accordance with standard licence condition 4B of its licence;

“pipe-line system” means pipes upstream of any emergency control valve owned by the relevant gas transporter and used for the purpose of conveying gas;

“prescribed period” means in relation to any paragraph or sub-paragraph of these regulations specified the period in column 2 of Part I of Schedule 1 opposite the reference to that paragraph or sub-paragraph in column 1 of that Part I of the Schedule;

“prescribed sum” means where the customer is a domestic customer the amount in column 3 of Part I of Schedule 1, or where the customer is a non-domestic customer the amount in column 4 of Part I of Schedule 1;

“primary sub-deduct premises” means premises to which gas is conveyed by a gas transporter before being conveyed to secondary sub-deduct premises;

“priority domestic customer” means a domestic customer in respect of whom the relevant details included on the Priority Service Register maintained by gas suppliers in accordance with standard licence condition 37 of the gas suppliers licence have been provided to the relevant gas transporter;

“published accuracy scheme” means a scheme, including a process through which a customer can challenge whether it has received an accurate quotation, published by the relevant gas transporter as agreed from time to time with the Authority;

“quotation” means a cost estimate for a connection;

“relevant event” means the occurrence as a result of which a regulation applies;

“relevant gas transporter” means, in relation to a customer, the gas transporter to whose pipeline system the premises of the customer are directly connected, or who has a duty to connect those premises under section 10 of the Act⁽⁶⁾, or in relation to secondary sub-deduct premises, the gas transporter to whose pipeline system the primary sub-deduct premises are directly connected, or would be directly connected in accordance with the duty to connect under section 10 of the Act;

“relevant operator” means the relevant gas transporter or, as the case may be, gas supplier according to the circumstances of the relevant customer’s case;

“secondary sub-deduct premises” means premises to which gas is conveyed in pursuance of an exemption from section 5(1)(a) of the Act⁽⁷⁾ granted under section 6A of the Act⁽⁸⁾, for supply by the gas supplier;

(5) S.I. 1983/684.

(6) 1986 c. 44: section 10 was substituted by paragraph 4 of Schedule 3 to the Gas Act 1995.

(7) 1986 c. 44: Subsection 5(1)(a) was amended by Schedule 6, Schedule 2 and section 75 of the Utilities Act 2000.

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“self-quote” means a quotation produced by the customer for the provision of a new or alteration of an existing connection in accordance with any conditions published by the relevant gas transporter to enable the customer to calculate the cost of those works;

“specified time” means—

- (a) unless sub-paragraph (b) applies, a part (which has been specified by the relevant operator) of a day (which has also been specified by the relevant operator) within the prescribed period from the applicable date, being either a part which falls either wholly before one o'clock in the afternoon or wholly after noon or, in respect of a gas supplier only, a part not exceeding two hours; or
- (b) such part of a day (whether or not within that period) as is requested by the customer and agreed with the relevant operator such agreement not to be unreasonably withheld,

provided that—

- (i) a part of a day may be a specified time for the purpose of a regulation notwithstanding that it was requested, agreed or specified prior to the time at which that regulation first applied; and
- (ii) the gas supplier shall not be obliged to agree part of a day less than two hours;

“standard quotation” means a standard quotation (excluding a self-quote) that does not require a site visit as defined in the connection charges statement issued from time to time by the relevant gas transporter in accordance with standard licence condition 4B of its licence;

“substantial completion” means that the connection to the premises has been installed, commissioned and left safe;

“water undertaker” shall have the same meaning as in the Water Industry Act 1991⁽⁹⁾;

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971⁽¹⁰⁾; and

“working hours” means the period between the hours specified in Part II of the Schedule I.

(2) In these Regulations “Schedule 1” and “Schedule 2” means in either case that Schedule to these Regulations.

(3) Any reference in these Regulations to a numbered regulation is a reference to the regulation in these Regulations bearing that number; and any reference in a regulation to a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph of the regulation bearing that number.

(4) For the purpose of these Regulations—

- (a) where more than one person is a customer in respect of particular premises, a notice given by a relevant operator to one person who is a customer in respect of those premises shall be a sufficient notice to any other person who is a customer in respect of those premises at the time the notice is given;
- (b) where a person is a customer in respect of more than one premises, a reference in a regulation to “customer” is a reference to that person in respect of each of the premises in relation to which he is a customer to which the regulation applies;
- (c) any reference to the dispatch by a relevant operator of an explanation or reply within a particular period shall not require that the explanation or reply (if in writing) is received by the customer within that period and shall be satisfied if the relevant operator provides the explanation or reply orally to the customer within that period;

⁽⁸⁾ 1986 c. 44: section 6A was amended by section 4 of the Gas Act 1995.

⁽⁹⁾ 1995 c. 56.

⁽¹⁰⁾ 1971 c. 80.

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- (d) any reference to a customer shall (except in relation to the entitlement to any payment due from a relevant operator under these Regulations) include any person having apparent authority to represent the customer unless the context otherwise requires.

Commencement Information

I3 Reg. 3 in force at 1.4.2005, see [reg. 1\(1\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- schedule am by [S.I. 2008/696 reg 12](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 Pt. A1 inserted by [S.I. 2021/257 reg. 11](#)
- reg. 9(2A)-(2C) inserted by [S.I. 2021/257 reg. 5\(2\)](#)
- reg. 9(3)(d) word substituted by [S.I. 2021/257 reg. 5\(7\)\(b\)](#)
- reg. 9(3)(d) words inserted by [S.I. 2021/257 reg. 5\(7\)\(a\)](#)
- reg. 9(3)(d) words inserted by [S.I. 2021/257 reg. 5\(7\)\(c\)](#)
- reg. 9(3)(e) substituted by [S.I. 2021/257 reg. 5\(8\)](#)
- reg. 10(3)(3A) substituted for reg. 10(3) by [S.I. 2021/257 reg. 6\(6\)](#)
- regs 10A10B added by [S.I. 2008/696 regs 78](#)
- reg. 10A(3)(a) word substituted by [S.I. 2021/257 reg. 7\(a\)](#)
- reg. 10A(3)(b) omitted by [S.I. 2021/257 reg. 7\(b\)](#)
- reg. 10B(4)(e) words substituted by [S.I. 2021/257 reg. 8](#)
- reg. 12(8)(b)(ii) words substituted by [S.I. 2021/257 reg. 9](#)
- reg. 14A inserted by [S.I. 2021/257 reg. 10](#)