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**Changes to legislation:** Gas Act 1995, Paragraph 16 is up to date with all changes known to be in force on or before 20 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 5

#### TRANSITIONAL PROVISIONS AND SAVINGS

#### PART II

#### OTHER TRANSITIONAL PROVISIONS AND SAVINGS

##### *Individual authorisations under section 8*

- 16 (1) The provisions of this paragraph have effect as respects each person who holds, or is treated as holding, an authorisation under section 8 of the 1986 Act (authorisation of persons other than public gas suppliers) which is in force immediately before the appointed day (a “gas supplier”) for the purpose of securing that the authorisation has effect on and after that day as if it were such one or more of the following as may be requisite to meet the particular circumstances of the case, namely—
- (a) an exemption from section 5(1)(a) of that Act granted under section 6A of that Act (exemptions from prohibition);
  - (b) a licence granted under section 7A(1) of that Act (licensing of gas suppliers), or an exemption from section 5(1)(b) of that Act granted under section 6A of that Act; and
  - (c) a licence granted under section 7A(2) of that Act (licensing of gas shippers).
- (2) As soon as practicable after the passing of this Act, and in any event before the appointed day, the Secretary of State shall make a scheme providing for each gas supplier’s authorisation under section 8 of the 1986 Act to have effect as mentioned in sub-paragraph (1) above.
- (3) Subject to sub-paragraphs (4) and (5) below, a scheme under this paragraph shall provide that each condition which by virtue of section 8(2) of this Act is a standard condition for the purposes of—
- (a) licences under subsection (1) of section 7A of the 1986 Act; or
  - (b) licences under subsection (2) of that section,
- shall be incorporated in any licence treated as granted under that subsection.
- (4) Sub-paragraph (3) above shall not apply in relation to a licence treated as granted under section 7A(1) of the 1986 Act which authorises only the supply to premises of gas which has been conveyed to the premises otherwise than by a public gas transporter.
- (5) A scheme under this paragraph may provide that any licence which is treated as granted under section 7A(1) or (2) of the 1986 Act and any exemption which is treated as granted under section 6A of that Act (including the terms and conditions which are derived from the authorisation and, in the case of a licence, the standard

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conditions which are incorporated by virtue of sub-paragraph (3) above) shall have effect with—

- (a) such incidental, consequential and supplementary amendments as appear to the Secretary of State to be necessary or expedient;
- (b) such amendments relating to the revocation or suspension of the licence or exemption as the Secretary of State thinks fit; and
- (c) such other amendments (if any) as may be agreed between the Secretary of State and the gas supplier concerned;

and such a scheme may also make such transitional provision as appears to the Secretary of State to be necessary or expedient.

- (6) A scheme under this paragraph may make different provisions for different cases or classes of cases determined by, or in accordance with, the provisions of the scheme.
- (7) As soon as practicable after making a scheme under this paragraph, the Secretary of State shall publish, as respects each different case or class of case—
  - (a) the text of any exemption which by virtue of the scheme is treated as granted under section 6A of the 1986 Act; and
  - (b) the text of any licence which by virtue of the scheme is treated as granted under section 7A(1) or (2) of that Act;and any text so published shall be treated as authoritative unless the contrary is shown.
- (8) It shall be the duty of each gas supplier to provide the Secretary of State with all such information and other assistance as he may require for the purposes of or in connection with the exercise of any function conferred on him by sub-paragraphs (1) to (6) above.
- (9) The Secretary of State shall not exercise any function conferred on him by sub-paragraphs (1) to (6) above except after consultation with such gas suppliers as he considers appropriate.
- (10) On the appointed day each gas supplier's authorisation under section 8 of the 1986 Act shall have effect as provided for by the scheme under this paragraph.

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

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

- Sch. 3 para. 42(1)(a)para. 42(2)(a) repealed by [2000 c. 27 Sch. 8](#)