
STATUTORY INSTRUMENTS

1985 No. 1207 (N.I. 14)

NORTHERN IRELAND

The Gas (Northern Ireland) Order 1985

Laid before Parliament in draft

Made 31st July 1985

Coming into Operation 8th August 1985

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
2. Interpretation.
3. Gas undertakers to which this Order applies.
4. Cesser of statutory and contractual obligation to supply gas.
5. Powers of Department in relation to run-down and closure of gas undertakings.
6. Financial assistance to gas undertakers.
7. Provisions incidental to run-down and closure of gas undertakings.
8. Financial assistance to consumers of gas.
9. Publicity.
10. Repeals.

At the Court at Buckingham Palace, the 31st day of July 1985

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1974 c. 28

Title and commencement

1. This Order may be cited as the Gas (Northern Ireland) Order

THE GAS (NI) ORDER 1985
SI 1985/1207 (NI 14)

1985 and shall come into operation on the expiration of the period of seven days from the day on which it is made.

Interpretation

1954 c. 33 (N.I.) **2.—**(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Department” means the Department of Economic Development;

“gas” means gas supplied through mains and pipes;

1977 NI 7 “the Order of 1977” means the Gas (Northern Ireland) Order 1977;

“transferred provision” has the meaning assigned to it by section 1(g) of the Interpretation Act (Northern Ireland) 1954.

(3) Any reference in this Order to the run-down and closure of a gas undertaking includes a reference to the run-down and closure of a part of that undertaking.

Gas undertakers to which this Order applies

3.—(1) A gas undertaker may enter into an agreement with the Department for the run-down and closure of its gas undertaking.

(2) Subject to paragraph (3), in this Order—

“gas undertaker” means any statutory or non-statutory gas undertaker;

“non-statutory gas undertaker” means any company, body or person (not being a statutory gas undertaker) which—

(a) immediately before 1st March 1985 was supplying gas; and

(b) has at any time before that date supplied gas manufactured from coal;

“statutory gas undertaker” means any district council, company, body or person authorised to supply gas by or under a transferred provision.

(3) The provisions of this Order apply only to a gas undertaker which enters into an agreement with the Department under paragraph (1); and references in this Order to a gas undertaker or any description thereof shall be construed accordingly.

Cesser of statutory and contractual obligation to supply gas

4.—(1) The obligation imposed on a statutory gas undertaker by or under paragraphs 2 to 6 of Schedule 1 to the Order of 1977 or any other transferred provision to give or continue to give supplies of gas to premises and public lamps situated within that undertaker’s area of supply shall cease.

(2) Any contract providing for the supply of gas by a gas undertaker may, notwithstanding any term to the contrary in the contract, be terminated by either party to the contract by three months' notice in writing to the other party.

(3) Nothing in paragraph (2) affects a contract which may be terminated by notice of less than three months.

Powers of Department in relation to run-down and closure of gas undertakings

5.—(1) The Department may, for the purpose of ensuring the efficient and orderly run-down and closure of a gas undertaking, give directions in writing of a general or specific character as to the conduct and closure by a gas undertaker of its gas undertaking; and it shall be the duty of a gas undertaker to comply with any directions so given.

(2) Without prejudice to the generality of paragraph (1), directions given by the Department under that paragraph to a gas undertaker may include directions as to the disposal by the gas undertaker of any assets held by it for the purposes of or in connection with its functions as a gas undertaker.

(3) The Department, for the purpose of facilitating the compliance by a statutory gas undertaker with any directions given to it under paragraph (1) or with the terms of any agreement entered into by it under Article 3(1), may by order subject to negative resolution provide for the modification or repeal of any provision of the Order of 1977 or any other transferred provision as it applies to the undertaker.

(4) The reference in paragraph (1) to the conduct by a gas undertaker of its gas undertaking includes a reference to the exercise by a gas undertaker of its functions under any transferred provision (including this Order).

Financial assistance to gas undertakers

6.—(1) The Department may, for the purpose of ensuring the efficient and orderly run-down and closure of a gas undertaking, make payments to the gas undertaker of such amounts, at such times and on such terms and conditions as the Department may, with the approval of the Department of Finance and Personnel, determine.

(2) Without prejudice to the generality of paragraph (1), the terms and conditions on which a payment is made under that paragraph may include terms and conditions as to the repayment by the gas undertaker to the Department of any part of any such payment in such circumstances as may be specified by the Department.

Provisions incidental to run-down and closure of gas undertakings

7.—(1) Where a gas undertaker, for the purpose of the run-down and closure of its gas undertaking, decides to cease supplying gas to

THE GAS (NI) ORDER 1985
SI 1985/1207 (NI 14)

any premises, any person authorised in writing by the undertaker may, on production if required of his credentials, at any reasonable time enter those premises to cut off the supply of gas and remove such of the gas fittings on the premises as belong to the undertaker.

(2) Articles 18 to 21 of the Order of 1977 (provisions supplementary to power of entry under Article 17) shall apply for the purposes of the power of entry conferred by paragraph (1) as they apply for the purposes of the power of entry conferred by Article 17(1)(a) of that Order.

(3) Where a gas undertaker for the purpose of the run-down and closure of its gas undertaking has ceased to supply gas to any premises, nothing in any transferred provision or in the terms of any contract, covenant, agreement or consent shall require the undertaker to remove any gas pipes or fittings which are on those premises or on or under any land adjacent to those premises.

(4) The Department may by order—

(a) provide that a district council, company, body or person shall, on such date as may be specified in the order, cease to be a statutory gas undertaker; and

(b) provide for the repeal of any transferred provision in so far as it authorises, regulates or otherwise relates to the supply of gas by that council, company, body or person.

(5) Where, by virtue of orders under paragraph (4), there are no longer any statutory gas undertakers, the Department may by order subject to negative resolution provide for the repeal of such provisions of the Order of 1977 or of any other transferred provision relating to statutory gas undertakers or to the supply of gas as appear to the Department to be no longer of any practical utility.

Financial assistance to consumers of gas

8.—(1) The Department shall, with the approval of the Department of Finance and Personnel, make a scheme for the payment of financial assistance towards the replacement or adaptation of gas appliances where such replacement or adaptation is necessitated by the cessation or expected cessation of the supply of gas to the premises on which the appliances are situated.

(2) Without prejudice to the generality of paragraph (1) a scheme under that paragraph may—

(a) prescribe the persons to whom financial assistance shall be paid;

(b) provide that no financial assistance shall be paid in such cases or in such circumstances as may be specified in the scheme;

(c) provide for the financial assistance under the scheme to be paid by gas undertakers to persons within their respective areas of supply, but enable the Department, where it thinks it expedient, to pay financial assistance under the scheme in place of any undertaker;

- (d) prescribe the manner in which, and the persons by whom, applications are to be made under the scheme;
- (e) empower a gas undertaker to retain the whole or any part of any amount due to any person under the scheme and apply it in or towards the settlement of any debt due to the undertaker by that person; and
- (f) include such other provisions as appear to the Department to be necessary or expedient in connection with the administration of the scheme.

(3) The Department may, on such terms and conditions as the Department of Finance and Personnel may approve, pay to a gas undertaker an amount equal to the aggregate of the amounts paid by that gas undertaker as financial assistance under a scheme made under paragraph (1).

(4) Where under any transferred provision there is a limit (however expressed) on the amount of any grant or other payment which may be made by a Northern Ireland department under that provision to a body, then in applying that limit in the calculation of the amount of that grant or payment no account shall be taken of any sum paid under that provision which is expressed by the department making the payment to be made towards expenditure incurred or to be incurred by that body in the replacement or adaptation of gas appliances on premises occupied by that body.

Publicity

9.—(1) It shall be the duty of the Department to take such steps as appear to it to be suitable for ensuring that actions taken or to be taken by the Department or a gas undertaker in pursuance of this Order are brought to the notice of consumers of gas and other persons likely to be affected by those actions.

(2) Without prejudice to the generality of paragraph (1), where the Department makes a scheme under Article 8—

- (a) the Department shall cause to be published in the Belfast Gazette; and
- (b) every gas undertaker shall cause to be published in such newspapers circulating in its area of supply as it thinks appropriate—

a notice—

- (i) stating that the scheme has been made and its general effect; and
- (ii) specifying the places where a copy of the scheme may be inspected or obtained by any person free of charge.

Repeals

10. In the Electricity and Gas Undertakings (Financial Provisions) (Northern Ireland) Order 1977 the following provisions are hereby 1977 NI 3

THE GAS (NI) ORDER 1985
SI 1985/1207 (NI 14)

repealed, namely—

- (a) in Article 1(2) the definition of “the gas undertakings”;
- (b) Articles 2 and 3, so far as unrepealed; and
- (c) the Schedule.

G. I. de Deney,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The purpose of this Order is to facilitate the run-down and closure by gas undertakers of their gas undertakings. In particular the Order removes any statutory or contractual obligation on such undertakers to supply gas, enables the Department of Economic Development to issue directions and give financial assistance to gas undertakers during the run-down period and provides for financial assistance to be given to consumers of gas.

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