SCHEDULES

SCHEDULE 5

Article 65.

POWERS OF ENTRY, ETC.

Interpretation

1. In this Schedule—

"gas fittings" means any fittings, apparatus and appliances designed for use by consumers of gas for heating, cooking, lighting, motive power and other purposes for which gas can be used;

"gas system", in relation to any premises, means any service pipe or other apparatus (not being a gas fitting) which is on the premises and is used for the conveyance or supply of gas to the premises or is connected with a gas main;

"relevant authority"—

(a) in relation to dangers arising from the conveyance of gas by a relevant licence holder, or from the use of gas conveyed by such a licence holder, means that licence holder or the Department; and

(b) in relation to dangers arising from the conveyance of gas by a person other than a relevant licence holder, or from the use of gas conveyed by such a person, means that person or the Department;

"relevant licence holder" means the holder of a licence under Article 8(1)(a);

"service pipe" means a pipe which is connected with a gas main for the purpose of conveying gas from that main to any premises.

Powers of entry, etc.

2.—(1) The Department may by regulations make provision for empowering any person authorised by the relevant authority—

(a) to enter any premises in which there is a service pipe connected with a gas main for the purpose of inspecting any gas fitting on the premises, any flue or means of ventilation used in connection with any such gas fitting or any part of the gas system on the premises;

(b) where he so enters any such premises, to examine or apply any test to any such object as is mentioned in head (a) and (where the object is a gas fitting) to verify what supply of air is available for it; and

(c) where in his opinion it is necessary to do so for the purpose of averting danger to life or property, and notwithstanding any contract previously existing, to disconnect and seal off any gas fitting or any part of the gas system on the premises, or cut off the supply of gas to the premises.

(2) Regulations under this paragraph shall provide that the power of entry conferred by the regulations may only be exercised where the relevant authority has reasonable cause to suspect that there may be a danger to life or property in connection with the presence or use of gas on the premises in question.

(3) Where any regulations under this paragraph confer any power in accordance with sub-paragraph (1)(c), the regulations shall also include provision—

(a) for securing that, where any such power is exercised, the consumer will be notified as to the nature of the defect or other circumstances in consequence of which it has been exercised;

(b) for enabling any consumer so notified to appeal to the Department on the grounds that the defect or other circumstances in question did not constitute a danger such as to justify the action taken in the exercise of the power, or did not exist or have ceased to exist; and

(c) for enabling the Department to give such directions as may in accordance with the regulations be determined by it to be appropriate in consequence of any such appeal.

(4) Regulations made under this paragraph may make provision for prohibiting any persons, except with the consent of the relevant authority or in pursuance of any directions given by the Department as mentioned in sub-paragraph (3)(c) from—

(a) reconnecting any gas fitting or any part of any gas system which has been disconnected by or on behalf of the relevant authority in exercise of a power conferred by the regulations; or

(b) restoring the supply of gas to any premises where it has been cut off by or on behalf of the relevant authority in the exercise of any such power.

3.—(1) The Department may by regulations make provision—

(a) for empowering any person authorised by a relevant licence holder, where that licence holder has reasonable cause to suspect—

(i) that gas conveyed by him is escaping, or may escape, in any premises; or

(ii) that gas so conveyed which has escaped has entered, or may enter, any premises,

to enter the premises, to inspect the gas system and gas fittings, to carry out any work necessary to prevent the escape of gas and to take any other steps necessary to avert danger to life or property; and

(b) for empowering any person authorised by a relevant licence holder, where that licence holder has reasonable cause to suspect—

(i) that gas conveyed by some other person is escaping, or may escape, in any premises; or

(ii) that gas so conveyed which has escaped has entered, or may enter, any premises,

to enter the premises and to take any steps necessary to avert danger to life or property.

(2) As soon as reasonably practicable after any powers are exercised under sub-paragraph (b) of paragraph (1) by a person authorised by a relevant licence holder, that licence holder shall inform the other person referred to in head (i) of that sub-paragraph.

(3) The Department may by regulations make provision for empowering any person authorised by it, if it has reasonable cause to suspect—

(a) that gas conveyed by any person other than a relevant licence holder is escaping, or may escape, in any premises; or

(b) that gas so conveyed which has escaped has entered, or may enter, any premises,

to enter the premises, to inspect the gas system and gas fittings, to carry out any work necessary to prevent the escape of gas and to take any other steps necessary to avert danger to life or property.

4.—(1) Any person authorised by a relevant licence holder may at all reasonable times, on the production of some duly authenticated document showing his authority, enter any premises to which gas is conveyed by that licence holder for the purpose of—

(a) ensuring the safety of the gas system on those premises or of gas fittings; or

(b) carrying out any necessary works of maintenance, repair or renewal of any part of the gas system on those premises;

(c) in the case of premises where the relevant licence holder has reason to believe that a compressor or compressed air or extraneous gas is being used, inspecting the premises and ascertaining whether any safety requirements imposed by the relevant licence holder on the consumer are being complied with.

(2) In paragraph (1)—

"compressor" means an engine, gas compressor or other similar apparatus or any apparatus liable to produce in any main of the relevant licence holder a pressure less than atmospheric pressure;

"compressed air" means air at high pressure; and

"extraneous gas" means any gaseous substance not conveyed by the relevant licence holder.

(3) Any person authorised by a relevant licence holder, after 24 hours' notice to the owner of any unoccupied premises, may at all reasonable times, on production of some duly authenticated document showing his authority, enter those premises for the purpose of—

(a) disconnecting any gas fitting or any part of the gas system on the premises or cutting off the supply of gas to the premises; and

(b) removing any gas fitting or meter belonging to the licence holder.

(4) The notice required to be given by sub-paragraph (3) may, where the owner of the premises is unknown and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises not less than 48 hours before the premises are entered.

(5) The powers conferred by this paragraph may only be exercised where the relevant licence holder has reasonable cause to suspect that there may be a danger to life or property in connection with the presence of gas on the premises in question.

Exercise of powers of entry

5.—(1) A power of entry conferred by or under this Schedule shall not be exercisable except—

(a) with consent given by or on behalf of the occupier of the premises; or

(b) under the authority of a warrant granted under paragraph 6;

so, however, that this sub-paragraph shall not apply where entry is sought in the case of emergency.

(2) Any person exercising powers of entry conferred by or under this Schedule may be accompanied by such other persons as may be necessary or expedient for the purpose for which the entry is made, or for the purposes of paragraph 7.

Warrant to authorise entry

6.—(1) Where a justice of the peace is satisfied by complaint on oath—

(a) that admission to premises is reasonably required for the purpose specified in the complaint; and

(b) that a duly authorised person would, apart from paragraph 5, be entitled for that purpose to exercise in respect of the premises a power of entry conferred by or under this Schedule; and

(c) that—

(i) the consent of the occupier has been refused or seeking that consent would defeat the object of the entry; or

(ii) the premises are unoccupied;

he may issue a warrant under his hand authorising that duly authorised person to enter the premises.

(2) A warrant granted under this paragraph shah continue in force until—

(a) the time when the purpose for which the entry is required is satisfied; or

(b) the end of the period of 28 days from the day on which the warrant is granted,

whichever is the earlier.

Premises to be left secure and damage to be made good

7. Where, under any powers conferred by or under this Schedule, entry is made on any premises by a duly authorised person—

(a) he shall ensure that the premises are left no less secure by reason of the entry, and

(b) the relevant authority or the relevant licence holder (as the case may be) shall make good or pay compensation for any damage to property caused by that person, or by any person accompanying him in entering the premises, in taking any action in the premises authorised by or under this Schedule or in making the premises secure.

Penalty for obstruction

8. If any person intentionally obstructs any person exercising powers of entry conferred by or under this Schedule, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.