



Gas Act 1986

1986 CHAPTER 44

PART I

GAS SUPPLY

Authorisation of gas supply

5 Prohibition on unauthorised supply

- (1) Subject to subsection (2) and section 6 below, a person who supplies gas through pipes to any premises shall be guilty of an offence unless he is authorised to do so under section 7 or 8 below.
- (2) Subsection (1) above is not contravened by a person supplying, for use in a building or part of a building in which he has an interest, gas supplied to the building by a person authorised to supply it by or under section 6, 7 or 8 below.
- (3) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (4) No proceedings shall be instituted in England and Wales in respect of an offence under this section except by or on behalf of the Secretary of State or the Director.

6 Exception to section 5

- (1) Where a person (in this section referred to as a "gas supplier") notifies the Secretary of State that he proposes to undertake a supply of gas to any premises at a rate in excess of 2,000,000 therms a year (in this section referred to as "the required rate"), section 5(1) above is not contravened by that supply unless, within six weeks of receiving the notification, the Secretary of State notifies the gas supplier either—
 - (a) that he is of the opinion that the rate of supply to those premises would be unlikely to exceed the required rate; or

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- (b) that he is unable to form an opinion as to whether the rate of supply to those premises would or would not be likely to exceed the required rate.
- (2) Where a gas supplier has given the Secretary of State a notification under subsection (1) above and—
- (a) the rate of supply to the premises to which the notification relates fails to exceed the required rate for three successive periods of twelve months ;
 - (b) the gas supplier fails to furnish the Secretary of State with such information as he may require for the purpose of determining whether the condition in paragraph (a) above is fulfilled ; or
 - (c) the gas supplier fails to afford to the Secretary of State such facilities as he may require for the purpose of verifying any information furnished in pursuance of such a requirement as is mentioned in paragraph (b) above,
- the Secretary of State may direct that the gas supplier's notification shall be treated as invalid for the purposes of that subsection except as regards gas previously supplied.
- (3) As soon as practicable after receiving or giving a notification under subsection (1) above, or giving a direction under subsection (2) above, the Secretary of State shall send a copy of the notification or direction—
- (a) to the Director ;
 - (b) to the Health and Safety Executive; and
 - (c) to any public gas supplier whose authorised area includes the premises or any part of the premises to which the gas supplier's notification relates.

7 Authorisation of public gas suppliers

- (1) In this Part " public gas supplier " means any person who holds an authorisation under this section except where he is acting otherwise than for purposes connected with the supply of gas through pipes to premises in his authorised area.
- (2) The Secretary of State after consultation with the Director may authorise any person to supply gas through pipes to any premises in that person's authorised area, that is to say, so much of the area designated in the authorisation as is not for the time being designated in a subsequent authorisation under this section.
- (3) An application for an authorisation under this section shall be made in the prescribed manner ; and within 14 days after the making of the application, the applicant shall—
- (a) give notice of the application to any public gas supplier whose authorised area includes the whole or any part of the area to which the application relates ; and
 - (b) publish a copy of the notice in the prescribed manner.
- (4) Before granting an authorisation under this section, the Secretary of State shall give notice—
- (a) stating that he proposes to grant the authorisation ;
 - (b) stating the reasons why he proposes to grant the authorisation ; and
 - (c) specifying the time (not being less than three months from the date of publication of the notice) within which representations or objections with respect to the proposed authorisation may be made,
- and shall consider any representations or objections which are duly made and not withdrawn.
- (5) A notice under subsection (4) above shall be given—

- (a) by publishing the notice in such manner as the Secretary of State considers appropriate for bringing it to the attention of persons likely to be affected by the grant of the authorisation; and
 - (b) by sending a copy of the notice to the Health and Safety Executive and to any public gas supplier whose area includes the whole or any part of the area proposed to be designated in the authorisation.
- (6) An authorisation under this section shall be in writing and, unless previously revoked in accordance with any term in that behalf contained in the authorisation, shall continue in force for such period as may be specified in or determined by or under the authorisation.
- (7) An authorisation under this section may include
 - (a) such conditions relating to the supply of gas, or requiring information to be furnished to the Director or published, as appear to the Secretary of State to be requisite or expedient having regard to the duties imposed by section 4 above;
 - (b) such conditions requiring arrangements to be made with respect to the provision of special services for meeting the needs of consumers of gas supplied through pipes who are disabled or of pensionable age as appear to the Secretary of State to be requisite or expedient having regard to those duties ;
 - (c) conditions requiring the rendering to the Secretary of State of a payment on the grant of the authorisation or payments during the currency of the authorisation or both of such amount or amounts as may be determined by or under the authorisation; and
 - (d) conditions requiring the public gas supplier to furnish the Council in such manner and at such times with such information as appears to the Secretary of State to be requisite or expedient for the purpose of facilitating the exercise by the Council of the functions assigned to it by this Part or as may be reasonably required by the Council for that purpose ;and a condition included by virtue of this subsection in an authorisation under this section may contain provision for the condition to cease to have effect at such time before the end of the period referred to in subsection (6) above as may be determined by or under the authorisation.
- (8) Without prejudice to the generality of paragraph (a) of subsection (7) above, conditions included by virtue of that paragraph in an authorisation under this section may require the public gas supplier—
 - (a) to comply with any direction given by the Director as to such matters as are specified in the authorisation or are of a description so specified ;
 - (b) except in so far as the Director consents to his doing or not doing them, not to do or to do such things as are specified in the authorisation or are of a description so specified; and
 - (c) to refer for determination by the Director such questions arising under the authorisation as are specified in the authorisation or are of a description so specified.
- (9) An authorisation under this section shall not include in the designation any area which is situated within 25 yards from a main of another public gas supplier unless—
 - (a) the Secretary of State is of the opinion that the main is not, and is not intended to be, a relevant main ; or
 - (b) that other public gas supplier has consented in writing to the area being so included.

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- (10) As soon as practicable after granting an authorisation under this section, the Secretary of State shall send a copy of the authorisation—
- (a) to the Director;
 - (b) to the Health and Safety Executive ; and
 - (c) to any public gas supplier whose authorised area previously included the whole or any part of the area designated in the authorisation.
- (11) Any sums received by the Secretary of State under this section shall be paid into the Consolidated Fund.
- (12) In this section and section 8 below " relevant main ", in relation to a public gas supplier, means any distribution main which is being used for the purpose of giving a supply of gas to any premises at a rate not exceeding 25,000 therms a year.
- (13) Neither the requirement to consult with the Director imposed by subsection (2) above nor subsections (3) and (4) above shall apply to the granting of the authorisation under this section which, having regard to the provisions of this Part, needs to be granted to the Corporation before the appointed day.

8 Authorisation of other persons

- (1) The Secretary of State after consultation with the Director, or the Director with the consent of, or in accordance with a general authority given by, the Secretary of State, may authorise any person or persons of any class to supply gas through pipes to any premises specified or of a description specified in the authorisation.
- (2) An application for an authorisation under this section to be granted to a particular person shall be made in the prescribed manner; and within 14 days after the making of the application, the applicant shall give notice of the application to any public gas supplier whose authorised area includes the whole or any part of any premises to which the application relates.
- (3) An authorisation under this section shall be in writing and, unless previously revoked in accordance with any term in that behalf contained in the authorisation, shall continue in force for such period as may be specified in or determined by or under the authorisation.
- (4) An authorisation under this section may include—
- (a) such conditions as appear to the grantor to be requisite or expedient having regard to the duties imposed by section 4(2)(c) above;
 - (b) such conditions as appear to the grantor to be requisite or expedient having regard to subsection (5) below; and
 - (c) conditions requiring the rendering to the grantor of a payment on the grant of the authorisation or payments during the currency of the authorisation or both of such amount or amounts as may be determined by or under the authorisation.
- (5) An authorisation under this section shall not authorise the giving of a supply of gas to any premises situated within 25 yards from a main of a public gas supplier unless—
- (a) the grantor is of the opinion that the main is not, and is not intended to be, a relevant main ;

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- (b) the grantor has notified the public gas supplier that he is of the opinion that the rate of supply to those premises would be likely to exceed 25,000 therms a year; or
 - (c) the public gas supplier has consented in writing to the giving of the supply.
- (6) As soon as practicable after granting an authorisation under this section, the grantor shall—
 - (a) send a copy of the authorisation to the Health and Safety Executive and to any public gas supplier whose authorised area includes the whole or any part of any premises to which the authorisation relates and, in the case of an authorisation granted by the Secretary of State, to the Director; and
 - (b) in the case of an authorisation granted to persons of any class, publish such a copy in such manner as he considers appropriate for bringing it to the attention of persons of that class.
- (7) Any sums received by the Secretary of State or the Director under this section shall be paid into the Consolidated Fund.