



# Gas Act 1986

## 1986 CHAPTER 44

### PART I

#### GAS SUPPLY

##### *Supplemental*

#### **45 Offences by bodies corporate.**

- (1) Where a body corporate is guilty of an offence under this Part and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### **46 Service of notices etc.**

- (1) Subject to subsection (2) below, any notice or other document required or authorised to be given, delivered or served under this Part or regulations made under this Part may be given, delivered or served either—
  - (a) by delivering it to the person to whom it is to be given or delivered or on whom it is to be served;
  - (b) by leaving it at the usual or last known place of abode of that person;
  - (c) by sending it in a prepaid letter addressed to that person at his usual or last known place of abode;
  - (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body at their registered or principal office, or sending it in a prepaid letter addressed to the secretary or clerk of the body at that office; or

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- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of a person to whom it should be given or delivered, or on whom it should be served, as being a person having any interest in premises, by addressing it to him by the description of the person having that interest in the premises (naming them) to which it relates and delivering it to some responsible person on the premises, or affixing it or a copy of it to some conspicuous part of the premises.
- (2) Where this subsection applies in relation to a public gas supplier, subsection (1) above shall not apply to notices to be given to or served on the supplier under section 10 above or any provision of Schedule 5 to this Act but any such notice—
- (a) may be given or served by delivering it at, or sending it in a prepaid letter to, an appropriate office of the supplier; and
  - (b) in the case of a notice under paragraph 7(2) or 12(1) of that Schedule, shall be treated as received by the supplier only if received by him at an appropriate office.
- (3) Subsection (2) above applies in relation to a public gas supplier if he divides his authorised area into such areas as he thinks fit and—
- (a) in the case of each area, fixes offices of his which are to be appropriate offices in relation to notices relating to matters arising in that area;
  - (b) publishes in each area, in such manner as he considers adequate, the addresses of the offices fixed by him for that area; and
  - (c) endorses on every demand note for gas charges payable to him the addresses of the offices fixed for the area in question.

#### **47 Provisions as to regulations.**

- (1) Regulations made under any provision of this Part may provide for the determination of questions of fact or of law which may arise in giving effect to the regulations and for regulating (otherwise than in relation to any court proceedings) any matters relating to the practice and procedure to be followed in connection with the determination of such questions, including provision—
- (a) as to the mode of proof of any matter;
  - (b) as to parties and their representation;
  - (c) for the right to appear and be heard of the Secretary of State, the Director and other authorities; and
  - (d) as to awarding costs of proceedings for the determination of such questions, determining the amount thereof and the enforcement of awards thereof.
- (2) Regulations made under any provision of this Part which prescribe a period within which things are to be done may provide for extending the period so prescribed.
- (3) Regulations made under any provision of this Part may—
- (a) make different provision for different areas or in relation to different cases or different circumstances; and
  - (b) provide for such exceptions, limitations and conditions, and make such supplementary, incidental or transitional provision, as the Secretary of State considers necessary or expedient.

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- (4) Regulations made under any provision of this Part may provide that any person contravening the regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) Proceedings for an offence under any regulations made under any provision of this Part shall not in England and Wales be instituted except by or with the consent of the Secretary of State or the Director of Public Prosecutions.
- (6) In any proceedings against any person for an offence under any regulations made under any provision of this Part, it shall be a defence for that person to show—
  - (a) that he was prevented from complying with the regulations by circumstances not within his control; or
  - (b) that circumstances existed by reason of which compliance with the regulations would or might have involved danger to the public and that he took all such steps as it was reasonable for him to take both to prevent the circumstances from occurring and to prevent them from having that effect.
- (7) Any power conferred by this Part to make regulations shall be exercisable by statutory instrument which, except in the case of regulations under section 7(3), 8(2) or 20(2) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Modifications etc. (not altering text)**

- C1 Power to repeal or modify s. 47(3)(4) conferred by Health and Safety at Work etc. Act 1974 (c. 37), s. 15 (as amended(*prosp.*) by Offshore Safety Act 1992 (c. 15), ss. 2(3)(b), 7(3)(a)).

**48 Interpretation of Part I and savings.**

- (1) In this Part, unless the context otherwise requires—
  - “authorised area”, in relation to a public gas supplier, has the meaning given by section 7(2) above;
  - “calorific value” has the meaning given by section 12(2) above;
  - “the Council” means the Gas Consumers’ Council;
  - “declared calorific value” has the meaning given by section 12(2) above;
  - “distribution main”, in relation to a public gas supplier, means any main of the supplier through which the supplier is for the time being distributing gas and which is not being used only for the purpose of conveying gas in bulk;
  - “gas” means—
    - (a) any substance in a gaseous state which consists wholly or mainly of—
      - (i) methane, ethane, propane, butane, hydrogen or carbon monoxide;
      - (ii) a mixture of two or more of those gases; or
      - (iii) a combustible mixture of one or more of those gases and air; and
    - (b) any other substance in a gaseous state which is gaseous at a temperature of 155C and a pressure of 1013·25 millibars and is specified in an order made by the Secretary of State;
      - “gas fittings” means gas pipes and meters, and fittings, apparatus and appliances designed for use by consumers of gas for heating, lighting, motive power and other purposes for which gas can be used;

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“holding company” [<sup>F1</sup>has the meaning given by section 736 of] the <sup>M1</sup>Companies Act 1985;

“information” includes accounts, estimates and returns;

“the Monopolies Commission” means the Monopolies and Mergers Commission;

“notice” means notice in writing;

“prescribed” means prescribed by regulations;

“public gas supplier” has the meaning given by section 7(1) above;

“regulations” means regulations made by the Secretary of State;

“subsidiary” [<sup>F1</sup>has the meaning given by section 736 of] the Companies Act 1985;

“tariff customer” has the meaning given by section 14(5) above;

“therm” means 105·506 megajoules.

- (2) In this Part, except in section 18, references to the supply of gas do not include references—
- (a) to the supply of gas (directly or indirectly) to a public gas supplier; or
  - (b) to the supply of gas by a company to any subsidiary or holding company of that company, or to any subsidiary of a holding company of that company.
- (3) Nothing in this Part relating to the modification of a public gas supplier’s authorisation shall authorise the inclusion in any such authorisation of any condition other than one such as is mentioned in section 7 above or, in the case of a modification under section 23 or 26 above, as would be so mentioned if the references to the Secretary of State in subsection (7)(a), (b) and (d) of the said section 7 were references to the Director.
- (4) Nothing in this Part and nothing done under it shall prejudice or affect the operation of any of the relevant statutory provisions (whenever made) as defined in Part I of the <sup>M2</sup>Health and Safety at Work etc. Act 1974.

#### Textual Amendments

**F1** Words substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), s. 144(4), [Sch. 18 para. 44\(a\)](#) (subject to the transitional provisions referred to in [S.I. 1990/1392art. 2\(d\)](#))

#### Marginal Citations

**M1** [1985 c. 6.](#)

**M2** [1974 c. 37.](#)

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