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SCHEDULES

SCHEDULE 5

PUBLIC GAS SUPPLY CODE

PART II

SUPPLY OF GAS TO TARIFF CUSTOMERS AND OTHERS

Use of antifluuctuators and valves

- 8 (1) Where a person supplied with gas by a public gas supplier uses the gas for working or supplying an engine, gas compressor or other similar apparatus or any apparatus liable to produce in any main of the supplier a pressure less than atmospheric pressure (any such engine, compressor or apparatus being in this paragraph referred to as a “compressor”), he shall, if so required by the supplier by notice, fix in a suitable position and keep in use an appliance provided by him which will effectually prevent pressure fluctuation in the supply mains and any other inconvenience or danger being caused to other consumers of gas by reason that he and they are supplied with gas from the same source.
- (2) Where a person supplied with gas by a public gas supplier uses for or in connection with the consumption of the gas so supplied any air at high pressure (in this paragraph referred to as “compressed air”) or any gaseous substance not supplied by the supplier (in this paragraph referred to as “extraneous gas”), he shall, if so required by the supplier by notice, fix in a suitable position and keep in use an appliance provided by him which will effectually prevent the admission of the compressed air or extraneous gas into the service pipe or into any main through which gas is supplied by the supplier.
- (3) Where a person is required by this paragraph to keep in use any appliance, he shall at his own expense keep it in proper order and repair, and repair, renew or replace it if it is not in proper order or repair.
- (4) A person supplied with gas by a public gas supplier shall not be entitled to use a compressor, or any apparatus for using compressed air or extraneous gas, unless he has given to the supplier not less than fourteen days’ notice of his intention to do so; but this sub-paragraph shall not apply to the use of any compressor or apparatus which was lawfully in use immediately before the appointed day.
- (5) If any person makes default in complying with any provision of this paragraph, the public gas supplier may cut off the supply of gas to him and shall not be required to resume the supply until the default has been remedied to his reasonable satisfaction.
- (6) A public gas supplier shall, as soon as is practicable after any person is first supplied with gas by him, give to that person notice of the effect of the preceding provisions

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of this paragraph; but this requirement shall not apply in the case of any person who is supplied with gas by the Corporation immediately before the appointed day, and to whom a notice has been given before that day pursuant to paragraph 18(6) of Schedule 4 to the 1972 Act (which imposes a similar requirement).

- (7) A public gas supplier shall have power to disconnect, remove, test and replace any appliance which any person supplied with gas by him is required by this paragraph to keep in use, and any expenses incurred by the supplier under this sub-paragraph shall, if the appliance is found in proper order and repair, be paid by the supplier but otherwise shall be paid by that person.

Improper use of gas

- 9 If any person supplied with gas by a public gas supplier improperly uses or deals with the gas so as to interfere with the efficient supply of gas by the supplier (whether to that person or to any other person), the supplier may, if he thinks fit, discontinue the supply of gas to that person.

Injury to gas fittings and interference with meters

- 10 (1) If any person intentionally or by culpable negligence—
- (a) injures or allows to be injured any gas fitting belonging to a public gas supplier;
 - (b) alters the index to any meter used for measuring the quantity of gas supplied by such a supplier; or
 - (c) prevents any such meter from duly registering the quantity of gas supplied,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) If an offence under sub-paragraph (1) above involves any injury to or interference with any gas fitting belonging to the public gas supplier, the supplier may also, until the matter has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing).
- (3) Where any person is prosecuted for an offence under sub-paragraph (1)(b) or (c) above, the possession by him of artificial means for causing an alteration of the index of the meter or, as the case may be, the prevention of the meter from duly registering shall, if the meter was in his custody or under his control, be prima facie evidence that the alteration or prevention was intentionally caused by him.

Restoration of supply without consent

- 11 (1) Where a supply of gas to any premises has been cut off by a public gas supplier otherwise than in the exercise of a power conferred by regulations under section 18(2) of this Act, no person shall, without the consent of the supplier, restore the supply.
- (2) If any person acts in contravention of sub-paragraph (1) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and the supplier may again cut off the supply.

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Failure to notify connection or disconnection of service pipe

- 12 (1) No person shall connect any meter with a service pipe through which gas is supplied by a public gas supplier, or disconnect any meter from any such pipe, unless he has given to the supplier, so that it is received by the supplier at least twenty-four hours before he does so, notice of his intention to do so, specifying the time and place of the proposed connection or disconnection.
- (2) If any person acts in contravention of sub-paragraph (1) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Prevention of escapes of gas

- 13 (1) Where any gas escapes from any pipe of a public gas supplier, or from any pipe or other gas fitting used by a person supplied with gas by a public gas supplier, the supplier shall, immediately after being informed of the escape, prevent the gas from escaping (whether by cutting off the supply of gas to any premises or otherwise).
- (2) If a public gas supplier fails within twelve hours from being so informed effectually to prevent the gas from escaping, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In any proceedings for an offence under sub-paragraph (2) above it shall be a defence for the public gas supplier to prove that it was not reasonably practicable for him effectually to prevent the gas from escaping within the said period of twelve hours, and that he did effectually prevent the escape as soon as it was reasonably practicable for him to do so.
- (4) Where a public gas supplier has reasonable cause to suspect that gas supplied by him is escaping, or may escape, in any premises, any officer authorised by the supplier may, on production of some duly authenticated document showing his authority, enter the premises, inspect the gas fittings, carry out any work necessary to prevent the escape and take any other steps necessary to avert danger to life or property.
- (5) Where a public gas supplier has reasonable cause to suspect that gas supplied or conveyed by him which has escaped has entered, or may enter any premises, any officer authorised by the supplier may on production of some duly authenticated document showing his authority, enter the premises and take any steps necessary to avert danger to life or property.

Information as to escapes of gas

- 14 It shall be the duty of a public gas supplier to take such steps as are necessary to ensure that, if he is informed of an escape of gas that he is not required by paragraph 13 above to prevent, he passes the information on, as soon as reasonably practicable—
- (a) to the person who appears to the public gas supplier to be responsible (whether under that paragraph or otherwise) for preventing the escape; or

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- (b) in the case of an escape occurring in the authorised area of another public gas supplier, to that other public gas supplier.

Entry during continuance of supply

- 15 (1) Any officer authorised by a public gas supplier may at all reasonable times, on the production of some duly authenticated document showing his authority, enter any premises in which there is a service pipe connected with a gas main of the supplier for the purpose of—
- (a) inspecting gas fittings;
 - (b) ascertaining the quantity of gas supplied;
 - (c) performing the duty imposed on the supplier by paragraph 1 or 2 above;
 - (d) exercising the power conferred on the supplier by paragraph 4(3) or 8(7) above; or
 - (e) in the case of premises where the supplier has reason to believe that a compressor or compressed air or extraneous gas is being used, inspecting the premises and ascertaining whether the provisions of paragraph 8 above are being complied with.
- (2) Paragraphs (a) and (b) of sub-paragraph (1) above do not apply where the consumer has applied in writing to the supplier for the supplier to disconnect the service pipe and cease to supply gas to the premises and the supplier has failed to do so within a reasonable time.
- (3) In this paragraph “compressor”, “compressed air” and “extraneous gas” have the same meanings as in paragraph 8 above.

Entry on discontinuance of supply

- 16 (1) Where—
- (a) a public gas supplier is authorised by any provision of this Act (including any such provision as applied by such an agreement as is mentioned in section 14(4) of this Act) to cut off or discontinue the supply of gas to any premises;
 - (b) a person occupying premises supplied with gas by a public gas supplier ceases to require such a supply;
 - (c) a person entering into occupation of any premises previously supplied with gas by a public gas supplier does not take a supply of gas from the supplier; or
 - (d) a person entering into occupation of any premises previously supplied with gas through a meter belonging to a public gas supplier does not hire or borrow that meter,
- any officer authorised by the supplier, after twenty-four hours’ notice to the occupier, or to the owner or lessee of the premises if they are unoccupied, may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of removing any gas fitting.
- (2) The notice required to be given by sub-paragraph (1) above may, in the case of unoccupied premises the owner or lessee of which is unknown to the supplier and cannot be ascertained after diligent inquiry, be given by affixing it upon a

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conspicuous part of the premises not less than forty-eight hours before the premises are entered.

Modifications etc. (not altering text)

C1 Sch. 5 para. 16 applied (with modifications) (1.3.1996) by S.I. 1996/399, art. 11

Entry for replacing, repairing or altering pipes

- 17 (1) Any officer authorised by a public gas supplier, after seven clear days' notice to the occupier of any premises, or to the owner or lessee of any premises which are unoccupied, may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of—
- (a) placing a new pipe in the place of any existing pipe which has already been lawfully placed; or
 - (b) repairing or altering any such existing pipe.
- (2) The notice required to be given by sub-paragraph (1) above may, in the case of unoccupied premises the owner or lessee of which is unknown to the supplier and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises.
- (3) In cases of emergency arising from defects in any pipes entry may be made under sub-paragraph (1) above without the notice required to be given by that sub-paragraph, but the notice shall then be given as soon as possible after the occurrence of the emergency.

Modifications etc. (not altering text)

C2 Sch. 5 para. 17 applied (with modifications) (1.3.1996) by S.I. 1996/399, art. 12

Provisions as to powers of entry

- 18 (1) Where in pursuance of any powers of entry conferred by this Part of this Schedule, entry is made on any premises by an officer authorised by a public gas supplier—
- (a) the officer shall ensure that the premises are left no less secure by reason of the entry; and
 - (b) the supplier shall make good, or pay compensation for, any damage caused by the officer, or by any person accompanying him in entering the premises, in taking any action therein authorised by this Schedule, or in making the premises secure.
- (2) Any officer exercising powers of entry conferred by this Part of this Schedule may be accompanied by such persons as may be necessary or expedient for the purpose for which the entry is made, or for the purposes of sub-paragraph (1) above.
- (3) If any intentionally obstructs any officer exercising powers of entry conferred by this Part of 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.

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- (4) The ^{M1}Rights of Entry (Gas and Electricity Boards) Act 1954 (entry under a justice’s warrant) shall apply in relation to any powers of entry conferred by this Part of this Schedule.

Marginal Citations

M1 1954 c. 21.

Gas fittings not to be subject to distress

- 19 (1) Any gas fittings let for hire or lent to a consumer by a public gas supplier and marked or impressed with a sufficient mark or brand indicating the supplier as the owner thereof—
- (a) shall not be subject to distress or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession they may be; and
 - (b) shall not be deemed to be landlord’s fixtures, notwithstanding that they may be fixed or fastened to any part of the premises in which they may be situated.
- (2) In the application of sub-paragraph (1)(a) above to Scotland, for the word “distress” and the words “in bankruptcy against” there shall be substituted respectively the word “poinding” and the words “for the sequestration of the estate of”.

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