



Gas Act 1986

1986 CHAPTER 44

PART I

GAS SUPPLY

Other functions of Director

38 Power to require information etc.

- (1) Where it appears to the [^{F1}Authority] that a [^{F2}regulated person] may be contravening, or may have contravened, any relevant condition or requirement [^{F3} or may be failing, or may have failed, to achieve any standard of performance prescribed under section 33A or 33AA,], the [^{F1}Authority] may, for any purpose connected with the exercise of [^{F4} its functions under section 28 or 30A to [^{F5}30O] in relation to that matter, by notice in writing]—
- (a) require any person to produce, at a time and place specified in the notice, to the [^{F1}Authority] or to any person appointed by [^{F6} it] for the purpose, any documents which are specified or described in the notice and are in that person's custody or under his control; or
 - (b) require any person carrying on any business to furnish to the [^{F1}Authority] such information as may be specified or described in the notice, and specify the time, the manner and the form in which any such information is to be furnished;

^{F7} . . .

[^{F8}(1A) Where a licence has been or is to be revoked or suspended, or has expired or is about to expire by effluxion of time, and it appears to the Director, having regard to the duties imposed by section [^{F9}4AA, 4AB or 4A], to be requisite or expedient to do so for any purpose connected with the revocation, suspension or expiry, the Director may, with the consent of the Secretary of State, by notice signed by him—

- (a) require the [^{F2}regulated person] to produce, at a time and place specified in the notice, to the Director, or to any person so specified, any records which

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- are specified or described in the notice and are in the licence holder’s custody or under his control; or
- (b) require the [F2regulated person] to furnish to the Director, or to any person specified in the notice, such information as may be specified or described in the notice, and specify the time, the manner and the form in which any such information is to be furnished.
- (1B) No person shall be compelled for any such purpose as is mentioned in subsection (1) or (1A) above to produce any documents or records which he could not be compelled to produce in civil proceedings before the court or, in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.]
- (2) A person who without reasonable excuse fails to do anything duly required of him by a notice under subsection (1) [F10or (1A)]above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) A person who intentionally alters, suppresses or destroys any document [F11or records]which he has been required by any such notice to produce shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.
- (4) If a person makes default in complying with a notice under subsection (1) [F10or (1A)]above, the court may, on the application of the Director, make such order as the court thinks fit for requiring the default to be made good; and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a company or other association who are responsible for its default.
- (5) In this section—
- “relevant condition” and “relevant requirement” have the same meanings as in section 28 above;
- “the court” has the same meaning as in section 30 above.

Textual Amendments

- F1** Words in s. 38(1) substituted (1.10.2001) by 2000 c. 27, s. 95(5)(a); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F2** Words in s. 38(1) substituted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), 37(4)(h)
- F3** Words in s. 38(1) substituted (1.10.2001) by 2000 c. 27, s. 95(5)(b); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F4** Words in s. 38(1) substituted (1.10.2001) by 2000 c. 27, s. 95(5)(c); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F5** Word in s. 38(1) substituted (18.2.2014) by Energy Act 2013 (c. 32), s. 156(2)(h), **Sch. 14 para. 1(6)**
- F6** Word in s. 38(1) substituted (1.10.2001) by 2000 c. 27, s. 95(5)(d); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F7** Words in s. 38(1) repealed (1.3.1996) by 1995 c. 45, ss. 10(1), 17(5), Sch. 3 para. 46(1)(b), **Sch. 6**; S.I. 1996/218, **art. 2**
- F8** S. 36(1A)(1B) inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 46(2)**; S.I. 1996/218, **art. 2**
- F9** Words in s. 38(1A) substituted (20.12.2000) by 2000 c. 27, s. 108, **Sch. 6 Pt. I para. 17(a)**; S.I. 2000/3343, **art. 2, Sch.** (subject to transitional provisions in arts. 3-15)

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- F10** Words in s. 38(2)(4) inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 46(3)**; S.I. 1996/218, **art. 2**
- F11** Words in s. 38(3) substituted (20.12.2000) by 2000 c. 27, s. 108, **Sch. 6 Pt. I para. 17(b)**; S.I. 2000/3343, **art. 2, Sch.** (subject to transitional provisions in arts. 3-15)

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Changes and effects yet to be applied to :

- s. 38(1A) word omitted by [2013 c. 32 s. 138\(4\)\(e\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(e) and word inserted by [2023 c. 52 s. 185\(3\)](#)
- s. 5(1)(ca) inserted by [2023 c. 52 s. 168\(2\)\(b\)](#)
- s. 5(10A) inserted by [2023 c. 52 s. 168\(2\)\(c\)](#)
- s. 5(11A)(11B) inserted by [2023 c. 52 s. 185\(4\)](#)
- s. 7B(5FA) inserted by [2023 c. 52 s. 185\(13\)](#)
- s. 7AC inserted by [2023 c. 52 s. 185\(6\)](#)
- s. 8AA(11B) inserted by [2023 c. 52 s. 185\(14\)](#)
- s. 15A inserted by [1992 c. 43 s. 17](#)
- s. 23D(2)(d) and word inserted by [2013 c. 32 s. 138\(4\)\(c\)\(iii\)](#)
- s. 27(1ZA)(aa) inserted by S.I. 2019/93, Sch. 1 para. 2(2)(b) (as substituted) by [S.I. 2019/1245 reg. 17](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 28(8A) inserted by [2023 c. 52 Sch. 14 para. 3\(3\)](#)
- s. 41E(6)(d) and word inserted by [2013 c. 32 s. 138\(4\)\(f\)\(ii\)](#)
- Sch. 4B para. 9B and cross-heading inserted by [2023 c. 52 Sch. 14 para. 4](#)