



Gas Act 1986

1986 CHAPTER 44

PART I

GAS SUPPLY

Supplemental

48 Interpretation of Part I and savings.

(1) In this Part, unless the context otherwise requires—

[^{F1}“the Agency” means the Agency for the Cooperation of Energy Regulators established under the Agency [Regulation](#);]

[^{F2}“the Agency Regulation” means Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (recast), and “predecessor”, in relation to that Regulation, means Regulation (EC) [713/2009](#) of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators;]

[^{F1}“associated undertaking”, in relation to a person (“person A”), means a person who—

(a) has control of person A; or

(b) is under the control of a person who controls person A,

and sections 450 and 451(1) to (3) of the Corporation Tax Act 2010 (meaning of “control”) apply, with any necessary modifications, for the purposes of this definition as they apply for the purposes of Part 10 of that Act;]

“authorised area”, in relation to a [^{F3}gas transporter], has the meaning given by section 7(2) above;

[^{F4}“authorised supplier” means a person authorised by a licence or exemption to supply to any premises gas which has been conveyed to those premises through pipes;]

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[^{F5}“authorised transporter” means a person authorised by a licence or exemption to convey gas through pipes to any premises or to a pipe-line system operated by a gas transporter;]

“calorific value” has the meaning given by section 12(2) above;

[^{F6}“the CMA ” means the Competition and Markets Authority;]

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.....

“declared calorific value” has the meaning given by section 12(2) above;

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.....

[^{F10}“designated regulatory function” means a function of the Authority or the Northern Ireland Authority conferred by—

- (a) a provision of [^{F11}assimilated] law, or
- (b) a condition in a licence under section 7, 7ZA or 7A or Article 8 of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)), as that condition is modified from time to time on or after IP completion day,

where that function was, immediately before IP completion day, one of its functions as a regulatory authority designated in accordance with Article 39 of the Gas Directive;]

[^{F1}“distribution exemption holder” means a person who—

- (a) is carrying on an activity such as is mentioned in section 5(1)(a), the whole or part of which is also an activity of distribution within the meaning given by Article 2(5) of the Gas Directive; and
- (b) is authorised to carry on that activity by an exemption;

“distribution main”, in relation to a [^{F3}gas transporter], means any main of the [^{F12}transporter] through which the [^{F12}transporter] is for the time being distributing gas and which is not being used only for the purpose of conveying gas in bulk;

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.....

[^{F1}“exempt distribution system” means a distribution system operated or controlled by a distribution exemption holder who is covered by an exemption granted to it in relation to that system;]

[^{F14}“exemption” means an exemption under section 6A;]

“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 15°C and a pressure of 1013.25 millibars and is specified in an order made by the Secretary of State;

[^{F15}“the Gas Directive” means [Directive 2009/73/EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing [Directive 2003/55/EC](#), as amended by the 2019 Amending Directive;]

“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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[^{F16}“gas interconnector” has the meaning given by section 5(8);]

[^{F1}“the Gas Regulation” means Regulation 2009/715/EC of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation 2005/1775/EC, as amended by the 2010 Amending Decision [^{F17}, the 2012 Amending Decision and the 2013 Amending Regulation] ;]

[^{F18}“gas supplier” and “gas shipper” have the meanings given by section 7A(11) above;]

[^{F1}“gas undertaking” has the meaning given by section 8Q;]

“holding company” [^{F19}has the meaning given by][^{F20}section 1159 of the Companies Act 2006];

“information” includes accounts, estimates and returns;

[^{F21}“ kilowatt hour” means 3.6 megajoules;]

[^{F22}“licence” means a licence under section 7 [^{F23}, 7ZA][^{F24}, 7A or 7AB] and “licence holder” shall be construed accordingly;]

[^{F1}“LNG import or export facility” means a facility in Great Britain (including the territorial sea adjacent to Great Britain and the sea in any area designated under section 1(7) of the Continental Shelf Act 1964) for—

- (a) the importation into Great Britain and regasification of liquid gas prior to its conveyance to a pipeline system operated by the holder of a licence under section 7 or section 7ZA, or the liquefaction of gas for the purpose of its export from Great Britain; and
- (b) any activity, including temporary storage of gas or liquid gas, which is necessary for that importation, regasification or liquefaction;]

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.....
[^{F1}“main commercial conditions” means—

- (a) in the case of a storage facility, such information as would enable a potential applicant for a right to have gas or liquid gas stored in the facility to make a reasonable assessment of the cost of, or the method of calculating the cost of, acquiring that right;
- (b) in the case of an LNG import or export facility, the terms setting out the cost or the method of determining the cost of acquiring the right to have gas or liquid gas treated in the facility;
- (c) the other significant terms on which such a right as is mentioned in paragraph (a) or (b) would be granted; and
- (d) such additional information as the Authority may from time to time specify by notice;]

“notice” means notice in writing;

[^{F26}“Northern Ireland Authority” means the Northern Ireland Authority for Utility Regulation;]

[^{F27}“officer”, in relation to any person, includes any servant or agent of that person, and any officer or servant of such an agent;

[^{F28}“owner”—

- (a) in relation to any premises or other property, includes a lessee;
- (b) in relation to a storage facility or an LNG import or export facility, includes a person occupying or having control of the facility,

and cognate expressions shall be construed accordingly;:]

“prescribed” means prescribed by regulations [^{F29}made, unless the context otherwise requires, by the Secretary of State];

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[^{F30}“ providing a smart meter communication service ” has the meaning given in section 5(11) above, and cognate expressions shall be construed accordingly;]

[^{F1}“relevant producer or supplier” has the meaning given by section 8Q;]

[^{F31}“^{F3} gas transporter”] has the meaning given by section 7(1) above;]

^{F32}

[^{F1}“senior officer” means—

- (a) in relation to a company, a director;
- (b) in relation to a partnership, a partner;
- (c) in any other case, a person holding a position equivalent to that of a director or partner;]

^{F33} [“service pipe” means a pipe, other than a distribution main of a [^{F3} gas transporter]], which is used for the purpose of conveying gas from such a main to any premises, and includes part of any such pipe;

[^{F30}“ smart meter communication licence ” has the meaning given to that term in section 7AB(1);]

“storage”, in relation to gas, means storage in, or in a facility which is connected (directly or indirectly) to, a pipe-line system operated by a [^{F3} gas transporter];

[^{F1}“storage”, in relation to liquid gas in a storage facility, includes any liquefaction of gas or regasification of liquid gas ancillary to the storage of liquid gas, and “stored”, in relation to liquid gas in a storage facility, shall be construed accordingly;]

[^{F1}“storage facility” means a facility in Great Britain (including the territorial sea adjacent to Great Britain and the sea in any area designated under section 1(7) of the Continental Shelf Act 1964) for either or both of the following—

- (a) the storage in porous strata, or in cavities in strata, of gas which has been, or will be, conveyed in a pipeline system operated by the holder of a licence under section 7 or 7ZA;
- (b) the storage of liquid gas which, if regasified, would be suitable for conveyance through pipes to premises in accordance with a licence under section 7,

but the reference in paragraph (b) to the storage of liquid gas does not include such temporary storage as is mentioned in the definition of “LNG import or export facility”;;]

“subsidiary” [^{F19}has the meaning given by section 736 of] the Companies Act 1985;

[^{F1}“supply exemption holder” means a person who—

- (a) is carrying on the activity mentioned in section 5(1)(b); and
- (b) is authorised to carry on that activity by an exemption;]

[^{F1}“treatment”, in relation to gas or liquid gas in an LNG import or export facility, includes importation, regasification, liquefaction and temporary storage, and “treat” shall be construed accordingly;]

[^{F1}“the 2010 Amending Decision” means Commission Decision 2010/685/EU of 10 November 2010 amending Chapter 3 of Annex I to Regulation [2009/715/EC](#) of the European Parliament and of the Council on conditions for access to the natural gas transmission networks;]

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[^{F34}“the 2012 Amending Decision” means Commission Decision 2012/490/EU of 24 August 2012 amending Annex I to Regulation 2009/715/EC of the European Parliament and of the Council on conditions for access to the natural gas transmission networks;

“the 2013 Amending Regulation” means Regulation 2013/347/EU of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision 2006/1364/EC and amending Regulations 2009/713/EC, 2009/714/EC and 2009/715/EC;]

[^{F35}“the 2019 Amending Directive” means Directive (EU) 2019/692 of the European Parliament and of the Council of 17 April 2019 amending Directive 2009/73/EC concerning common rules for the internal market in natural gas;]

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^{F37}

[Until section 75 of the Utilities Act 2000 comes into force the references to an ^{F38}(1ZA) exemption in the definitions in subsection (1) above of “distribution exemption holder”, “exempt distribution system” and “supply exemption holder” to an exemption include an exception under Schedule 2A.]

[In this Part any reference to an officer authorised by any person includes, in relation ^{F39}(1A) to an officer who is an officer or servant of an agent of that person, an officer who, in accordance with the terms of any written authority given by that person to the agent, is authorised by the agent on behalf of that person.]

(2) In this Part, except in section 18, references to the supply of gas do not include references [^{F40}to the supply of gas (directly or indirectly) to a [^{F3}gas transporter], gas supplier or gas shipper].

[In relation to any time after 31st December 1999—
^{F41}(2A) (a) references in this Part to 2,500, 75,000 and 2 million therms shall be construed as references to 73,200, 2,196,000 and 58 million kilowatt hours respectively; and
(b) other references in this Part to therms, and references in this Part to therms or kilowatt hours, shall be construed as references to kilowatt hours.

(2B) A person is of pensionable age for the purposes of this Part if—
(a) he has attained pensionable age (within the meaning given by the rules in paragraph 1 of Schedule 4 to the ^{M1}Pensions Act 1995); or
(b) in the case of a man born before [^{F42}6th December 1953] , he is the same age as a woman who has attained pensionable age (within the meaning so given).

^{F43}(3)]

^{F43}(4)]

Textual Amendments

- F1** Words in s. 48(1) inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **47(2)(b)**
- F2** Words in s. 48(1) substituted (25.2.2020) by [The Electricity and Gas \(Internal Markets\) Regulations 2020 \(S.I. 2020/96\)](#), regs. 1, **2(3)**
- F3** Words in s. 48 substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. I para. 2(1)**; S.I. 2001/3266, **art. 2, Sch.** (subject to transitional provisions in **arts. 3-20**)

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- F4** Definition of “authorised supplier” in s. 48(1) inserted (7.11.2000 for certain purposes and otherwise 1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. I para. 19(a)**; S.I. 2000/2974, art. 2, **Sch.** (subject to transitional provisions in arts. 3-12); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F5** Definition of “authorised transporter” in s. 48(1) inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. I para. 19(a)**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F6** Words in s. 48(1) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 28**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Definition of “the council” in s. 48(1) repealed (1.10.2001) by 2000 c. 27, s. 108, **Sch. 8**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F8** Words in s. 48(1) omitted (31.12.2020) by virtue of The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **35(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in s. 48(1) omitted (31.12.2020) by virtue of The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **35(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in s. 48(1) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **35(4)** (as amended by virtue of The Electricity and Gas etc. (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1016), regs. 1(2), **3(14)(a)(b)**); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Word in s. 48(1) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 21(2)(c)**
- F12** Words in s. 48(1) substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(b)**; S.I. 1996/218, **art. 2**
- F13** Definition of “domestic customer” in s. 48(1) repealed (1.10.2001) by 2000 c. 27, s. 108, Sch. 6, Pt. I para. 19(c), **Sch. 8**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F14** Definition of “exemption” in s. 48(1) inserted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6**, Pt. I para. 19(b); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F15** Words in s. 48(1) substituted (14.7.2020) by The Gas (Internal Markets) Regulations 2020 (S.I. 2020/625), regs. 1(2), **6(a)**
- F16** Words in s. 48(1) inserted (1.12.2004) by Energy Act 2004 (c. 20), **ss. 149(11)**, 198(2); S.I. 2004/2575, art. 2(2), Sch. 2
- F17** Words in s. 48(1) inserted (14.1.2015) by The Electricity and Gas (Internal Markets) Regulations 2014 (S.I. 2014/3332), regs. 1(1), **2(b)**
- F18** Words in s. 48(1) inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(d)**; S.I. 1996/218, **art. 2**
- F19** 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. 1990/1392 **art. 2(d)**)
- F20** Words in s. 48(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 70(3)** (with art. 10)
- F21** Definition in s. 48(1) inserted (1.4.1992) by S.I. 1992/450, **reg. 3(2)**.
- F22** Definition of “licence” in s. 48(1) substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6**, Pt. I para. 19(d); S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F23** Word in s. 48(1) inserted (1.12.2004) by Energy Act 2004 (c. 20), **ss. 149(8)(a)**, 198(2); S.I. 2004/2575, art. 2(2), Sch. 2
- F24** Words in s. 48(1) substituted (19.9.2012) by The Electricity and Gas (Smart Meters Licensable Activity) Order 2012 (S.I. 2012/2400), arts. 1, **27(a)**
- F25** Words in s. 48(1) repealed (1.4.1999) by S.I. 1999/506, **art. 20(d)**
- F26** Words in s. 48(1) inserted (31.12.2020) by The Electricity and Gas etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/530), regs. 1(1), **35(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in s. 48(1) inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(f)**; S.I. 1996/218, **art. 2**
- F28** Words in s. 48(1) substituted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **47(2)(a)**

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- F29** Words in s. 48(1) substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(g)**; S.I. 1996/218, **art. 2**
- F30** Words in s. 48(1) inserted (19.9.2012) by The Electricity and Gas (Smart Meters Licensable Activity) Order 2012 (S.I. 2012/2400), arts. 1, **27(b)**
- F31** Words in s. 48(1) substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(h)**; S.I. 1996/218, **art. 2**
- F32** Words in s. 48(1) repealed (1.3.1996) by 1995 c. 45, ss. 10(1), 17(5), Sch. 3 para. 54(1)(i), **Sch. 6**; S.I. 1996/218, **art. 2**
- F33** Words in s. 48(1) inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(1)(j)**; S.I. 1996/218, **art. 2**
- F34** Words in s. 48(1) inserted (14.1.2015) by The Electricity and Gas (Internal Markets) Regulations 2014 (S.I. 2014/3332), regs. 1(1), **2(a)**
- F35** Words in s. 48(1) inserted (14.7.2020) by The Gas (Internal Markets) Regulations 2020 (S.I. 2020/625), regs. 1(2), **6(b)**
- F36** Words in s. 48(1) repealed (1.3.1996) by 1995 c. 45, ss. 10(1), 17(5), Sch. 3 para. 54(1)(k), **Sch. 6**; S.I. 1996/218, **art. 2**
- F37** Definition of "therm" in s. 48(1) omitted (1.1.2000) by virtue of S.I. 1992/450, **reg. 3(5)(e)**.
- F38** S. 48(1ZA) inserted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **47(3)**
- F39** S. 48(1A) inserted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(2)**; S.I. 1996/218, **art. 2**
- F40** Words in s. 48(2) substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(3)**; S.I. 1996/218, **art. 2**
- F41** S. 48(2A)-(3) substituted for s. 48(3) (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 54(4)**; S.I. 1996/218, **art. 2**
- F42** Words in s. 48(2B)(b) substituted (3.1.2012) by Pensions Act 2011 (c. 19), s. 38(3)(a), **Sch. 1 para. 1**
- F43** S. 48(3)(4) repealed (1.10.2001) by 2000 c. 27, s. 108, **Sch. 8**; S.I. 2001/3266, art. 2, **Sch.** (subject to transitional provisions in arts. 3-20)

Modifications etc. (not altering text)

- C1** S. 48(1) amended (temp. until 31.12.1999) (1.4.1992) by S.I. 1992/450, **reg. 3(4)(b)**.

Marginal Citations

- M1** 1995 c.26.

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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](#)