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## SCHEDULES

### SCHEDULE 2 **E+W+S**

Section 9(2).

“[SCHEDULE 2B TO  
1986 ACT] **E+W+S**”

#### THE GAS CODE

##### *Preliminary*

- 1 (1) In this Schedule, unless the context otherwise requires—
- “the appointed day” means the day appointed under section 18(2) of the Gas Act 1995;
  - “connect”, in relation to any premises, means connect to a main of a public gas transporter, whether directly or by means of a service pipe, and “disconnect” and “re-connect” have corresponding meanings except that they also include discontinuing or, as the case may be, resuming the conveyance of gas to the premises;
  - “consumer” means a person who is supplied with gas conveyed to particular premises (in this Schedule referred to as his premises) by a public gas transporter;
  - “relevant gas supplier” and “relevant gas shipper”, in relation to a consumer, mean respectively any gas supplier who is supplying him with gas conveyed to his premises and any gas shipper who has made arrangements in pursuance of which gas is conveyed to those premises.
- (2) In so far as the provisions of this Schedule, other than paragraphs 20 to 22 below, apply in relation to a public gas transporter, gas supplier or gas shipper, they shall have effect subject to any conditions of his licence.

##### *Consumption of gas to be ascertained by meter*

- 2 (1) Every consumer shall take his supply through a meter—
- (a) the use of which does not contravene section 17 of this Act; and
  - (b) which is of a type appropriate for registering the quantity of gas supplied.
- (2) In default of the consumer’s doing so or agreeing to do so—
- (a) the public gas transporter may disconnect or, as the case may be, refuse to connect his premises; and
  - (b) any relevant gas supplier may cut off the supply of gas to his premises.

##### *Meters to be kept in proper order*

- 3 (1) Every consumer shall at all times, at his own expense, keep all meters—
- (a) which belong to him, or which are lent or hired to him and are owned otherwise than by the public gas transporter or a relevant gas supplier; and

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- (b) by which the quantity of gas supplied is registered, in proper order for correctly registering the quantity of gas.
- (2) In default of the consumer's doing so—
  - (a) the public gas transporter may disconnect his premises; and
  - (b) any relevant gas supplier may cut off the supply of gas to his premises.
- (3) In the case of any consumer, the public gas transporter or any relevant gas supplier shall at all times, without charge to the consumer, keep any meter which is owned by him and is lent or hired to the consumer in proper order for correctly registering the quantity of gas supplied.
- (4) Sub-paragraph (3) above is without prejudice to any remedy the transporter or supplier may have against the consumer for failure to take proper care of the meter.
- (5) In the case of any consumer, the public gas transporter, any relevant gas supplier and any relevant gas shipper—
  - (a) shall have power to remove, inspect and re-install any meter by which the quantity of gas supplied is registered; and
  - (b) shall, while any such meter is removed, fix a substitute meter on the premises; and, subject to sub-paragraph (6) below, the cost of removing, inspecting and re-installing a meter and of fixing a substitute meter shall be defrayed by the transporter, supplier or shipper.
- (6) Where such a meter is removed for the purpose of being examined by a meter examiner in accordance with section 17 of this Act, the expenses incurred in removing, examining and re-installing the meter and fixing a substitute meter shall be defrayed as follows—
  - (a) if the examination is carried out at the request of any person and the meter is found in proper order, by that person;
  - (b) if the meter is not so found, by the person required by sub-paragraph (1) or (3) above to keep the meter in proper order.
- (7) A meter is found in proper order for the purposes of sub-paragraph (6) above if it is found to register correctly or to register erroneously to a degree not exceeding the degree permitted by regulations under section 17 of this Act.
- (8) Nothing in this paragraph shall apply in relation to any meter which, in pursuance of an agreement falling within section 17(14) of this Act, is used for ascertaining the quantity of gas supplied to a consumer if either—
  - (a) the agreement was entered into before the appointed day; or
  - (b) the public gas transporter and each relevant gas shipper have agreed that the meter should be kept in proper order by a person other than the consumer.

*Meter as evidence of quantity of gas supplied*

- 4 (1) This paragraph applies where a consumer is supplied with gas through a meter at a rate not exceeding 75,000 therms a year.
- (2) Subject to sub-paragraph (3) below, the register of the meter shall be prima facie evidence of the quantity of gas supplied.
- (3) Where the meter is found, when examined by a meter examiner appointed under section 17 of this Act, to register erroneously to a degree exceeding the degree permitted by regulations under that section, the meter shall be deemed to have registered

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erroneously to the degree so found since the relevant date, except in a case where it is proved to have begun to do so on some later date.

- (4) In sub-paragraph (3) above “the relevant date” means—
- (a) the penultimate date on which, otherwise than in connection with the examination, the register of the meter was ascertained; or
  - (b) if regulations so provide, such other date as may be determined by or under the regulations.

*Installation of meters in new premises etc.*

- 5 (1) This paragraph applies where a meter is to be used to register the quantity of gas supplied to a consumer and—
- (a) gas has not previously been conveyed by the public gas transporter to the consumer’s premises;
  - (b) a new or substituted pipe is to be laid between the transporter’s main and the meter; or
  - (c) the meter is to be installed in a different position.
- (2) Subject to sub-paragraph (3) below, the meter shall be installed as near as practicable to the public gas transporter’s main, but within a building comprised in the premises.
- (3) The meter may be installed otherwise than within a building comprised in the premises if it is installed either—
- (a) in accommodation of a type and construction approved by the public gas transporter by an approval given in relation to premises generally, or to any class or description of premises; or
  - (b) in a separate meter house or other accommodation outside a building comprised in the premises which is approved by the transporter in the case of those particular premises.
- (4) If the requirements of this paragraph are not complied with, the public gas transporter may refuse to connect or, as the case may be, disconnect the consumer’s premises.

*Meters for disabled persons*

- 6 Where, in the case of any consumer, the public gas transporter or a relevant gas supplier, for the purpose of meeting the needs of a disabled person—
- (a) alters the position of any gas meter which is owned by the transporter or supplier and is lent or hired to the consumer; or
  - (b) replaces such a meter with one which has been specially adapted,
- the transporter or supplier shall not charge the consumer for the alteration or replacement.

*Recovery of gas charges etc.*

- 7 (1) Sub-paragraphs (3) and (4) below apply where—
- (a) a demand in writing is made by a gas supplier for the payment of any of the charges due to him from a consumer in respect of the supply of gas to the consumer’s premises, or to any premises previously owned or occupied by him; and

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- (b) the consumer does not pay those charges within 28 days after the making of the demand.
- (2) Sub-paragraph (3) below also applies where—
- (a) a request in writing is made by a gas supplier for the provision of a deposit by way of reasonable security for the payment of the charges due to him from a consumer in respect of the supply of gas to the consumer's premises; and
  - (b) the consumer does not provide such a deposit, or agree to take his supply through a pre-payment meter, within 7 days after the making of the request.
- (3) If the supplier is a relevant supplier, he may, after giving not less than 7 days' notice of his intention—
- (a) cut off the supply to the consumer's premises by disconnecting the service pipe at the meter or by such other means as he thinks fit; and
  - (b) recover any expenses incurred in so doing from the consumer.
- (4) If—
- (a) the supplier is not a relevant supplier but another supplier ("the new supplier") is such a supplier; and
  - (b) the supplier has assigned to the new supplier his right to recover any of the charges due to him from the consumer,
- sub-paragraph (3) above shall apply as if any reference to the supplier were a reference to the new supplier.
- (5) The powers conferred by sub-paragraphs (3) and (4) above shall not be exercisable as respects any charges or deposit the amount of which is genuinely in dispute.

*Deemed contracts in certain cases*

- 8 (1) Where a gas supplier supplies gas to a consumer otherwise than in pursuance of a contract, the supplier shall be deemed to have contracted with the consumer for the supply of gas as from the time ("the relevant time") when he began so to supply gas to the consumer.
- (2) Where—
- (a) the owner or occupier of any premises takes a supply of gas which has been conveyed to those premises by a public gas transporter in pursuance of arrangements made with the transporter by a gas shipper, or by a person authorised to make the arrangements by an exemption granted under section 6A of this Act;
  - (b) that supply is not made by a gas supplier, or by a person authorised to make it by an exemption granted under section 6A of this Act or an exception contained in Schedule 2A to this Act; and
  - (c) a supply of gas so conveyed has been previously made by a gas supplier,
- the owner or occupier shall be deemed to have contracted with the appropriate supplier for the supply of gas as from the time ("the relevant time") when he began to take such a supply; but nothing in this sub-paragraph shall be taken to afford a defence in any criminal proceedings.
- (3) In sub-paragraph (2) above "the appropriate supplier" means—
- (a) the gas supplier who previously supplied gas to the premises or, if more than one, the gas supplier who last supplied gas to the premises; or

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- (b) where that supplier's licence has been assigned generally, or has been assigned so far as relating to the premises, the person to whom the licence was so assigned; or
  - (c) where that supplier's licence has been revoked on his application, or has been so restricted on his application as to exclude the premises, the gas supplier with whom that supplier made arrangements for securing continuity of supply to the premises.
- (4) Sub-paragraphs (1) and (2) above shall not apply in any case where gas is supplied or, as the case may be, a supply of gas is taken at a rate which is reasonably expected to exceed 2,500 therms a year.
- (5) If a gas supplier at any time so elects, sub-paragraph (4) above shall have effect, so far as relating to him and to supplies begun to be made or taken after that time, as if the reference to 2,500 therms were a reference to 75,000 therms.
- (6) If a gas supplier at any time withdraws an election under sub-paragraph (5) above, sub-paragraph (4) above shall have effect, so far as relating to him and to supplies begun to be made or taken after that time, without the modification made by sub-paragraph (5) above.
- (7) The express terms and conditions of a contract which, by virtue of sub-paragraph (1) or (2) above, is deemed to have been made shall be provided for by a scheme made under this paragraph.
- (8) Each gas supplier shall make, and from time to time revise, a scheme for determining the terms and conditions which are to be incorporated in the contracts which, by virtue of sub-paragraph (1) or (2) above, are to be deemed to have been made; but this sub-paragraph shall not apply in any case where it is reasonably expected that neither of those sub-paragraphs will apply.
- (9) The terms and conditions so determined may include terms and conditions for enabling the gas supplier to determine, in any case where the meter is not read immediately before the relevant time, the number of therms or kilowatt hours which are to be treated as supplied to the consumer, or taken by the owner or occupier of the premises, during the period beginning with the relevant time and ending with—
  - (a) the time when the meter is first read after the relevant time; or
  - (b) the time when the supplier ceases to supply gas to the consumer, or the owner or occupier ceases to take a supply of gas,whichever is the earlier.
- (10) A scheme under this paragraph may make different provisions for different cases or classes of cases, or for different areas, determined by, or in accordance with, the provisions of the scheme.
- (11) As soon as practicable after a gas supplier makes a scheme under this paragraph, a revision of such a scheme, an election under sub-paragraph (5) above or a withdrawal under sub-paragraph (6) above of such an election, he shall—
  - (a) publish, in such manner as he considers appropriate for bringing it to the attention of persons likely to be affected by it, a notice stating the effect of the scheme, revision, election or withdrawal;
  - (b) send a copy of the scheme, revision, election or withdrawal to the Director and to the Council; and

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- (c) if so requested by any other person, send such a copy to that person without charge to him.

*Supplies of gas illegally taken*

- 9 (1) Where any person takes a supply of gas which is in the course of being conveyed by a public gas transporter, the transporter shall be entitled to recover from that person the value of the gas so taken.
- (2) Where—
- (a) any person at premises which have been reconnected in contravention of paragraph 11(1) below takes a supply of gas which has been conveyed to those premises by the public gas transporter; and
- (b) the supply is taken otherwise than in pursuance of a contract made with a gas supplier, or deemed to have been made with such a supplier by virtue of paragraph 8 above or paragraph 19 of Schedule 5 to the Gas Act 1995,
- the transporter shall be entitled to recover from that person the value of the gas so taken.
- (3) Each public gas transporter shall make, and from time to time revise, a scheme providing for the manner in which, and the persons by whom, the number of therms or kilowatt hours represented by a supply of gas taken in such circumstances as are mentioned in sub-paragraph (1) or (2) above is to be determined for the purposes of that sub-paragraph.
- (4) Sub-paragraphs (10) and (11) of paragraph 8 above shall apply in relation to a scheme under this paragraph as they apply in relation to a scheme under that paragraph.
- (5) In this paragraph—
- “gas supplier” includes a person authorised to supply gas by an exemption granted under section 6A of this Act or an exception contained in Schedule 2A to this Act;
- “value”, in relation to any gas taken in such circumstances as are mentioned in sub-paragraph (1) or (2) above, means the amount which, if the gas had been taken in such circumstances as are mentioned in sub-paragraph (2) of paragraph 8 above, could reasonably be expected to have been payable in respect of the gas under a contract deemed to have been made by virtue of that sub-paragraph.

*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 provided by a public gas transporter or gas supplier, or any service pipe by which any premises are connected to such a transporter’s main;
- (b) alters the index to any meter used for measuring the quantity of gas conveyed or supplied by such a transporter or supplier; or
- (c) prevents any such meter from duly registering the quantity of gas conveyed or 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) In the case of any offence under sub-paragraph (1) above, the transporter or supplier may disconnect the premises of, or cut off the supply of gas to, the person so offending.

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- (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, for preventing 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 consumer's premises have been disconnected by a public gas transporter, or a supply of gas to a consumer's premises has been cut off by a gas supplier, otherwise than in the exercise of a power conferred by—
- (a) paragraph 20, 21 or 22 below;
  - (b) regulations under section 18(2) or 18A(1) of this Act; or
  - (c) regulations under section 15 of the <sup>M1</sup>Health and Safety at Work etc. Act 1974 (health and safety regulations),
- no person shall, without the relevant consent, reconnect the premises or restore the supply.
- (2) If any person acts in contravention of sub-paragraph (1) above—
- (a) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; and
  - (b) the transporter or supplier may again disconnect the premises or, as the case may be, cut off the supply.
- (3) In this paragraph “the relevant consent” means—
- (a) where the premises are reconnected, the consent of the public gas transporter to whose main the reconnection is made;
  - (b) where the supply is restored, the consent of the supplier who cut off the supply, or the consent of a person who is or is about to become a relevant gas supplier.

*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 conveyed to any premises by a public gas transporter, or disconnect any meter from any such pipe, unless he has given—
- (a) in a case where gas is supplied to the premises by a relevant gas supplier whose name and address are known to him, to the supplier; and
  - (b) in any other case, to the transporter,
- so that it is received by the supplier or transporter at least 48 hours before he does so, notice in the prescribed form of his intention to do so.
- (2) Subject to sub-paragraph (3) below, a notice under sub-paragraph (1) above shall contain—
- (a) details of the time and place of the proposed connection or disconnection; and
  - (b) such other information as may be prescribed.
- (3) In so far as it is not reasonably practicable for a notice under sub-paragraph (1) above to contain any information required by sub-paragraph (2)(b) above, it shall be a sufficient compliance with that requirement if the information is given to the relevant gas supplier or, as the case may be, the public gas transporter within 48 hours after the connection or disconnection is effected.

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- (4) If any person acts in contravention of this paragraph, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

*Failure to notify disconnection of meter*

- 13 (1) Subject to sub-paragraph (2) below, this paragraph applies where any meter through which gas has been supplied to any premises is completely disconnected, that is to say, is disconnected both from the service pipe and from all other pipes within the premises.
- (2) This paragraph does not apply where the meter—
- (a) is disconnected for the purposes of an examination under section 17 of this Act or an inspection under paragraph 3(5) above; or
  - (b) is disconnected for a particular purpose (whether repair or repositioning of the meter, detection of a gas leak or otherwise) and is intended to be reconnected.
- (3) Except in so far as it is not reasonably practicable for him to do so, the person making the disconnection shall—
- (a) ascertain the name and address of the owner of the meter; and
  - (b) inform that owner of the disconnection and of the address at which the meter will be available for collection.
- (4) If any person fails to comply with sub-paragraph (3) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

*Failure to maintain shipping arrangements*

- 14 (1) Where—
- (a) any arrangements for the conveyance of gas by a public gas transporter to a consumer's premises at a rate reasonably expected to exceed 2,500 therms a year have been made by a gas shipper, or by a person authorised to make the arrangements by an exemption granted under section 6A of this Act; and
  - (b) those arrangements have ceased to operate and have not been replaced by arrangements made for the like purpose,
- the transporter may, after giving 21 days' notice to the relevant persons, disconnect the premises.
- (2) The relevant persons for the purposes of sub-paragraph (1) above are—
- (a) the occupier, or the owner of the premises if they are unoccupied; and
  - (b) any gas supplier who, to the knowledge of the transporter, has contracted to supply gas to the premises.
- (3) The notice required to be given by sub-paragraphs (1) and (2)(a) above may, in the case of unoccupied premises the owner of which is unknown to the public gas transporter and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises.

*Maintenance etc. of service pipes*

- 15 (1) A public gas transporter shall carry out any necessary work of maintenance, repair or renewal of any service pipe by which gas is conveyed by him to a consumer's premises, whether or not the service pipe was supplied and laid at the transporter's expense.



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- (2) The cost of any work carried out in accordance with sub-paragraph (1) above shall be defrayed as follows—
- (a) if the work was made necessary by any intentional act or culpable negligence of the consumer and the transporter so requires, by the consumer;
  - (b) in any other case, by the transporter.

*Alterations etc. of burners on change of calorific value*

- 16 (1) This paragraph applies where there is a change in the properties of any gas which is conveyed by a public gas transporter to a consumer's premises at a rate not exceeding 75,000 therms a year.
- (2) It shall be the duty of the public gas transporter to take without charge to the consumer such steps as may be necessary to alter, adjust or replace the burners in appliances at the premises which burn that gas in such manner as to secure that the gas can be burned with safety and efficiency.

*Use of antifuuctuators and valves*

- 17 (1) Where a consumer uses gas for working or supplying a compressor, that is to say—
- (a) an engine, gas compressor or other similar apparatus; or
  - (b) any apparatus liable to produce in any main of the public gas transporter a pressure less than atmospheric pressure,
- he shall, if so required by the transporter by notice, fix in a suitable position and keep in use an appliance provided by him which will effectually prevent pressure fluctuation in the transporter's pipe-line system and any other inconvenience or danger being caused to persons by reason that he and they are supplied with gas conveyed through the same system.
- (2) Where a consumer uses for or in connection with the consumption of gas—
- (a) any air at high pressure ("compressed air"); or
  - (b) any gaseous substance not conveyed by the public gas transporter ("extraneous gas"),
- he shall, if so required by the transporter 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 conveyed by the transporter.
- (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 consumer shall not be entitled to use a compressor, or any apparatus for using compressed air or extraneous gas, unless he has given to the public gas transporter not less than 14 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 a consumer makes default in complying with any provision of this paragraph, the public gas transporter may disconnect the consumer's premises.
- (6) The public gas transporter shall have power to disconnect, remove, test and replace any appliance which a consumer is required by this paragraph to keep in use; and any

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expenses incurred by the transporter under this sub-paragraph shall, if the appliance is found in proper order and repair, be paid by the transporter, but otherwise shall be paid by the consumer.

*Improper use of gas*

- 18 If a consumer improperly uses or deals with gas so as to interfere with the efficient conveyance of gas by the public gas transporter (whether to the consumer or to any other person), the transporter may, if he thinks fit, disconnect the consumer's premises.

*No obligation to restore supply where consumer in default*

- 19 (1) This paragraph applies where—
- (a) a consumer's premises have been disconnected by a public gas transporter in pursuance of paragraph 2(2)(a), 3(2)(a), 5(4), 10(2), 11(2)(b), 14(1), 17(5) or 18 above; or
  - (b) a supply of gas to a consumer's premises has been cut off by a gas supplier in pursuance of paragraph 2(2)(b), 3(2)(b), 7(3) or (4), 10(2) or 11(2)(b) above.
- (2) The transporter or supplier shall not be under any obligation to reconnect the consumer's premises or, as the case may be, resume the supply of gas to the consumer's premises until the consumer either is no longer an owner or occupier of the premises or—
- (a) has made good the default, or remedied the matter, in consequence of which the premises were disconnected or the supply was cut off; and
  - (b) has paid the reasonable expenses of disconnecting and reconnecting the premises or, as the case may be, of cutting off the supply and restoring the supply.
- (3) In this paragraph "consumer", in relation to a disconnection or cutting off under paragraph 11(2)(b) above, means—
- (a) the owner of the premises at the time when the reconnection was made, or the supply was restored, without the relevant consent—
    - (i) if the premises were unoccupied at that time, or
    - (ii) if that reconnection or restoration of supply was made by him or on his behalf; and
  - (b) the occupier of the premises at that time in any other case;
- and in this sub-paragraph "relevant consent" has the same meaning as in paragraph 11 above.

*Notified escapes of gas*

- 20 (1) Where any gas escapes from any pipe of a public gas transporter, or from any pipe or other gas fitting used by a consumer to whose premises gas is conveyed by such a transporter, the transporter—
- (a) shall, immediately after being informed of the escape, prevent the gas from escaping (whether by disconnecting any premises or otherwise); and
  - (b) shall take any other steps necessary to avert danger to life or property.
- (2) If a public gas transporter—
- (a) fails, within 12 hours after being so informed, effectually to prevent the gas from escaping; or
  - (b) fails to comply with sub-paragraph (1)(b) above,

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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)(a) above it shall be a defence for the public gas transporter to prove—
- (a) that it was not reasonably practicable for him effectually to prevent the gas from escaping within the said period of 12 hours; and
  - (b) that he did effectually prevent the escape as soon as it was reasonably practicable for him to do so.
- (4) In any proceedings for an offence under sub-paragraph (2)(b) above it shall be a defence for the public gas transporter to prove that he took all such steps to avert danger to life or property as were reasonably practicable.
- (5) It shall be the duty of any public gas transporter, gas supplier or gas shipper to take any steps necessary to ensure that, if he is informed by any person (“the informant”) of an escape of gas (other than one, in the case of a transporter, that he is required by sub-paragraph (1) above to prevent), he passes the information on, without avoidable delay, either—
- (a) to a responsible person, that is to say, a person appearing to him—
    - (i) to be responsible (whether under that sub-paragraph or otherwise) for preventing the escape; or
    - (ii) to be a public gas transporter within whose authorised area the gas is escaping; or
  - (b) to a nominated person, that is to say, a person nominated by a responsible person to receive information about escapes of gas on his behalf.
- (6) There shall be a sufficient compliance with sub-paragraph (5) above if the transporter, supplier or shipper is satisfied that the informant—
- (a) intends to pass the information on, without avoidable delay, to a nominated person; and
  - (b) is in a position to do so.
- (7) References in sub-paragraphs (5) and (6) above to the passing on of information to a nominated person are references to the passing on of information to that person in such manner (if any) as may be specified by the responsible person by whom that person was nominated.

#### *Suspected escapes of gas*

- 21 (1) Where a public gas transporter has reasonable cause to suspect that gas conveyed by him which has escaped has entered, or may enter any premises, the transporter shall take any steps necessary to avert danger to life or property.
- (2) If a public gas transporter fails to comply with 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.
- (3) In any proceedings for an offence under sub-paragraph (2) above it shall be a defence for the public gas transporter to prove that he took all such steps to avert danger to life or property as were reasonably practicable.

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*Entry for preventing escapes of gas etc.*

- 22 (1) Where a public gas transporter has reasonable cause to suspect—
- (a) that gas conveyed by him is escaping, or may escape, in any premises; or
  - (b) that gas so conveyed which has escaped has entered, or may enter, any premises,
- any officer authorised by the transporter 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.
- (2) Where a public gas transporter has reasonable cause to suspect—
- (a) that gas conveyed through pipes by some other person is escaping, or may escape, in any premises in an authorised area of his; or
  - (b) that gas so conveyed which has escaped has entered, or may enter, any premises in such an area,
- any officer authorised by the transporter 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.
- (3) In this paragraph any reference to any officer authorised by a public gas transporter includes a reference to any officer authorised by another such transporter with whom the transporter has made arrangements for officers authorised by the other transporter to discharge any functions of the transporter under paragraphs 20 and 21 above.

*Entry during continuance of supply*

- 23 (1) Any officer authorised by a public gas transporter may at all reasonable times, on the production of some duly authenticated document showing his authority, enter a consumer's premises for the purpose of—
- (a) inspecting gas fittings;
  - (b) ascertaining the quantity of gas conveyed to the premises;
  - (c) exercising the power conferred on the transporter by paragraph 3(5) above;
  - (d) performing the duty imposed on the transporter by paragraph 15 or 16 above;
  - (e) exercising the power conferred on the transporter by paragraph 17(6) above; or
  - (f) in the case of premises where the transporter 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 17 above are being complied with.
- (2) Any officer authorised by a relevant gas supplier or relevant gas shipper may at all reasonable times, on the production of some duly authenticated document showing his authority, enter a consumer's premises for the purpose of—
- (a) inspecting gas fittings;
  - (b) ascertaining the quantity of gas supplied or conveyed to the premises; or
  - (c) exercising the power conferred on the supplier or shipper by paragraph 3(5) above.
- (3) In this paragraph “compressor”, “compressed air” and “extraneous gas” have the same meanings as in paragraph 17 above, and any reference to a relevant gas supplier or relevant gas shipper includes a reference to a person who has been or is about to become such a supplier or shipper.

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*Entry on discontinuance of supply*

- 24 (1) This paragraph applies where—
- (a) a public gas transporter or gas supplier is authorised by any provision of this Act to disconnect any premises, or, as the case may be, to cut off or discontinue the supply of gas to any premises;
  - (b) a person occupying premises supplied with gas by a gas supplier ceases to require a supply of gas; or
  - (c) a person entering into occupation of any premises previously supplied with gas by a gas supplier does not take a supply of gas.
- (2) Any officer authorised by the public gas transporter or gas supplier, after 24 hours' notice to the occupier, or to the owner 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—
- (a) disconnecting the premises, or cutting off or discontinuing the supply of gas to the premises; or
  - (b) removing any meter or other gas fitting owned by the transporter or supplier.
- (3) The notice required to be given by sub-paragraph (2) above may, in the case of unoccupied premises the owner of which is unknown to the public gas transporter or gas supplier and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises not less than 48 hours before the premises are entered.

*Entry following discontinuance of supply*

- 25 (1) This paragraph applies where a consumer's premises have been disconnected by a public gas transporter, or a supply of gas to a consumer's premises has been cut off by a gas supplier, otherwise than in the exercise of a power conferred by—
- (a) paragraph 20, 21 or 22 above;
  - (b) regulations under section 18(2) or 18A(1) of this Act; or
  - (c) regulations under section 15 of the <sup>M2</sup>Health and Safety at Work etc. Act 1974 (health and safety regulations).
- (2) Any officer authorised by the public gas transporter or gas supplier may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of ascertaining whether the premises have been reconnected, or the supply has been restored, without the relevant consent.
- (3) In this paragraph "the relevant consent" has the same meaning as in paragraph 11 above.

*Entry for removing fittings and meters*

- 26 (1) This paragraph applies where—
- (a) a person occupying premises supplied with gas through a meter or other gas fitting owned by a public gas transporter or gas supplier ceases to take a supply through that meter or fitting; or
  - (b) a person entering into occupation of any premises previously supplied with gas through a meter or other gas fitting so owned does not take a supply of gas through that meter or fitting.
- (2) Any officer authorised by the public gas transporter or gas supplier, after 24 hours' notice to the occupier, or to the owner of the premises if they are unoccupied, may at

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all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of removing the meter or other gas fitting.

- (3) Sub-paragraph (3) of paragraph 24 above applies for the purposes of this paragraph as it applies for the purposes of that paragraph.

*Entry for replacing, repairing or altering pipes*

- 27 (1) Any officer authorised by a public gas transporter, after 7 clear days' notice to the occupier of any premises, or to the owner 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 of which is unknown to the public gas transporter 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 notice of the entry and the justification for it shall then be given as soon as possible after the occurrence of the emergency.

*Provisions as to powers of entry*

- 28 (1) No officer shall be authorised by a public gas transporter, gas supplier or gas shipper to exercise any powers of entry conferred by this Schedule unless—
- (a) the transporter, supplier or shipper has taken all reasonable steps to ensure that he is a fit and proper person to exercise those powers; or
  - (b) in cases of emergency, those powers are powers conferred by paragraph 22 above.
- (2) Where in pursuance of any powers of entry conferred by this Schedule, entry is made on any premises by an officer authorised by a public gas transporter, gas supplier or gas shipper—
- (a) the officer shall ensure that the premises are left no less secure by reason of the entry; and
  - (b) the transporter, supplier or shipper 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.
- (3) Any officer exercising powers of entry conferred by 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 (2) above.
- (4) If any person intentionally obstructs any officer exercising powers of entry conferred by 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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- (5) The <sup>M3</sup>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 Schedule.

*Gas meters and fittings not to be subject to distress*

- 29 (1) Any gas meter which is connected to a service pipe, and any gas fitting in a consumer's premises which is owned by a public gas transporter or gas supplier and is marked or impressed with a sufficient mark or brand indicating its owner—
- (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 it may be; and
  - (b) shall be deemed not to be a landlord's fixture, notwithstanding that it may be fixed or fastened to any part of the premises in which it 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 "pounding" and the words "for the sequestration of the estate of".

**Marginal Citations**

**M1** 1974 c.37.

**M2** 1974 c. 37.

**M3** 1954 c. 21.

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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):

- Sch. 3 para. 42(1)(a)para. 42(2)(a) repealed by [2000 c. 27 Sch. 8](#)