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*Changes to legislation:* Gas Act 1995, Paragraph 4 is up to date with all changes known to be in force on or before 18 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 3

#### OTHER AMENDMENTS OF PART I OF 1986 ACT

##### *Duty to connect certain premises*

4 For section 10 of the 1986 Act there shall be substituted the following section—

**“10 Duty to connect certain premises.**

- (1) Subsection (2) below applies to any premises in an authorised area of a public gas transporter which—
  - (a) are situated within 23 metres from a relevant main of the transporter; or
  - (b) could be connected to any such main by a pipe supplied and laid, or proposed to be supplied and laid, by the owner or occupier of the premises.
- (2) Subject to the provisions of this Part and any regulations made under those provisions, a public gas transporter shall, on being required to do so by the owner or occupier of any premises to which this subsection applies—
  - (a) in the case of premises falling within paragraph (a) of subsection (1) above, connect the premises to the relevant main, and supply and lay any pipe that may be necessary for that purpose; and
  - (b) in the case of premises falling within paragraph (b) of that subsection, connect the premises to the relevant main by the pipe there mentioned;and in the following provisions of this section “connect”, in relation to any premises, means connect to a relevant main of a public gas transporter and “connection” shall be construed accordingly.
- (3) Subject to the provisions of this Part and any regulations made under those provisions, where any premises are connected (whether by virtue of subsection (2) above or otherwise), the public gas transporter shall maintain the connection until such time as it is no longer required by the owner or occupier of the premises.
- (4) Where any person requires a connection in pursuance of subsection (2) above, he shall serve on the public gas transporter a notice specifying—
  - (a) the premises in respect of which the connection is required; and
  - (b) the day (not being earlier than a reasonable time after the service of the notice) upon which the connection is required to be made.
- (5) Where any pipe is supplied and laid by a public gas transporter in pursuance of subsection (2)(a) above, the cost of supplying and laying the pipe shall,

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if and to the extent that the transporter so requires and the conditions of his licence so allow, be defrayed by the person requiring the connection.

- (6) Where at any time a public gas transporter connects any premises under subsection (2)(b) above—
- (a) the pipe supplied and laid by the owner or occupier of the premises; and
  - (b) any rights of the owner or occupier which relate to the laying, maintenance, repair, alteration or removal of the pipe,
- shall at that time vest in and become property or rights of the transporter.
- (7) The Director may, with the consent of the Secretary of State, make provision by regulations for entitling a public gas transporter to require a person requiring a connection in pursuance of subsection (2) above to pay to the transporter an amount in respect of the expenses of the laying of the main used for the purpose of making that connection if—
- (a) the connection is required within the prescribed period after the laying of the main;
  - (b) a person for the purpose of connecting whose premises the main was laid has made a payment to the transporter in respect of those expenses;
  - (c) the amount required does not exceed any amount paid in respect of those expenses by such a person or by any person previously required to make a payment under the regulations; and
  - (d) the transporter has not recovered those expenses in full.
- (8) Nothing in subsection (2) or (3) above shall be taken as requiring a public gas transporter to connect, or maintain the connection of, any premises if the supply of gas to those premises is likely to exceed 75,000 therms in any period of twelve months.
- (9) Nothing in subsection (2) or (3) above shall be taken as requiring a public gas transporter to connect, or to maintain the connection of, any premises if—
- (a) he is prevented from doing so by circumstances not within his control;
  - (b) circumstances exist by reason of which his doing so would or might involve danger to the public, and he has taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect; or
  - (c) in the case of premises falling within paragraph (b) of subsection (1) above, the pipe supplied and laid by the owner or occupier of the premises is not fit for the purpose.
- (10) Where—
- (a) any person requires a connection to be made or maintained in pursuance of subsection (2) or (3) above;
  - (b) the making or maintenance of the connection would involve a new or increased supply of gas to the premises in question;
  - (c) the public gas transporter reasonably expects that, if the connection were made or maintained, gas would be supplied to the premises in question at a rate exceeding 2,500 therms a year; and

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- (d) the new or increased supply is such that the connection cannot be made or maintained without the laying of a new main, or the enlarging of an existing main, or the construction or enlarging of any other works required for the conveyance of gas,
- the transporter may, if he thinks fit, refuse to make or maintain the connection unless that person enters into a written contract with the transporter to make such payments to him as he may reasonably require having regard to the expense to be incurred in laying or enlarging the main or constructing or enlarging the other works and the extent to which it is reasonable to expect that the transporter will recover that expense from elsewhere.
- (11) If and to the extent that regulations made by the Director with the consent of the Secretary of State so provide, subsection (10) above shall have effect as if—
- (a) the reference in paragraph (d) to the laying of a new main, the enlarging of an existing main or the construction or enlarging of any other works required for the conveyance of gas included a reference to a new main which had previously been laid, an existing main which had previously been enlarged or any other works required for the conveyance of gas which had previously been constructed or enlarged;
- (b) the reference to the expense to be incurred in laying or enlarging the main or constructing or enlarging the other works included a reference to the expense which had been so incurred; and
- (c) the reference to the extent to which it is reasonable to expect that the transporter will recover that expense from elsewhere included a reference to the extent to which the transporter had been able so to recover that expense.
- (12) Subject to subsection (13) below, in this section “relevant main”, in relation to a public gas transporter, means any distribution main in his authorised area which is being used for the purpose of giving a supply of gas to any premises in that area at a rate not exceeding 75,000 therms a year.
- (13) Any pipe which—
- (a) vests in and becomes the property of a public gas transporter by virtue of subsection (6) above; and
- (b) apart from this subsection, would be a relevant main for the purposes of this section,
- shall be such a main if, and only if, it has been declared to be such a main by the transporter.
- (14) A public gas transporter shall make a declaration under subsection (13) above in respect of each pipe falling within that subsection which is fit for the purpose of being a relevant main; and a declaration under that subsection shall not be capable of being revoked.”

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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](#)