

SCHEDULES

SCHEDULE 5

TRANSITIONAL PROVISIONS AND SAVINGS

PART II

OTHER TRANSITIONAL PROVISIONS AND SAVINGS

Former tariff customers

- 19 (1) This paragraph applies where immediately before the appointed day a public gas supplier (“the public gas supplier”) is supplying tariff customers with gas.
- (2) The supplier’s supply successor shall be deemed to have contracted with those customers for the supply of gas as from that day.
- (3) The express terms and conditions of a contract which, by virtue of sub-paragraph (2) above, is deemed to have been made shall be provided for by the scheme made under this paragraph.
- (4) Before such date as the Secretary of State may direct, the public gas supplier shall make a scheme for determining the terms and conditions which are to be incorporated in the contracts which, by virtue of sub-paragraph (2) above, are to be deemed to have been made.
- (5) A scheme under this paragraph may—
- (a) 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; and
 - (b) make such supplemental, incidental, consequential and transitional provisions as the public gas supplier considers appropriate.
- (6) A scheme under this paragraph shall not take effect unless it is approved by the Secretary of State; and the Secretary of State may modify such a scheme before approving it.
- (7) If, in relation to such a scheme—
- (a) the public gas supplier fails, before the date specified in the Secretary of State’s direction under sub-paragraph (4) above, to submit the scheme for the approval of the Secretary of State; or
 - (b) the Secretary of State decides not to approve the scheme that has been submitted to him by the supplier (either with or without modifications),
- the Secretary of State may himself make the scheme.
- (8) It shall be the duty of the public gas supplier to provide the Secretary of State with all such information and other assistance as he may require for the purposes of or in

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connection with the exercise of any function conferred on him by sub-paragraph (6) or (7) above.

- (9) The Secretary of State shall not exercise any function conferred on him by sub-paragraph (6) or (7) above except after consultation with the public gas supplier.
- (10) A scheme made under this paragraph shall be published in the London and Edinburgh Gazettes before the appointed day and shall come into operation on that day; and conclusive evidence of a scheme so made may be given in all courts of justice and in all legal proceedings whatever by the production of a copy of either of those Gazettes purporting to contain it.
- (11) In this Part of this Schedule “supply successor”, in relation to a public gas supplier, means the person who becomes a gas supplier by virtue of a scheme made by or in relation to that public gas supplier under Part I of this Schedule.