
STATUTORY INSTRUMENTS

1997 No. 937

GAS

The Gas (Calculation of Thermal Energy) (Amendment) Regulations 1997

<i>Made</i>	- - - -	<i>18th March 1997</i>
<i>Laid before Parliament</i>		<i>18th March 1997</i>
<i>Coming into force</i>	- -	<i>11th April 1997</i>

The Director General of Gas Supply, with the consent of the Secretary of State, in exercise of the powers conferred on her by sections 12(1) (read with section 48(1)(1), (3), (4) and (5), 13(3)(b) and 47(3) (a), (aa) and (b) of the Gas Act 1986(2) and of all other enabling powers, hereby makes the following Regulations:

1. These Regulations may be cited as the Gas (Calculation of Thermal Energy) (Amendment) Regulations 1997 and shall come into force on 11th April 1997.

2. The Gas (Calculation of Thermal Energy) Regulations 1996(3) (hereafter referred to as “the Principal Regulations”) shall be amended in accordance with the following provisions of these Regulations.

3. In regulation 2(1) of the Principal Regulations—

- (a) in the definition of “charging area”, after the words “take off point” there shall be inserted the words “(not being a take off point to which paragraph (4) below or Part III of these Regulations applies)”;
- (b) in the definition of “gas day”, the words “of 24 hours” shall cease to have effect; and
- (c) after the definition of “gas period” there shall be inserted the following definitions—
 - ““input point”, in relation to a take off point (not being a take off point to which paragraph (4) below or Part III of these Regulations applies), means—
 - (a) where the take off point is situated in a charging area, any point at which gas is introduced into that part of the pipe-line system operated by the public gas transporter which is—
 - (i) in the charging area; and

(1) See the definition of “prescribed”,
(2) 1986 c. 44; sections 12 and 13 were substituted by paragraphs 6 and 7 respectively of Schedule 3 to the Gas Act 1995 (c. 45); section 47(3)(aa) was inserted by paragraph 9(3) of Schedule 1 to the Competition and Service (Utilities) Act 1992 (c. 43).
(3) S.I.1996/439.

- (ii) used for distributing gas to take off points (not being take off points to which paragraph (4) below or Part III of these Regulations applies) in the charging area; and
- (b) where the take off point is not situated in a charging area, any point at which gas conveyed to the take off point ceases to be conveyed to any other take off point;

“output point”, in relation to a take off point (not being a take off point to which paragraph (4) below or Part III of these Regulations applies) in a charging area, means any point at which gas which—

- (a) has flowed past an input point for take off points in the charging area; and
- (b) is still in the course of conveyance by the public gas transporter, ceases to be conveyed to any such take off point;”.

4. In regulation 2(3) of the Principal Regulations, after the words “regulation 8(1) below” there shall be inserted the words “in respect of an area in which the take off point is situated”.

5.—(1) In regulation 3(2) of the Principal Regulations, after the words “regulation 4 below” there shall be inserted the words “or, where paragraph (3) below applies, regulation 4A below”.

(2) After regulation 3(2) of the Principal Regulations there shall be inserted the following paragraphs—

“(3) This paragraph applies in respect of the take off points in a charging area or a take off point not situated in a charging area where a public gas transporter has—

- (a) notified the Director and taken reasonable steps to notify relevant licence holders that he is content that this paragraph should apply in respect of the take off points in that charging area or, as the case may be, that take off point;
- (b) provided and maintained, in relation to each—
 - (i) input point for the take off points in that charging area or, as the case may be, that take off point; and
 - (ii) output point in relation to the take off points in that charging area, apparatus and equipment for recording, at such locations and with such accuracy as is requisite for the purpose of calculating daily calorific values under regulation 4A below, the volume of gas flowing past the input point or output point, as the case may be, being the volume which that gas would have had if it had been measured at a temperature of 15°C and a pressure of 1013.25 millibars;
- (c) made arrangements for the safe keeping of the records of the volume of that gas made by any such apparatus and equipment at the place or premises at which it is provided;
- (d) continued to allow gas examiners all reasonable facilities for inspecting any such apparatus and equipment and any such records; and
- (e) not notified the Director and not taken reasonable steps to notify relevant licence holders that he is no longer content that this paragraph should apply in respect of the take off points in that charging area or, as the case may be, that take off point, and

where no notification to the transporter of a determination by the Director that a provision of sub-paragraph (b), (c) or (d) above is not being, or is likely not to be, complied with in respect of the take off points in that charging area or, as the case may be, that take off point, has been made or such a notification, having been made, is withdrawn in consequence of a determination by the Director to the contrary effect.

(4) In this regulation and regulations 4 and 4A below, any reference to a take off point shall be construed as a reference to a take off point to which neither regulation 2(4) above nor Part III of these Regulations applies.”

6. In regulation 4 of the Principal Regulations—

- (a) in paragraph (3), for the words “regulation 6(b) below” there shall be substituted the words “regulation 6(c) below in respect of any place or premises at which samples of gas are taken pursuant to directions given under regulation 6(a) below”;
- (b) in paragraph (3)(a), for the words “the apparatus”, in the first place where they occur, there shall be substituted the word “apparatus”;
- (c) in paragraph (3)(a)(i), for the words “that apparatus” there shall be substituted the words “means of apparatus so provided”;
- (d) in paragraph (4)(b), after the words “treated as” there shall be inserted the word “if”; and
- (e) in paragraph (5) after the words “second transporter”, in the second place where they occur, there shall be inserted the words “in accordance with this regulation or regulation 4A below”.

7. After regulation 4 of the Principal Regulations there shall be inserted the following regulation—

“Calculation of daily calorific values—alternative method

4A.—(1) The daily calorific value of gas conveyed to any take off point situated in a charging area in respect of a gas day shall be the lower of—

- (a) the area calorific value; and
- (b) the calorific value obtained by adding one megajoule per cubic metre to the lowest of—
 - (i) any of the average calorific values determined on the gas day by the public gas transporter pursuant to directions given under regulation 6(a) and (b) below on the basis of samples of gas which is a commingling of gas flowing past an input point for the take off points in the charging area and other gas, where the gas flowing past the input point is not conveyed to any take off point in the charging area without being commingled with the other gas; and
 - (ii) any of the average calorific values applicable on the gas day to any input point for the take off points in the charging area, where sub-paragraph (i) above does not apply.

(2) The daily calorific value of gas conveyed to any take off point not situated in a charging area in respect of a gas day shall be the take off point calorific value.

(3) In paragraph (1)(a) above, “the area calorific value” means—

- (a) where there is one input point for the take off points in the charging area, the average calorific value applicable to that input point on the gas day; or
- (b) where there is more than one input point for the take off points in the charging area, the calorific value given by the following formula, namely—

$$\frac{E - E^1}{V - V^1}$$

where—

E = the sum of the relevant energy inputs at the input points;

- E^1 = the sum of the relevant energy outputs at any output points for those take off points;
- V = the sum of the relevant volume inputs at the input points;
- V^1 = the sum of the relevant volume outputs at those output points,

and where—

“the relevant energy input”, in relation to an input point, means the number of megajoules given by multiplying the average calorific value applicable to the input point on the gas day by that volume of gas in cubic metres recorded by the public gas transporter as flowing past the input point on that gas day;

“the relevant energy output”, in relation to an output point, means the number of megajoules given by multiplying the average calorific value applicable to the output point on the gas day by that volume of gas in cubic metres so recorded as flowing past the output point on that gas day;

“the relevant volume input”, in relation to an input point, means that volume of gas in cubic metres so recorded as flowing past the input point on the gas day;

“the relevant volume output”, in relation to an output point, means that volume of gas in cubic metres so recorded as flowing past the output point on the gas day.

- (4) In paragraph (2) above, “the take off point calorific value” means—
- (a) where there is one input point for the take off point, the average calorific value applicable to the input point on the gas day; or
 - (b) where there is more than one input point for the take off point, the calorific value given by the following formula, namely—

$$\frac{E}{V}$$

where

the symbols “E” and “V” have the same meanings as in paragraph (3)(b) above.

(5) Subject to paragraphs (6) and (7) below, in this regulation references to the average calorific value applicable on a gas day to an input point or an output point (“the point”) shall be construed as references to the average calorific value determined on that gas day by the public gas transporter—

- (a) pursuant to directions given under regulation 6(a) and (b) below on the basis of samples of gas flowing past the point;
- (b) where no such directions as are referred to in sub-paragraph (a) above have been given, and it can be shown that the gas flowing past the point will flow or will have flowed past any other place or premises in respect of which directions under regulation 6(a) and (b) below have been given without commingling with any other gas, pursuant to directions under regulation 6(a) and (b) below given on the basis of samples of gas—
 - (i) taken at that place or those premises; or
 - (ii) if there is more than one of such places or premises, taken at that place which is, or those premises which are, nearest to the point; or
- (c) where no such directions as are referred to in sub-paragraph (a) above have been given, and it cannot be shown as provided in sub-paragraph (b) above, pursuant to directions given under regulation 6(a) and (b) below on the basis of samples of

gas taken at any place or premises in respect of which such directions have been so given at which the particular gas flowing past the place or premises—

(i) will flow past (with or without commingling with any other gas) the point; and

(ii) will not flow past another place or other premises in respect of which directions have been so given before flowing past the point,

but, if there is more than one of such places or premises, taken at that one of those places or premises which would provide a lower determination of average calorific value than the determination of average calorific value provided by the samples taken at any other of those places or premises.

(6) Where—

(a) any input point for any take off point to which gas is conveyed by a public gas transporter (“the first transporter”) is a point at which the gas flowing past is gas which has—

(i) been conveyed by another public gas transporter (“the second transporter”) to the pipe-line system operated by the first transporter; and

(ii) has not, since its entry into that pipe-line system, been commingled with any other gas; and

(b) the first transporter has notified the Director of his intention to do so,

the first transporter may, for the purposes of paragraph (1) or (3) above, adopt the daily calorific value calculated by the second transporter in accordance with regulation 4 above or this regulation in respect of the point at which the gas entered the pipe-line system operated by the first transporter as the average calorific value applicable to that input point and references in this regulation to the average calorific value applicable to that input point shall be construed accordingly.

(7) In any case where, other than by reason of the interruption of the flow of gas to be sampled, apparatus provided by the public gas transporter pursuant to directions given under regulation 6(c) below in respect of any place or premises at which samples of gas are taken pursuant to directions given under regulation 6(a) below fails to determine accurately, or at all, calorific values for a continuous period exceeding eight hours in any gas day or gas days, an average calorific value shall be deemed to have been determined on any such day or days by means of that apparatus equivalent to—

(a) the average calorific value determined by the transporter pursuant to directions so given at the alternative place;

(b) where there is no alternative place and apparatus has been provided pursuant to directions given under regulation 6(c) below, in respect of the place or premises where the apparatus so failed, throughout the period of twelve months immediately preceding such failure, the lowest of the average calorific values so determined by means of apparatus so provided for each gas day during that period of twelve months when there was no such failure and for the first two gas days after the failure had ceased; or

(c) where there is no alternative place and apparatus has not been provided pursuant to directions given under regulation 6(c) below, in respect of the place or premises where the apparatus so failed, throughout the period of twelve months immediately preceding such failure, the lower of—

(i) the lowest of the average calorific values so determined by means of apparatus so provided for each gas day preceding the failure when there was no such failure and for the first two gas days after the failure had ceased; and

(ii) 37 megajoules per cubic metre.

(8) In paragraph (7) above, “alternative place”, in relation to a place or premises in respect of which apparatus fails to determine calorific values accurately (“the failure place”), means—

(a) any place or premises in respect of which—

(i) directions have been given under regulation 6(a) below; and

(ii) it can be shown that the gas flowing past the failure place will flow or will have flowed past that place or those premises without commingling with any other gas; or

(b) if there is more than one of such places or premises, that place which is, or those premises which are, nearest to the failure place.

(9) In calculating any daily calorific value for the purpose of this regulation—

(a) any amount of less than 0.05 megajoules per cubic metre shall be ignored; and

(b) any amount of less than 0.1 but not less than 0.05 megajoules per cubic metre shall be treated as if it were 0.1 megajoules per cubic metre.

(10) Any question as to whether it can be shown that gas flowing past any input point or output point or other place or premises will flow or will have flowed past any other place or premises shall be determined by the Director.

(11) In determining for the purposes of this regulation which of any points, places or premises is the nearest to a particular point, place or premises, the distances between any of those points, places or premises and the particular point, place or premises shall be measured along pipes used for conveying gas connecting any of those points, places or premises and the particular point, place or premises.”.

8. In regulation 5(c) of the Principal Regulations, for the word “conveys” there shall be substituted the words “conveyed any”.

9. In regulation 6 of the Principal Regulations—

(a) for paragraph (d) there shall be substituted the following paragraph—

“(d) make available the results of such determinations made by the transporter during the preceding twelve months, for inspection free of charge during normal office hours—

(i) by any person at an office reasonably accessible to the public; and

(ii) by a relevant licence holder at the place or premises at which such determinations were made;”;

(b) for paragraph (g) there shall be substituted the following paragraph—

“(g) make available the results of such tests carried out within the preceding twelve months, for inspection free of charge during normal office hours—

(i) by any person at an office reasonably accessible to the public; and

(ii) by a relevant licence holder at the place or premises at which such tests were carried out.”.

10. For regulation 10(2)(b) of the Principal Regulations there shall be substituted the following paragraph—

“(b) make available the results of such tests carried out within the preceding twelve months, for inspection free of charge during normal office hours—

(i) by any person at an office reasonably accessible to the public; and

(ii) by a relevant licence holder at the place or premises at which such tests were carried out.”.

11. In regulation 13 of the Principal Regulations, for the words “by any person” to the end there shall be substituted the following words—

“(i) by any person at an office reasonably accessible to the public; and

(ii) by a relevant licence holder at the place or premises at which any such tests were carried out.”.

12. In Part I of the Schedule to the Principal Regulations, for the last entry in the Table there shall be substituted the following entries—

<i>Height above sea level in metres</i>	<i>Pressure in millibars to be deducted</i>	<i>Height above sea level in metres</i>	<i>Pressure in millibars to be deducted</i>	<i>Height above sea level in metres</i>	<i>Pressure in millibars to be deducted</i>
>295.0<=297.5	35.762	>332.5<=335.0	40.269	>370.0<=372.5	44.777
>297.5<=300.0	36.062	>335.0<=337.5	40.570	>372.5<=375.0	45.077
>300.0<=302.5	36.363	>337.5<=340.0	40.870	>375.0<=377.5	45.378
>302.5<=305.0	36.663	>340.0<=342.5	41.171	>377.5<=380.0	45.678
>305.0<=307.5	36.964	>342.5<=345.0	41.471	>380.0<=382.5	45.979
>307.5<=310.0	37.264	>345.0<=347.5	41.772	>382.5<=385.0	46.279
>310.0<=312.5	37.565	>347.5<=350.0	42.072	>385.0<=387.5	46.580
>312.5<=315.0	37.865	>350.0<=352.5	42.373	>387.5<=390.0	46.880
>315.0<=317.5	38.166	>352.5<=355.0	42.673	>390.0<=392.5	47.181
>317.5<=320.0	38.466	>355.0<=357.5	42.974	>392.5<=395.0	47.481
>320.0<=322.5	38.767	>357.5<=360.0	43.274	>395.0<=397.5	47.782
>322.5<=325.0	39.067	>360.0<=362.5	43.575	>397.5<=400.0	48.082
>325.0<=327.5	39.368	>362.5<=365.0	43.875	>400.00	48.383
>327.5<=330.0	39.668	>365.0<=367.5	44.176		
>330.0<=332.5	39.969	>367.5<=370.0	44.476		

17th March 1997.

Clare Spottiswoode
Director General of Gas Supply

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I consent to the making of these Regulations.

18th March 1997.

Fraser of Carmyllie
Minister for Energy,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Gas (Calculation of Thermal Energy) Regulations 1996 (“the Principal Regulations”).

Regulation 5 of these Regulations provides for the adoption by a public gas transporter of an alternative method of calculating daily calorific values of gas conveyed to premises, or to pipe-line systems operated by other public gas transporters, by inserting a new regulation 3(3) in the Principal Regulations. The amended regulation provides that, subject to notifying the Director and relevant licence holders and complying with stipulations requiring the provision of apparatus and equipment for recording volumes of gas at particular points, the safe keeping of volume records and allowing gas examiners inspection facilities, the daily calorific values of gas conveyed to take off points are to be calculated in accordance with the new regulation 4A inserted in the Principal Regulations by regulation 7 of these Regulations.

The new Regulation 4A provides for the calculation of the daily calorific values on the basis of the average calorific values measured at particular points weighted according to the volumes of gas flowing past those points subject to a limit based on the lowest calorific value of gas conveyed to consumers.

Regulations 9, 10 and 11 of these Regulations respectively amend Regulations 6, 10(2)(b) and 13 of the Principal Regulations so that the right to inspect determinations or results of tests at places or premises where the determinations were made or the tests carried out (as opposed to the right to make such inspections at an office reasonably accessible to the public) is available only to relevant licence holders.

Regulation 12 of these Regulations provides for the extension to 400 metres above sea level of the table of deductions in pressure for heights used in the calculation of the pressure conversion factor under Part I of the Schedule to the Principal Regulations.