

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

GAS ACT 1986

- 1 The Gas Act 1986 is amended as follows.
- 2 (1) In the following provisions, for “public gas transporter”, in each place where it
appears, there is substituted “gas transporter” and for “public gas transporters” in
each place where it appears, there is substituted “gas transporters”—
- section 7A
 - section 7B
 - section 8
 - section 9
 - section 10
 - section 11
 - section 12
 - section 13
 - section 18
 - section 18A
 - section 19
 - section 21
 - section 27A
 - section 43
 - section 46
 - section 48
 - section 62
 - Schedule 2B
 - Part I of Schedule 3
 - Schedule 4.
- (2) In section 19(6)(a), paragraph 5(2) of Schedule 2B and Part II of Schedule 3, in
each place where it appears, for “public gas transporter's” there is substituted “gas
transporter's”.
- 3 In section 5 (prohibition on unlicensed activities), in subsection (1)(a) and (c) for
“public gas transporter” there is substituted “gas transporter”.
- 4 In section 7 (licensing of public gas transporters), in subsections (2)(b), (6)(b) and
(9) for “public gas transporter” there is substituted “gas transporter”.

Status: This is the original version (as it was originally enacted).

- 5 In section 7B (general provisions about licences), subsection (4)(d) (which provides for conditions in licences requiring the furnishing of information and is superseded by other provisions of this Act about information) shall cease to have effect.
- The repeal of subsection (4)(d) of section 7B is without prejudice to the generality of the power conferred by subsection (4)(a) of that section.
- 6 In section 7B(9)—
- (a) in paragraph (b)—
 - (i) for “or extension” in both places where it appears, there is substituted “, extension or restriction”;
 - (ii) for “previously included” there is substituted “includes”; and
 - (b) at the end of paragraph (b) there is inserted “; and
 - (c) to any other person who holds a licence and whose interests may, in the opinion of the Authority, be affected by the grant.”.
- 7 In section 15A (billing disputes)—
- (a) for “domestic customer” (in each place) there is substituted “customer”;
 - (b) subsection (10) shall cease to have effect.
- 8 (1) Section 24 (modification references to Competition Commission) is amended as follows.
- (2) In subsection (1)(a)(i) and subsection (1A)(a), for “required” there is substituted “regulated”.
 - (3) In subsection (6) for “4 and 4A(1) and (2) above” there is substituted “4AA, 4AB and 4A”.
 - (4) In subsection (8) for “and 26 below” there is substituted “, 26 and 26A”.
- 9 In section 27(3) and (4) (modification by order under other enactments) for “required” there is substituted “regulated”.
- 10 In section 27A(1) (determination of certain disputes) for “domestic customer” there is substituted “customer of a person authorised by a licence or exemption to supply gas”.
- 11 In section 28(5)(a) (circumstances in which the Authority may not make or confirm an order under the section) for “4 or 4A above” there is substituted “4AA, 4AB or 4A”.
- 12 In section 28 (orders for securing compliance with certain provisions), in the definition of “relevant requirement” in subsection (8)—
- (a) after “9(1)” there is inserted “, (1A)”;
 - (b) after “12(1) or (6)” there is inserted “, 16(10),”
 - (c) after “33B,” there is inserted “33BA, 33C,”;
 - (d) “33BB” is omitted;
 - (e) for “or 33E” there is substituted “, 33F, 41A or 41B”; and
 - (f) after “Act” there is inserted “or section 27(4)(b) of the Utilities Act 2000 (order to comply with a direction under section 24 of that Act)”.
- 13 In section 33A (standards of performance in individual cases)—
- (a) for subsections (1) and (2) there is substituted—

Status: This is the original version (as it was originally enacted).

- “(1) The Authority may make regulations prescribing such standards of performance in connection with the activities of gas suppliers, so far as affecting customers or potential customers of theirs, as in the Authority’s opinion ought to be achieved in individual cases.
- (2) Regulations under this section may only be made with the consent of the Secretary of State.”;
- (b) in subsection (3)(a), for “domestic customers” there is substituted “customers or potential customers”; and
- (c) in subsection (4), for “domestic customer” there is substituted “customer or potential customer” and after “failure” there is inserted “and is of a prescribed description”.
- 14 In section 33C (information with respect to levels of performance), in subsection (2) (b), for “may be so specified” there is substituted “the Authority may direct”.
- 15 Section 33E (procedures for dealing with complaints) shall cease to have effect.
- 16 In section 36(2) (keeping of register), in paragraph (c)—
- (a) the words “made otherwise than by order” shall be omitted; and
- (b) for “subsection (5)” there is substituted “subsection (7)”.
- 17 In section 38 (power to require information etc.)—
- (a) in subsection (1A) for “4 or 4A above” there is substituted “4AA, 4AB or 4A”; and
- (b) in subsection (3) after “document” there is inserted “or record”.
- 18 In section 46(3), for “his authorised area” there is substituted “any authorised area of his”.
- 19 In section 48(1) (interpretation of Part I)—
- (a) after the definition of “authorised area” there is inserted—
- ““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;
- “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;”;
- (b) before the definition of “gas” there is inserted—
- ““exemption” means an exemption under section 6A;”;
- (c) the definition of “domestic customer” shall be omitted; and
- (d) for the definition of “licence” there is substituted—
- ““licence” means a licence under section 7 or 7A and “licence holder” shall be construed accordingly;”.
- 20 In section 62, after subsection (2A) there is inserted—
- “(2AB) If immediately before the commencement of paragraph 2 of Schedule 6 to the Utilities Act 2000 (substitution of “gas transporter” for “public gas transporter”) subsection (2A) applies to an agreement, that subsection continues to apply to that agreement notwithstanding the substitution.”.

Status: This is the original version (as it was originally enacted).

- 21 In section 64(2) (orders) after “section” there is inserted “23, 30A, 33BC, 41A, 41C”.
- 22 In section 66 (interpretation)—
- (a) after the definition of “the appointed day” there is inserted—
 - ““the Authority” means the Gas and Electricity Markets Authority;”;
 - and
 - (b) after the definition of “the Corporation” there is inserted—
 - ““the Council” means the Gas and Electricity Consumer Council;”.
- 23 In Schedule 2B (the gas code), in paragraph 8—
- (a) sub-paragraphs (4), (5) and (6) shall be omitted;
 - (b) in sub-paragraph (8) the words from “but this” to the end shall cease to have effect;
 - (c) in sub-paragraph (11)—
 - (i) for the words from “a revision” to “such an election” there is substituted “or a revision of such a scheme”; and
 - (ii) in paragraphs (a) and (b), for “, revision, election or withdrawal” there is substituted “or revision”.