



2011 CHAPTER 6

PART 1

GAS

Miscellaneous

Deemed contracts for supply in certain cases

12.—(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 the supplier 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 gas conveyer;
- (b) that supply is not made by a gas supplier or pursuant to an exemption under Article 7 of the Gas Order; 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 the owner or occupier began to take such a supply.

(3) Nothing in subsection (2) shall be taken to afford a defence in any criminal proceedings.

(4) The Authority shall publish a document containing provision for determining the “appropriate supplier” for the purposes of subsection (2) and

may revise any such document published by it and where it does so it shall publish the revised document.

(5) The express terms and conditions of a contract which, by virtue of subsection (1) or (2), is deemed to have been made shall be provided for by a scheme made under this section.

(6) 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 subsection (1) or (2), are to be deemed to have been made.

(7) 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 quantity of gas which is 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.

(8) A scheme under this section 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.

(9) As soon as practicable after a gas supplier makes a scheme under this section, or a revision of such a scheme, the supplier shall—

- (a) publish, in such manner as the supplier considers appropriate for bringing it to the attention of persons likely to be affected by it, a notice stating the effect of the scheme or revision;
- (b) send a copy of the scheme or revision to the Authority and to the General Consumer Council; and
- (c) if so requested by any other person, send such a copy to that person without charge.

Changes to legislation:

There are currently no known outstanding effects for the Energy Act (Northern Ireland) 2011, Section 12.