



Gas Act 1986

1986 CHAPTER 44

PART I

GAS SUPPLY

[^{F1} Gas conveyed by Public Gas Transporters]

Textual Amendments

- F1** S. 12 and preceding cross-heading substituted for s. 12 (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 6**; S.I. 1996/218, **art. 2**

12 [^{F2} Methods of calculating therms.]

(1) Except in prescribed cases, the number of therms or kilowatt hours conveyed by a [^{F3} gas transporter] to premises, or to pipe-line systems operated by other [^{F3} gas transporters], shall be calculated in the prescribed manner—

- (a) on the basis of calorific values of the gas determined by the transporter in accordance with regulations under this section, or so determined by another [^{F3} gas transporter] and adopted by the transporter in accordance with such regulations; or
- (b) if and to the extent that regulations under this section so provide and the transporter thinks fit, on the basis of declared calorific values of the gas;

and regulations under this section shall be made by the Director with the consent of the Secretary of State.

(2) In this Part—

“calorific value”, in relation to any gas, means the number of megajoules (gross) which would be produced by—

- (a) the combustion of one cubic metre of the gas measured at a temperature of 15°C and a pressure of 1013.25 millibars; or

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(b) if regulations under this section so provide, the combustion of one kilogram of the gas,

containing in either case, if the Director so determines, such an amount of water vapour as is specified in the determination;

“declared calorific value”, in relation to any gas conveyed by a [F³gas transporter], means a calorific value declared by the transporter in accordance with regulations under this section, or so declared by another [F³gas transporter] and adopted by the transporter in accordance with such regulations.

- (3) Regulations under this section may make provision as to the manner in which prescribed information with respect to the making of calculations in accordance with the regulations is to be made available to other licence holders and to the public.
- (4) Regulations under this section made for the purposes of subsection (1)(a) above may make provision—
- (a) for requiring determinations of calorific values of gas conveyed by [F³gas transporters] to be made on the basis of samples of gas taken at such places or premises, at such times and in such manner as the Director may direct;
 - (b) for requiring such determinations to be made at such places or premises, at such times and in such manner as the Director may direct;
 - (c) as to the manner in which the results of such determinations are to be made available to other licence holders and to the public;
 - (d) for requiring such premises, apparatus and equipment as the Director may direct to be provided and maintained by [F³gas transporters] for the purpose of making such determinations;
 - (e) for requiring [F³gas transporters] to carry out tests of apparatus and equipment so provided and maintained by them; and
 - (f) for requiring the results of such tests to be notified to the Director or to any person appointed under section 13(1) below, and to be made available to other licence holders and to the public.
- (5) Regulations under this section made for the purposes of subsection (1)(b) above may make provision—
- (a) for requiring declarations of calorific values of gas conveyed by [F³gas transporters] to be made at such times and in such manner as the Director may direct;
 - (b) as to the times when such declarations are to take effect, and as to the manner in which the calorific values declared are to be made available to other licence holders and to the public;
 - (c) for imposing requirements on [F³gas transporters] as to the correlation between—
 - (i) the calorific values of the gas conveyed by them for any period; and
 - (ii) the calorific values declared by them for that period;
 - (d) for requiring [F³gas transporters] to carry out tests of gas for the purpose of ascertaining whether they are complying with the requirements of regulations made by virtue of paragraph (c) above;
 - (e) for requiring such tests to be carried out at such places or premises, at such times and in such manner as the Director may direct; and

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- (f) for requiring the results of such tests to be notified to the Director or to any person appointed under section 13(1) below, and to be made available to other licence holders and to the public.
- (6) Subject to subsection (7) below, the Director may by notice in writing require a [^{F3}gas transporter] to give to the Director, or to any person appointed by him for the purpose, within such time and at such place as may be specified in the notice, such information as the Director may reasonably require for the purpose of making regulations under this section or section 13 below or of giving directions under such regulations.
- (7) A [^{F3}gas transporter] shall not be required under subsection (6) above to give any information which he could not be compelled to give in evidence in civil proceedings before the court; and in this subsection “the court” means—
 - (a) in relation to England and Wales, the High Court;
 - (b) in relation to Scotland, the Court of Session.

Textual Amendments

- F2** S. 12 and preceding cross-heading substituted for s. 12 (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 6**; S.I. 1996/218, **art. 2**
- F3** Words in s. 12 substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. I para. 2(1)**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)

[^{F4}13] **Calorific values: tests of apparatus etc.**

- (1) The Director shall appoint competent and impartial persons—
 - (a) to carry out tests of apparatus and equipment provided and maintained by [^{F5}gas transporters] in pursuance of regulations made by virtue of subsection (4)(d) of section 12 above for the purpose of ascertaining whether they comply with the regulations;
 - (b) to carry out tests of gas conveyed by [^{F5}gas transporters] where the number of therms or kilowatt hours falls to be calculated in accordance with subsection (1)(b) of that section for the purpose of ascertaining whether the transporters are complying with the requirements of regulations made by virtue of subsection (5)(c) of that section; and
 - (c) generally to assist the Director in exercising his functions under, or under regulations made under, this section or that section.
- (2) Regulations under this section, which shall be made by the Director with the consent of the Secretary of State, may make provision—
 - (a) for requiring such tests as are mentioned in subsection (1)(b) above to be carried out at such places or premises as the Director may direct;
 - (b) for requiring such premises, apparatus and equipment as the Director may direct to be provided and maintained by [^{F5}gas transporters] for the purpose of carrying out such tests;
 - (c) for requiring samples of gas to be taken by [^{F5}gas transporters] at such places or premises, at such times and in such manner as the Director may direct; and
 - (d) for requiring samples of gas so taken to be provided by [^{F5}gas transporters], for the purpose of carrying out such tests, at such places or premises, at such times and in such manner as the Director may direct.

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- (3) Regulations under this section may make provision—
 - (a) for persons representing the public gas transporter concerned to be present during the carrying out of such tests as are mentioned in subsection (1) above;
 - (b) as to the manner in which the results of such tests are to be made available to other licence holders and to the public; and
 - (c) for conferring powers of entry on property owned or occupied by ^{F5}gas transporters] for the purpose of carrying out such tests and otherwise for the purposes of this section or section 12 above.
- (4) There shall be paid out of money provided by Parliament to persons appointed under subsection (1) above who are members of the Director’s staff such remuneration and such allowances as may be determined by the Director with the approval of the Treasury, and such pensions as may be so determined may be paid out of money provided by Parliament to or in respect of such persons.
- (5) Every person who is a ^{F5}gas transporter] during any period shall pay to the Director such proportion (if any) as the Director may determine of—
 - (a) any sums paid by him under subsection (4) above in respect of that period; and
 - (b) such part of his other expenses for that period as he may with the consent of the Treasury determine to be attributable to his functions under section 12 above or this section;

and any liability under this subsection to pay to the Director sums on account of pensions (whether paid by him under subsection (4) above or otherwise) shall, if the Director so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Treasury, by reference to remuneration.
- (6) Any sums received by the Director under this section shall be paid into the Consolidated Fund.]

Textual Amendments

F4 S. 13 substituted (1.3.1996) by 1995 c. 45, s. 10(1), **Sch. 3 para. 7**; S.I. 1996/218, **art. 2**

F5 Words in s. 13 substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. 1 para. 2(1)**; S.I. 2001/3266, **arts. 1(2), 2, Sch.** (subject to transitional provisions in **arts. 3-20**)

^{F6}14

Textual Amendments

F6 S. 14 repealed (1.3.1996) by 1995 c. 45, ss. 10(1), 17(5), **Sch. 3 para. 8, Sch. 6**; S.I. 1996/218, **art. 2**

^{F7}14A

Textual Amendments

F7 S. 14A repealed (1.3.1996) by 1995 c. 45, ss. 10(1), 17(5), **Sch. 3 para. 9, Sch. 6**; S.I. 1996/218, **art. 2**

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F8 15

Textual Amendments

F8 S. 15 repealed (1.3.1996) by 1995 c. 45, ss. 9(3), 17(5), **Sch. 6**; S.I. 1996/218, **art. 2**

[F9]16 Standards of gas quality.

- (1) The Authority may, with the consent of the Secretary of State, prescribe—
 - (a) standards of pressure and purity to be complied with by gas transporters in conveying gas to premises or to pipe-line systems operated by other gas transporters; and
 - (b) other standards with respect to the properties, condition and composition of gas so conveyed.
- (2) Before making any regulations under this section the Authority shall consult such persons and organisations as it considers appropriate and such gas transporters as appear to it to be affected by the regulations.
- (3) The Authority shall appoint competent and impartial persons for the purpose of—
 - (a) carrying out tests of gas, apparatus or equipment in accordance with regulations under this section; and
 - (b) assisting the Authority in exercising functions under this section and regulations made under it.
- (4) Regulations under this section may make provision—
 - (a) for requiring tests of gas conveyed by gas transporters to be carried out by persons appointed under subsection (3) or by gas transporters for the purpose of ascertaining whether the gas conforms with the standards prescribed by the regulations;
 - (b) for requiring such tests to be carried out on the basis of samples taken by persons appointed under subsection (3) or by gas transporters; and
 - (c) for requiring samples of gas taken under paragraph (b) to be provided by gas transporters for the purpose of carrying out such tests.
- (5) Regulations under this section may make provision—
 - (a) for requiring such premises, apparatus and equipment as the Authority may direct to be provided and maintained by gas transporters for the purpose of carrying out tests required under subsection (4)(a);
 - (b) for requiring tests of apparatus and equipment so provided to be carried out by persons appointed under subsection (3); and
 - (c) for requiring gas transporters to carry out tests of apparatus and equipment so provided and maintained by them.
- (6) Regulations under this section may make provision—
 - (a) as to the places or premises and the times at which, and the manner in which—
 - (i) tests under this section are to be carried out;
 - (ii) samples of gas are to be taken and provided under this section; and
 - (iii) results of tests under this section are to be notified or made available;

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- (b) for the Authority to require by direction any matter which may be required by regulations by virtue of paragraph (a);
 - (c) for persons representing the gas transporter concerned to be present during the carrying out of any tests carried out by persons appointed under subsection (3);
 - (d) for the results of tests under this section to be made available to other licence holders and to the public;
 - (e) for requiring gas transporters to notify the results of such tests carried out by them to the Authority or to any person appointed under subsection (3);
 - (f) for conferring powers of entry on property owned or occupied by gas transporters for the purpose of carrying out tests under this section and otherwise for the purposes of the regulations.
- (7) Subject to subsection (8), the Authority may by notice in writing require a gas transporter to give to the Authority, or to any person appointed by it for the purpose, within such time and at such place as may be specified in the notice, such information as the Authority may reasonably require for the purpose of making regulations under this section or of giving directions under such regulations.
- (8) A gas transporter shall not be required under subsection (7) to give any information which he could not be compelled to give in evidence in civil proceedings before the High Court or, in Scotland, the Court of Session.
- (9) Every person who is a gas transporter during any period shall pay to the Authority such proportion as the Authority may determine of such part of its expenses for that period as the Authority may determine to be attributable to its functions in connection with the testing of gas for the purposes of this section.
- (10) It shall be the duty of every gas transporter to conduct his business in such a way as can reasonably be expected to secure compliance with the standards set under subsection (1).]

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Textual Amendments

F9 S. 16 inserted (1.10.2001) by [2000 c. 27, s. 101](#); [S.I. 2001/3266, arts. 1\(2\), 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

^{F10} **15B**

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Textual Amendments

F10 S. 15B repealed (1.3.1996) by [1995 c. 45, ss. 10\(1\), 17\(5\)](#), [Sch. 3 para. 11](#), [Sch. 6](#); [S.I. 1996/218, art. 2](#)

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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):

- s. 5(e) and word inserted by [2023 c. 52 s. 185\(3\)](#)
- s. 5(1)(ca) inserted by [2023 c. 52 s. 168\(2\)\(b\)](#)
- s. 5(10A) inserted by [2023 c. 52 s. 168\(2\)\(c\)](#)
- s. 5(11A)(11B) inserted by [2023 c. 52 s. 185\(4\)](#)
- s. 7B(5FA) inserted by [2023 c. 52 s. 185\(13\)](#)
- s. 7AC inserted by [2023 c. 52 s. 185\(6\)](#)
- s. 8AA(11B) inserted by [2023 c. 52 s. 185\(14\)](#)
- s. 15A inserted by [1992 c. 43 s. 17](#)
- s. 23D(2)(d) and word inserted by [2013 c. 32 s. 138\(4\)\(c\)\(iii\)](#)
- s. 27(1ZA)(aa) inserted by S.I. 2019/93, Sch. 1 para. 2(2)(b) (as substituted) by [S.I. 2019/1245 reg. 17](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 28(8A) inserted by [2023 c. 52 Sch. 14 para. 3\(3\)](#)
- s. 41E(6)(d) and word inserted by [2013 c. 32 s. 138\(4\)\(f\)\(ii\)](#)
- Sch. 4B para. 9B and cross-heading inserted by [2023 c. 52 Sch. 14 para. 4](#)