



# Gas Act 1986

## 1986 CHAPTER 44

### PART I

#### GAS SUPPLY

##### *[<sup>F1</sup> Alteration of activities requiring licence]*

##### **[<sup>F1</sup>41E References to [<sup>F2</sup>CMA] .**

- (1) A reference to the [<sup>F3</sup>CMA] under this section shall require [<sup>F4</sup>the CMA] to investigate and report on whether the fact that the activities specified in the reference are not licensable activities operates, or may be expected to operate, against the public interest.
- (2) The Authority may, at any time, by notice given to the [<sup>F5</sup>CMA] vary the reference by adding to the activities specified in the reference or by excluding from the reference some of the activities so specified; and on receipt of such notice the [<sup>F5</sup>CMA] shall give effect to the variation.
- (3) The Authority shall specify in the reference, or a variation of the reference, for the purpose of assisting the [<sup>F5</sup>CMA] in carrying out the investigation on the reference—
  - (a) the conditions which the Authority would expect to be determined to be standard conditions for the purposes of licences authorising the undertaking of the activities specified in the reference and any other conditions which the Authority would expect to be included in such licences; and
  - (b) any effects adverse to the public interest which, in its opinion, the fact that the activities so specified are not licensable activities has or may be expected to have.
- (4) As soon as practicable after making the reference, or a variation of the reference, the Authority shall serve a copy of it on [<sup>F6</sup>Citizens Advice and [<sup>F7</sup>Consumer Scotland]] and publish particulars of it in such manner as the Authority considers appropriate for bringing it to the attention of—
  - (a) persons appearing to the Authority to be carrying on, or be intending to carry on, the activities specified in it; and

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- (b) any other persons appearing to the Authority to be likely to be affected by it.
- (5) The Authority shall, for the purpose of assisting the [F8CMA] in carrying out the investigation on the reference, give to the [F8CMA]—
  - (a) any information which is in its possession and which relates to matters falling within the scope of the investigation, and which is either requested by the [F8CMA] for that purpose or is information which in its opinion it would be appropriate for that purpose to give to the [F8CMA] without any such request; and
  - (b) any other assistance which the [F8CMA] may require, and which it is within its power to give, in relation to any such matters,
 and the [F8CMA] shall take account of the information for the purpose of carrying out the investigation.
- (6) In determining for the purposes of this section whether the fact that particular activities are not licensable activities operates, or may be expected to operate, against the public interest, the [F8CMA] shall have regard to—
  - (a) the matters referred to in section 4AA;
  - (b) any social or environmental policies set out or referred to in guidance issued under section 4AB; and
  - (c) any advice given by [F9the Health and Safety Executive] under section 4A (advice about health and safety in relation to gas).

F10(7) .....

F10(8) ..... ]

**Textual Amendments**

- F1** Ss. 41C-41H and cross-heading inserted (1.10.2001) by 2000 c. 27, s. 88 (with s. 104(1)(2)(6)); S.I. 2001/3266, arts. 1(2), 2, Sch. (subject to transitional provisions in arts. 3-20)
- F2** Word in s. 41E heading substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 24(4); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in s. 41E(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 24(2)(a); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Words in s. 41E(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 24(2)(b); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Word in s. 41E(2)(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 24(3); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in s. 41E(4) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), Sch. 1 para. 4(14) (with Sch. 1 para. 28, 2 paras. 13-15)
- F7** Words in s. 41E(4) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), Sch. para. 2(13) (with art. 5)
- F8** Word in s. 41E(5)(6) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 24(3); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** Words in s. 41E(6)(c) substituted (1.4.2008) by The Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, Sch. 3 (with art. 21, Sch. 2)
- F10** S. 41E(7)(8) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 25 para. 15(11), Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 41E(6)(b) omitted by [2013 c. 32 s. 138\(4\)\(f\)\(i\)](#)

**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](#)