
Changes to legislation: Gas Act 1995, Paragraph 47 is up to date with all changes known to be in force on or before 18 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

OTHER AMENDMENTS OF PART I OF 1986 ACT

Duty to consider representations and give reasons

47 After section 38 of the 1986 Act there shall be inserted the following section—

“38A Duty to consider representations and give reasons.

- (1) The Secretary of State may by order exercise any one or more of the powers conferred by subsections (2) to (4) below.
- (2) This subsection confers power to provide that, before the Director makes a specified decision in relation to a licence holder, the Director—
 - (a) shall give to the licence holder a written notice stating—
 - (i) that he is considering making the decision and the reasons why he is considering doing so; and
 - (ii) that the licence holder may, within a period specified in the notice, make written representations to him or, if the licence holder so requests, make oral representations to a person appointed by him for the purpose; and
 - (b) shall consider any representations which are duly made and not withdrawn.
- (3) This subsection confers power to provide that, where the Director makes a specified decision in relation to a licence holder, the Director shall as soon as practicable give to the licence holder a written notice explaining why it appeared to him to be appropriate to make the decision.
- (4) This subsection confers power to provide that, where a specified decision made or proposed to be made in relation to a licence holder will or may materially affect any specified person, any provision made by virtue of subsection (2) or (3) above shall, with any specified modifications, apply in relation to that person.
- (5) Nothing in any order made under this section shall require the Director to disclose any information the disclosure of which he considers would or might seriously and prejudicially affect the interests of a particular individual or body of persons, whether corporate or unincorporate.
- (6) An order under this section—
 - (a) may make different provision in relation to different cases or different circumstances; and

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(b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section—

“decision” means any decision under this Part, or under a condition of a licence, other than a decision to make a provisional order under section 28 above;

“specified”, in relation to an order under this section, means specified in the order or of a description so specified;

and references to a licence holder include references to an applicant for a licence.”

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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):

- Sch. 3 para. 42(1)(a)para. 42(2)(a) repealed by [2000 c. 27 Sch. 8](#)