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STATUTORY INSTRUMENTS

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**1990 No. 1635**

**GAS**

**The Gas (Testing of Apparatus  
and Equipment) Regulations 1990**

<i>Made</i>	- - - -	<i>6th August 1990</i>
<i>Laid before Parliament</i>		<i>10th August 1990</i>
<i>Coming into force</i>	- -	<i>1st September 1990</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 13(4), 47(4) and 48(1)(1) of the Gas Act 1986(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Gas (Testing of Apparatus and Equipment) Regulations 1990 and shall come into force on 1st September 1990.

**Interpretation**

2. In these Regulations—

“the Act” means the Gas Act 1986;

“gas examiner” means a person appointed by the Secretary of State under subsection (3) of section 13 of the Act;

“quarter” means the period of three months in any year beginning on the first day of January, the first day of April, the first day of July or the first day of October;

“a relevant supplier” means a public gas supplier in so far as the number of therms supplied by him is calculated in the prescribed manner on the basis of actual calorific values of the gas determined by the supplier in accordance with directions given by the Secretary of State pursuant to regulation 4(1) of the Gas (Alternative Method of Charge) Regulations 1990(3).

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(1) See the definition of “regulations”.

(2) 1986 c. 44

(3) S.I.1990/1634

### **Scope of Regulations**

3. These Regulations apply to a relevant supplier who has been directed by the Secretary of State pursuant to regulation 4(2) of the Gas (Alternative Method of Charge) Regulations 1990 to provide and maintain premises, apparatus or equipment for the purpose of making determinations of actual calorific values of gas supplied by him.

### **Presence of a relevant supplier's representatives at tests**

4. On any occasion on which a gas examiner tests the apparatus or equipment provided and maintained by a relevant supplier for the purpose of making determinations of actual calorific values of gas supplied by him, a representative of the relevant supplier may be present but he shall not interfere in any way with any test.

### **Publication of results of tests**

5. The Secretary of State will, in respect of the tests of the apparatus and equipment provided and maintained by a relevant supplier for the purpose of determining actual calorific values of gas supplied by him in any part of his authorised area during any quarter, send to the relevant supplier a quarterly statement relating to the tests carried out during that quarter, and the relevant supplier shall—

- (a) cause a notification to be printed on each gas account of each customer supplied in that part of his authorised area which is rendered after the issue of the first quarterly statement and charges the customer for any of the therms supplied on the basis of the actual calorific values of the gas supplied, stating that regulations under section 13 of the Act require a relevant supplier to send to any such customer at the request of such customer a copy of a statement issued by the Secretary of State relating to the tests of the apparatus and equipment provided and maintained by the supplier for the purpose of determining actual calorific values of gas supplied to the customer during the preceding quarter; and
- (b) forward free of charge to any such customer who requests it a copy of the quarterly statement last issued.

### **Powers of entry**

6. Any gas examiner and, if duly authorised in writing for the purpose, any other officer of the Secretary of State may enter on any premises of a relevant supplier for the purposes of section 13 of the Act.

### **Penalties**

7. If any relevant supplier or representative of a relevant supplier contravenes any provision of these Regulations, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

6th August 1990

*Tony Baldry*  
Parliamentary Under Secretary of State,  
Department of Energy

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations apply to public gas suppliers, in so far as the number of therms supplied by them is calculated on the basis of actual calorific values of the gas (“relevant suppliers”), who have been directed by the Secretary of State pursuant to the Gas (Alternative Method of Charge) Regulations 1990 to provide and maintain premises, apparatus or equipment for the purpose of making determinations of actual calorific values of gas supplied by them.

Provision is made for gas examiners and other authorised persons to enter on the property of relevant suppliers for the purpose of testing the relevant apparatus and equipment, and for persons representing the supplier concerned to be present at such tests.

The Regulations also provide for the Secretary of State to send to each relevant supplier quarterly statements relating to tests carried out on the apparatus and equipment provided and maintained by that supplier for the purpose of determining actual calorific values of gas supplied by him. Relevant suppliers are required to send copies of these statements to their customers upon request.

Penalties are provided for contravention of the Regulations.