Gas

THE GAS CHARGES (NORTHERN IRELAND) ORDER, 1949, DATED 28TH APRIL, 1949, MADE BY THE MINISTRY OF COMMERCE FOR NORTHERN IRELAND UNDER REGULATIONS 55 AND 55AA OF THE DEFENCE (GENERAL) REGULATIONS, 1939, AS HAVING EFFECT BY VIRTUE OF THE SUPPLIES AND SERVICES (TRANSITIONAL POWERS) ACT, 1945, AS EXTENDED BY THE SUPPLIES AND SERVICES (EXTENDED PURPOSES) ACT, 1947.

1949. No. 67

In exercise of the powers under Regulations 55 and 55AA of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945 (**a**), as extended by the Supplies and Services (Extended Purposes) Act, 1947 (**b**), delegated to it by the Delegation of Emergency Powers (Ministry of Commerce for Northern Ireland) Order, 1949 (**c**), made by the Secretary of State under paragraph (1) of Regulation 102A of the said Regulations, as having effect as aforesaid, and of all other powers it enabling, the Ministry of Commerce for Northern Ireland hereby orders as follows :—

Restriction on increase in gas charges in certain cases.

1.—(1) Save as provided in the following paragraphs of this Article, no undertaker shall, except under the authority of a permit, carry on any undertaking so as to increase any price charged by him at the date of the coming into force of this Order in respect of any supply of gas.

(2) Subject to the provisions of paragraph (3) of this Article, and the next following Article, any such price may be increased by the proportionate amount of any net increase in the cost to the undertaker of the gas supplied in the period to which the charge relates due to any one or more of the following, that is to say :—

(*a*) any increase in the delivered price of coal on or after

(i) the date on which the price charged by him at the date of the coming into force of this Order in respect of any supply of gas became operative ; or

(ii) the first day of September, 1947 ;

whichever is the later (which later date in relation to any undertaker is hereinafter referred to as " the operative date ") ;

(*b*) any increase in the net cost of gas oil by reason of :—

(i) any increase in the price thereof on or after the operative date ; or

(**a**) 9 & 10 Geo. 6 c. 10 ; and S. R. & O. 1945 (Nos. 1611, 1618 and 1625) II, pp. 39, 48 and 56.
(**b**) 10 and 11 Geo. 6., c. 55.
(**c**) S.I. 1949 No. 803.

(ii) the termination of any subsidy paid by the Minister of Fuel and Power on such oil ;

after making due allowance for any additional sums received by him by reason of any increase in the price of coke on or after the operative date :

Provided that where any of the factors specified in sub-paragraph (*a*) or (*b*) of this paragraph has been relied upon by any undertaker in applying for a permit granted, or deemed by Article six of this Order to have been granted, under the preceding paragraph, and any increase in price has thereupon been authorised, the part of that increased price appropriate to that factor shall be deducted from the proportionate amount calculated as aforesaid.

(3) Any undertaker who, by virtue of the preceding paragraph, increases the price charged by him in respect of any supply of gas shall forthwith give notice to the Ministry of any such increase stating the amount thereof and the date on which it takes effect ; and shall, in relation to every such increase, supply all such information, and supplementary information, as the Ministry may at any time require.

(4) Nothing in this Article shall restrict any undertaker from increasing the price charged by him in respect of a supply of gas furnished :—

(*a*) to any person in pursuance of a contract between the undertaker and that person the terms whereof provide for variation, as there specified, in the price charged for gas supplied by reference to the cost of coal to the undertaker or to the quantity of gas supplied during any period to that person, by any amount in accordance with that contract ; or

(*b*) in any period to any person carrying on a factory (not being another undertaking), if, during the year immediately preceding that period, the quantity of gas so supplied for consumption in that factory was not less than one hundred and fifty thousand cubic feet, and if previous notice in writing of any proposed increase, and of the amount thereof, has been given to the Ministry by the undertaker, by any amount, so however that the Ministry may at any time direct that, in any such case as aforesaid, as from a specified date any specified undertaker shall not, except under the authority of a permit, increase the price charged by him in respect of the supply of gas to any specified person.

(5) A direction under sub-paragraph (*b*) of the last preceding paragraph may, notwithstanding anything contained therein, be given so as to apply to any class or description of undertakers or persons as aforesaid.

Reduction in price in case of subsequent reduction in cost.

2.—(1) Where the price charged in respect of any supply of gas is increased by virtue of paragraph (2) of the preceding Article, and thereafter any of the increases specified in sub-paragraph (*a*) or (*b*) of that paragraph is not maintained, or the allowance to be made under that paragraph is varied, and by reason thereof the net increase in the cost to the undertaker of production calculated as provided in the said paragraph is at any time less than at the date of the said increase in price, that undertaker shall, as soon as practicable, reduce the price charged by him in respect of that supply by an amount proportionate to the said reduction.

(2) The provisions of paragraph (3) of the said Article shall apply in relation to any reduction in price as they apply in relation to an increase therein.

Relaxation of, and saving for statutory maximum price.

3. Where any Act or instrument determining the functions of an undertaker prescribes any price with respect to any undertaking (being a public utility undertaking) as the maximum price which that undertaker may charge in respect of gas supplied by him, the obligations and limitations imposed by, or by virtue of, every such Act or instrument are, if not previously relaxed to the extent requisite for any increase by virtue of paragraph (2) of Article one of this Order in any price charged by that undertaker in respect of any supply of gas, hereby to that extent relaxed ; but save as aforesaid nothing in this Order shall affect the maximum price prescribed for any undertaker by any applicable enactment or Order.

Permits.

4.—(1) Any permit under this Order may be granted subject to such conditions as the Ministry may deem necessary.

(2) Every such condition shall be complied with by every person, or by every person of the class or description, in whose favour the permit was granted ; and the breach of any such condition shall be an offence against this Order.

(3) The Ministry may vary or revoke any permit granted under this Order ; and, if any such permit is revoked, the holder thereof shall forthwith deliver it up as directed by the Ministry.

Interpretation.

5. In this Order, and in every permit granted and direction given under the provisions thereof, the following expressions have, unless the contrary intention appears, the meanings hereby assigned to them respectively, that is to say :—

" the Ministry " means the Ministry of Commerce for Northern Ireland ;

" permit " means a permit granted by or on behalf of the Ministry ;

" undertaker " means any person carrying on an undertaking ;

" undertaking " means any undertaking in Northern Ireland (whether or not a public utility undertaking) involving the supply of gas to the public.

Existing permits and directions to continue effective.

6. Any permit granted or direction given by the Minister of Fuel and Power under the provisions of the Gas Charges Order, 1947 (**a**), or deemed by Article six of that Order to have been so granted or given, which is effective in relation to an undertaking in Northern Ireland at the date of the coming into force of this Order, shall be deemed to have been granted or given by the Ministry under the corresponding provision of this Order; and shall have effect accordingly.

Commencement and citation.

7. This Order shall come into force on the first day of May, nineteen hundred and forty-nine, and may be cited as the Gas Charges (Northern Ireland) Order, 1949.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 28th day of April, 1949, in the presence of

(L S.) *W. Crone*,
Assistant Secretary.

Land Cultivation : Grass Seeds and Fertilisers

THE GRASS SEEDS AND FERTILISERS (NORTHERN IRELAND) GENERAL ORDER, 1949, DATED FEBRUARY 21, 1949, MADE BY THE MINISTRY OF AGRICULTURE FOR NORTHERN IRELAND UNDER REGULATION 62 OF THE DEFENCE (GENERAL) REGULATIONS, 1939, AS HAVING EFFECT BY VIRTUE OF THE SUPPLIES AND SERVICES (TRANSITIONAL POWERS) ACT, 1945 (**b**), AS EXTENDED BY THE SUPPLIES AND SERVICES (EXTENDED PURPOSES) ACT, 1947 (**c**).

1949. No. 26

In exercise of the powers under Regulation 62 of the Defence (General) Regulations, 1939, delegated to it by the Delegation of Emergency Powers (Ministry of Agriculture for Northern Ireland) (No. 2) Order, 1943 (**d**), made by the Secretary of State under paragraph (1) of Regulation 102A of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945 (**b**), as extended by the Supplies and Services (Extended Purposes) Act, 1947 (**c**), and of all other powers it enabling, the Ministry of Agriculture for Northern Ireland hereby orders and directs as follows :—

1. In this Order the following expressions have the meanings hereby assigned to them, that is to say :—

(a) S. R. & O. 1947 (No. 2242) II p. 1090 ; and see S. R. & O. 1947 (No. 2832) II p. 1093.
(b) 9 and 10 Geo. 6 Ch. 10 ; and S. R. & O. 1945 (No. 1621) II, p. 52.
(c) 10 and 11 Geo. 6 Ch. 55.
(d) S. R. & O. 1943 (No. 1344) II, p. 1725.