STATUTORY INSTRUMENTS

1983 No. 1575

GAS

The Gas Safety (Rights of Entry) Regulations 1983

Made - - - -	*24th October* 1983
Laid before Parliament	*27th October* 1983
Coming into Operation	*21st November* 1983

The Secretary of State, in exercise of the powers conferred on him by sections 31(1) to (4) and 42(2) of the Gas Act 1972(a) 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 Safety (Rights of Entry) Regulations 1983 and shall come into operation on 21st November 1983.

Rights of entry, disconnection and discontinuance of supply

2. Any officer authorised by the relevant authority may, on the production of some duly authenticated document showing his authority, with such other persons (if any) as may be necessary—

(a) enter any premises in which there is a service pipe connected with gas mains, for the purpose of inspecting any gas fitting on the premises, any flue or means of ventilation used in connection with any such gas fitting, or any service pipe or other apparatus (not being a gas fitting) which is on the premises and is used for the supply of gas or is connected with gas mains,

(b) where he so enters any such premises, examine or apply any test to any such object as is mentioned in paragraph *(a)* above and (where the object is a gas fitting) verify what supply of air is available for it, with a view to ascertaining whether the provisions of any regulations made under section 31 of the Gas Act 1972 have been complied with or whether the object is in such a condition, or (in the case of a gas fitting) the supply of air available for it is so inadequate, that it (or, in the case of a flue or means of ventilation, the gas fitting in connection with which it is used) is likely to constitute a danger to any person or property, and

(c) where in his opinion it is necessary to do so for the purpose of averting

(a) 1972 c. 60. Section 31 was repealed and re-enacted by the Oil and Gas (Enterprise) Act 1982 (c. 23), section 14. Section 42(2) was amended by sections 40, 46 and 54 of the Criminal Justice Act 1982 (c. 48).

danger to life or property, and notwithstanding any contract previously existing, disconnect and seal off any gas fitting or any part of the gas supply system on the premises, or cut off the supply of gas to the premises or, if no such supply is being given, signify the refusal of the relevant authority to give or, as the case may be, allow such a supply.

Notification to consumer

3.—(1) Where an officer authorised by the relevant authority takes any action in relation to any premises in the exercise of a power conferred by Regulation 2*(c)* above, the relevant authority shall, within five clear working days after the action is taken, serve on the consumer a notice in writing—

(a) specifying—

(i) the nature of the defect or other circumstances in consequence of which the power has been exercised; and

(ii) the nature of the danger in question and the action taken in the exercise of the power; and

(b) stating—

(i) that the consumer has a right to appeal under these Regulations to the Secretary of State against the action taken in the exercise of the power within the period of 21 days beginning with the date of service of the notice, or such longer period as the Secretary of State may at any time in any particular case allow;

(ii) the grounds on which and the manner in which he can appeal; and

(iii) the effect of Regulations 7 and 8 below.

(2) In this Regulation "working day" does not include a Saturday, Sunday or a bank or other public holiday.

4.—(1) Where an officer authorised by the relevant authority takes any action in relation to any premises in the exercise of a power conferred by Regulation 2*(c)* above, he shall at the same time affix prominently a notice of the effect of the relevant part of Regulations 7 and 8 below to, or to a part of the premises near to, the gas fitting or part of the gas supply system in question or, where he has cut off the supply of gas to the premises or signified the refusal of the relevant authority to give or, as the case may be, allow such a supply, to, or to a part of the premises near to, every primary meter therein, or, if there is no such meter, to a conspicuous part of the premises.

(2) In this Regulation "primary meter" means a meter connected to a service pipe for ascertaining the quantity of gas supplied through that pipe.

Appeals

5. The consumer on whom is served such notice as is mentioned in Regulation 3 above may, within the period of 21 days beginning with the date of service of the notice, or such longer period as the Secretary of State may at any time in any particular case allow, appeal to the Secretary of State against

the action taken in the exercise of a power conferred by Regulation 2*(c)* above on any of the following grounds, that is to say—

(a) that the defect or other circumstances specified in the notice did not constitute a danger such as to justify the action taken specified in the notice;

(b) that the defect or other circumstances so specified did not exist at the time the action was taken; or

(c) that the defect or other circumstances so specified have ceased to exist.

6.—(1) An appeal under Regulation 5 above shall be of no effect unless it is made by notice in writing given to the Secretary of State for the time being discharging the functions conferred by paragraphs (2) and (3) below at his principal office and indicates the grounds of the appeal.

(2) On any such appeal the Secretary of State may, if either the consumer or the relevant authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(3) On the determination of the appeal the Secretary of State may direct that, subject to any right of the supplier to withhold supply—

(a) any gas fitting or part of the gas supply system on the premises which has been disconnected under these Regulations either shall remain disconnected or shall or may be reconnected;

(b) any supply of gas to the premises which has been cut off under these Regulations either shall remain cut off or shall or may be restored; or

(c) where the refusal of the relevant authority to give or, as the case may be, allow such a supply has been signified under these Regulations, the supplier either shall not give a supply of gas or shall or may cause gas to be supplied to the premises,

and may give such supplementary directions as he considers to be appropriate in consequence of the appeal.

Prohibition of reconnection or restoration of supply or causing a supply to be given

7. No person shall, except with the consent of the relevant authority or in pursuance of any directions given by the Secretary of State under Regulation 6(3) above,—

(a) reconnect any gas fitting or part of a gas supply system which has been disconnected by or on behalf of the relevant authority in the exercise of a power conferred by these Regulations where he knows or has reason to believe that it has been so disconnected; or

(b) restore the supply of gas to any premises where it has been cut off by or on behalf of the relevant authority in the exercise of any such power and he knows or has reason to believe that it has been so cut off; or

(c) cause gas from gas mains to be supplied to any premises where in pursuance of these Regulations the refusal of the relevant authority to give or, as the case may be, allow a supply to those premises has been signified and that refusal has not been withdrawn and he knows or has

reason to believe that such refusal has been signified and has not been withdrawn.

Penalties

8. Any person contravening or failing to comply with any provision of these Regulations or the Gas Safety Regulations 1972(**a**) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

Revocation

9. The Gas Safety (Rights of Entry) Regulations 1976(**b**) are hereby revoked.

Alick Buchanan-Smith,
Minister of State,
Department of Energy.

24th October 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which supersede the Gas Safety (Rights of Entry) Regulations 1976, are made in consequence of the extension (by section 14 of the Oil and Gas (Enterprise) Act 1982) of the provisions of section 31 of the Gas Act 1972 relating to entry on premises to premises supplied with gas through pipes by persons other than the British Gas Corporation.

The Regulations—

(a) enable authorised officers of "the relevant authority" to enter premises of consumers, to examine and test in such premises "gas fittings", flues or means of ventilation used in connection with "gas fittings", and service pipes and other apparatus, for compliance with regulations under section 31 of the 1972 Act or for dangers to persons or property and where they consider it necessary for the purpose of averting danger to life or property, to disconnect and seal off any "gas fitting" or part of the gas supply system on the premises or cut off the supply of gas to the premises or signify the refusal of "the relevant authority" to give or, as the case may be, allow a supply,

(**a**) S.I. 1972/1178.
(**b**) S.I. 1976/1882.

(b) provide for consumers to be notified as to the nature of the defect or other circumstances in consequence of which any "gas fitting" or part of a gas supply system has been so disconnected and sealed off, or any supply of gas has been so cut off or refused, and enable them to appeal to the appropriate Secretary of State who at present is the Secretary of State for Energy whose principal office is at Thames House South, Millbank, London SW1P 4QJ,

(c) prohibit the reconnection or restoration of supply or causing a supply to be given except with the consent of "the relevant authority" or in accordance with directions given by the Secretary of State in consequence of an appeal, and

(d) make contravention or failure to comply with these Regulations or the Gas Safety Regulations 1972 an offence punishable on summary conviction with a maximum fine of £1,000.

The expression "the relevant authority" is defined by section 31(9) of the 1972 Act—

(a) in relation to dangers arising from the distribution of gas by the British Gas Corporation, or from the use of gas supplied by the Corporation, as meaning the Corporation, and

(b) in relation to dangers arising from the distribution of gas by a person other than the Corporation, or from the use of gas supplied by such a person, as meaning the Secretary of State.

The expression "gas fittings" is defined by section 48(1) of the 1972 Act as meaning gas pipes, fittings, meters, apparatus and appliances designed for use by consumers of gas for lighting, heating, motive power and other purposes for which gas can be used.

Changes of substance, apart from those made in consequence of the extension referred to above, are the alteration in the reference to the Secretary of State to whom notices of appeal should be sent (Regulation 6(1)) and the increase in the maximum fine from £400 to £1,000 (Regulation 8).

Section 31(7) of the Gas Act 1972 provides that, with appropriate adaptations, the Rights of Entry (Gas and Electricity Boards) Act 1954 (c. 21) (which provides that, otherwise than in case of emergency, powers of entry shall not be exercisable except with consent given by or on behalf of the occupier of the premises or under the authority of a warrant) shall apply to the powers of entry conferred by these Regulations.

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