

STATUTORY INSTRUMENTS

1996 No. 2535

GAS

The Gas Safety (Rights of Entry) Regulations 1996

Made

3rd October 1996

Laid before Parliament

11th October 1996

Coming into force

1st November 1996

The Secretary of State, in exercise of the powers conferred on him by sections 18(2), (3) and (4), 18A(1) and (2) and 47(2), (3)(b) and (4) of the Gas Act 1986⁽¹⁾ 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 1996 and shall come into force on 1st November 1996.

Interpretation

2.—(1) In these Regulations—

“the relevant authority” has the meaning assigned to it by section 18(9) of the Gas Act 1986; and

“working day” does not include a Saturday, Sunday or a bank or other public holiday.

(2) In these Regulations—

(a) any reference to an officer authorised by a public gas transporter; and

(b) where the relevant authority is a public gas transporter, any reference to an officer authorised by such authority, includes a reference to any officer authorised by another such transporter with whom the transporter or authority has made arrangements for officers authorised by the other transporter to discharge any functions under these Regulations of officers authorised by the transporter or authority.

(3) In these Regulations—

(a) any reference to a numbered regulation is a reference to the regulation in these Regulations so numbered; and

(b) any reference to a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears.

Disapplication

3. These Regulations shall not apply to a gas processing facility within the meaning of regulation 2(1) of the Gas Safety (Management) Regulations 1996⁽²⁾ in respect of gas which escapes in the course of being processed or stored in connection with such process at that facility.

Escapes of Gas

4.—(1) Where a public gas transporter has reasonable cause to suspect—

(a) that gas conveyed by him is escaping, or may escape, in any premises; or

(b) that gas so conveyed which has escaped has entered, or may enter, any premises, any officer authorised by the transporter may, on production of some duly authenticated document showing his authority, enter the premises to carry out any work necessary to prevent the escape and take any other steps necessary to avert danger to life or property.

(2) Subject to paragraph (3), where a public gas transporter has reasonable cause to suspect—

(a) that gas conveyed through pipes by some other person is escaping, or may escape, in any premises; or

(b) that gas so conveyed which has escaped has entered, or may enter, any premises, any officer authorised by the transporter may, on production of some duly authenticated document showing his authority, enter the premises and take any steps necessary to avert danger to life or property.

(3) The right of entry conferred by paragraph (2) shall not be exercisable otherwise than in respect of—

(a) premises within an authorised area of the public gas transporter referred to in that paragraph; or

(b) premises which that public gas transporter reasonably believed to be in such an area at the time when he first had cause to suspect an escape of gas.

Inspection, testing, disconnection etc.

5. Any officer authorised by the relevant authority may, on production of some duly authenticated document showing his authority—

(a) enter any premises in which there is a service pipe connected with a gas main 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 part of the gas system on the premises, that is to say, any service pipe or other apparatus (not being a gas fitting) which is on the premises and is used for the conveyance or supply of gas or is connected with a gas main; and

(b) where he so enters any such premises, examine or apply any test to any such object as is mentioned in paragraph (a) and (where the object is a gas fitting) verify what supply of air is available for it; and

(c) where in his opinion it is necessary to do so for the purpose of averting danger to life or property, and notwithstanding any contract previously existing, disconnect and seal off any gas fitting or any part of the gas system on the premises or disconnect the premises or, if the premises are not connected, signify the refusal of the relevant authority to convey gas or, as the case may be, allow gas to be conveyed to the premises.

Notification to consumer

6.—(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 5(c), the relevant authority shall, within 5 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 circumstance 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 of appeal under these Regulations to the Secretary of State against the action taken in 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 9 and 10.

(2) 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 5(c), he shall at the

same time, in accordance with paragraph (3), affix prominently a notice of the effect of the relevant part of regulations 9 and 10.

(3) The notice required by paragraph (2) shall be affixed—

(a) where a gas fitting or any part of the gas system on the premises has been disconnected or sealed off, to, or to part of the premises near to, the gas fitting or part of the gas system in question; or

(b) where the premises have been disconnected, to, or to a part of the premises near to, the meter nearest downstream to the point of disconnection, or, if there is no such meter, to a conspicuous part of the premises; or

(c) where the relevant authority has signified its refusal to convey gas or, as the case may be, allow gas to be conveyed to the premises, to, or to a part of the premises near to, the meter nearest downstream to the point from which gas would be so conveyed, or, if there is no such meter, to a conspicuous part of the premises.

Appeals

7. The consumer on whom is served such notice as is mentioned in regulation 6(1) 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 5(c) 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.

8.—(1) An appeal under regulation 7 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) 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 desires, 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 a conveyor of gas to refuse to convey gas to the premises—

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

(b) any premises which have been disconnected under these Regulations either shall remain disconnected or shall or may be reconnected; or

(c) where the refusal of the relevant authority to convey gas or, as the case may be, allow gas to be conveyed has been signified under these Regulations, the conveyor either shall not convey gas or shall or may cause gas to be conveyed to the premises, and may give such supplementary directions as he considers to be appropriate in consequence of the appeal.

Prohibition of reconnection etc.

9.—(1) Subject to paragraph (2), 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 8(3)—

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

(c) cause gas from a gas main to be conveyed to any premises, where in pursuance of these Regulations the refusal of the relevant authority to convey gas or, as the case may be, allow gas to be conveyed 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.

(2) The prohibitions imposed by paragraph (1)(a) and (b) shall not apply—

(a) in the course of the repairing or testing of any gas fitting or any part of a gas system; or

(b) where all necessary steps have been taken to remedy and prevent a recurrence of the defect or other circumstance in respect of which the disconnection was carried out.

Penalties

10. Any person contravening or failing to comply with any provision of these Regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Revocation

11. The Gas Safety (Rights of Entry) Regulations 1983(3) are hereby revoked.

Signed by order of the Secretary of State

Paul Beresford

Parliamentary Under Secretary of State,

Department of the Environment.

3rd October 1996

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations confer rights of entry upon “public gas transporters” and “relevant authorities” to enter premises for the purpose of preventing gas escapes, the examination and disconnection of “gas fittings” and other related purposes. The Regulations, which supersede the Gas Safety (Rights of Entry) Regulations 1983 (“the 1983 Regulations”), are made in consequence of amendments to the Gas Act 1986 (“the 1986 Act”) by the Gas Act 1995.

2. The Regulations do not apply to gas being processed or stored at a gas processing facility (*regulation 3*).

3. Regulation 4 enables a “public gas transporter” through its authorised officers to enter—

(a) in respect of escapes or suspected escapes of gas which it conveys, any premises (*regulation 4(1)*); and

(b) in respect of escapes or suspected escapes of gas which is conveyed by another person, premises which are or are reasonably believed to be within its “authorised area” (*regulation 4(2)*).

4. Regulations 5 to 10 (which re-enact with drafting amendments regulations 2 to 8 of the 1983 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 any “service pipe” and other apparatus used for the conveyance or supply of gas or which is connected with a gas main 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 system or cut off the premises or signify the refusal of “the relevant authority” to convey or, as the case may be, allow gas to be conveyed to the premises (*regulation 5*);

(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 system has been so disconnected or sealed off, or the premises have been cut off or the conveyance of gas has been refused (*regulation 6*), and enable them to appeal to the appropriate Secretary of State who at present is the Secretary of State for the Environment whose principal office is at 2 Marsham Street, London, SW1P 3EB (*regulation 7*);

(c) prohibit the reconnection of any “gas fitting”, part of a gas system or any premises, or cause gas to be conveyed to any premises except with the consent of “the relevant authority” or in accordance with directions given by the Secretary of State in consequence of an appeal (*regulation 9*); and

(d) make contravention or failure to comply with these Regulations an offence punishable on summary conviction with a maximum fine not exceeding level 5 on the standard scale (at present £5,000) (*regulation 10*).

5. The only changes of substance in the re-enactment of regulations 2 to 8 of the 1983 Regulations are—

(a) a qualification to the prohibition on reconnection of any gas fitting or premises following disconnection (*regulation 9(2)*); and

(b) the increase in the maximum fine for a breach of the Regulations from £1,000 to £5,000.

6. Regulation 11 of the Regulations revokes the 1983 Regulations.

7. The expression “the relevant authority” is defined by section 18(9) of the 1986 Act—

(a) in relation to dangers arising from the conveyance of gas by a public gas transporter, or from the use of gas conveyed by such a transporter, as meaning that transporter; and

(b) in relation to dangers arising from the conveyance of gas by a person other than a public gas transporter, or from the use of gas conveyed by such a person, as meaning the Secretary of State.

8. The expressions “authorised area”, “gas fittings”, “service pipe” and “public gas transporter” are defined in section 48(1) of the 1986 Act.

9. Section 18(8) of the 1986 Act provides that, with appropriate adaptations, the Rights of Entry (Gas and Electricity Boards) Act [1954 \(c. 21\)](#) (which provides that, other 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.

10. A copy of the cost benefit assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Gas Safety Policy Section, Safety Policy Directorate, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy has been placed in the Library of each House of Parliament.

(1)

[1986 c. 44](#); section 18 was amended and section 18A was inserted by the Gas Act [1995 \(c. 45\)](#), section 10(1) and Schedule 3, paragraph 14 and 15 respectively.

(2)

[S.I. 1996/551](#).

(3)

[S.I.1983/1575](#).