



**Isle of Man**

*Ellan Vannin*

**AT 7 of 1995**

**GAS REGULATION ACT 1995**





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## GAS REGULATION ACT 1995

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**Isle of Man***Ellan Vannin*

## **GAS REGULATION ACT 1995**

|                               |                     |
|-------------------------------|---------------------|
| <i>Received Royal Assent:</i> | <i>11 July 1995</i> |
| <i>Passed:</i>                | <i>12 July 1995</i> |
| <i>Commenced:</i>             | <i>1 May 2004</i>   |

**AN ACT** to make new provision with respect to the supply of gas through pipes and certain related matters.

### *Supply of gas by public gas suppliers*

#### **1 General powers and duties**

- (1) It shall be the duty of a public gas supplier —
  - (a) to develop and maintain a safe, efficient, co-ordinated and economical system of gas supply; and
  - (b) subject to paragraph (a), to comply, so far as it is economical to do so, with any reasonable request for it to give a supply of gas to any premises.
- (2) It shall also be the duty of a public gas supplier to avoid any undue preference in the supply of gas to persons entitled to a supply in pursuance of section 2(1).
- (3) Schedule 1 (which relates to the breaking up of streets and bridges by such suppliers) shall have effect.

#### **2 Duty to supply certain premises**

- (1) Subject to the provisions of this Act and any regulations made under those provisions, a public gas supplier shall, on being required to do so by the owner or occupier, give and continue to give a supply of gas to any premises which —
  - (a) are situated within 25 metres from a relevant main of the supplier; or
  - (b) are connected by a service pipe to any such main,

and in the case of premises falling within paragraph (a), shall also provide and lay any pipe that may be necessary for that purpose.

- (2) Where any person requires a supply of gas in pursuance of subsection (1), he shall serve on the public gas supplier a notice specifying —
  - (a) the premises in respect of which the supply is required; and
  - (b) the day (not being earlier than a reasonable time after the service of the notice) upon which the supply is required to commence.
- (3) Where any pipe is provided and laid by a public gas supplier in pursuance of subsection (1), the cost of providing and laying —
  - (a) so much of the pipe as is laid upon property owned or occupied by the person requiring the supply, not being property dedicated to public use; and
  - (b) so much of the pipe as is laid for a greater distance than 10 metres from any pipe of the supplier, although not on such property as is mentioned in paragraph (a),shall, if the supplier so requires, be defrayed by that person.
- (4) The Department of Infrastructure (in this Act referred to as “**the Department**”) may make provision by regulations for entitling a public gas supplier to require a person requiring a supply of gas in pursuance of subsection (1) to pay to the supplier an amount in respect of the expenses of the laying of the main used for the purpose of giving that supply if —
  - (a) the supply is required within the prescribed period after the laying of the main;
  - (b) a person, for the purpose of supplying whom the main was laid, has made a payment to the supplier in respect of those expenses;
  - (c) the amount required does not exceed any amount paid in respect of those expenses by such a person or by any person previously required to make a payment under the regulations; and
  - (d) the supplier has not recovered those expenses in full.<sup>1</sup>
- (5) Nothing in subsection (1) shall be taken as requiring a public gas supplier to supply gas to any premises in excess of 2,500 therms, or such other number of therms as may be prescribed, in any period of 12 months.
- (6) Nothing in subsection (1) shall be taken as requiring a public gas supplier to give or continue to give a supply of gas to any premises if —
  - (a) it is prevented from doing so by circumstances not within its control; or
  - (b) circumstances exist by reason of which its doing so would or might involve danger to the public, and it has taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect.

- (7) Where any person requires a new or increased supply of gas in pursuance of subsection (1) for purposes other than domestic use, and the supply cannot be given without the laying of a new main, or the enlarging of an existing main, or the construction or enlarging of any other works required for the supply of gas by the public gas supplier, the supplier may, if it thinks fit, refuse to give the supply unless that person enters into a written contract with it.

### **3 Power to require security**

- (1) Where any person requires a supply of gas in pursuance of section 2(1) —
- (a) the public gas supplier may require that person to give it reasonable security for the payment to it of all money which may become due to it in respect of the supply or, where any pipe falls to be provided and laid in pursuance of that section, the provision and laying of the pipe; and
  - (b) if that person fails to give such security, the supplier may if it thinks fit refuse to give the supply, or to provide and lay the pipe, for so long as the failure continues.
- (2) Where any person who requires a supply of gas in pursuance of section 2(1) enters into such a contract as is mentioned in section 2(7) —
- (a) the public gas supplier may require that person to give it reasonable security for the payment to it of all money which may become due to it under the contract; and
  - (b) if that person fails to give such security, the supplier may if it thinks fit refuse to give the supply for so long as the failure continues.
- (3) Where any person has not given such security as is mentioned in subsection (1) or (2), or the security given by any person has become invalid or insufficient —
- (a) the public gas supplier may by notice require that person within 14 days after the service of the notice, to give it reasonable security for the payment of all money which may become due to it in respect of the supply or, as the case may be, under the contract; and
  - (b) if that person fails to give such security, the supplier may if it thinks fit discontinue the supply for so long as the failure continues.
- (4) Where any money is deposited with a public gas supplier by way of security in pursuance of this section, the supplier shall pay interest, at such rate as may from time to time be fixed by the supplier with the approval of the Department on the amount so deposited for every 3 months during which it remains in the hands of the supplier.

#### 4 Standard method of charge

- (1) Subject to sections 5 and 6 below, a public gas supplier shall charge for gas supplied by it according to the number of therms supplied, that number being calculated in the prescribed manner on the basis of the declared calorific value of the gas.
- (2) In this Act —  
“**calorific value**”, in relation to any gas, means the number of megajoules (gross) which would be produced by the combustion of one cubic metre of the gas measured at a temperature of 15 degrees Centigrade and a pressure of 1013.25 millibars and, if the Department so determines, containing such an amount of water vapour as is specified in the determination;  
“**declared calorific value**”, in relation to any gas supplied by a public gas supplier, means calorific value declared by the supplier in accordance with regulations under subsection (3).
- (3) Regulations shall make provision —
  - (a) as to the time when, and the manner in which, the calorific value of gas supplied by a public gas supplier is to be declared, and is to be brought to the notice of consumers;
  - (b) as to the time when any such declaration is to take effect; and
  - (c) for the adjustment of charges for gas in cases where an alteration of declared calorific value occurs in the course of a period for which such charges are made.

#### 5 Alternative method of charge

- (1) If regulations under this section so provide, the number of therms supplied by a public gas supplier by mains supply or by such other means as may be specified in the regulations may, to such an extent as it thinks fit, be calculated in the prescribed manner on the basis of actual calorific values of the gas determined by the supplier in accordance with the regulations; and a public gas supplier is a relevant supplier for the purposes of this section in so far as the number of therms supplied by it is so calculated.
- (2) Regulations may make provision —
  - (a) for requiring determinations of actual calorific values of gas supplied by relevant suppliers to be made at such places, at such times and in such manner as the Department may direct;
  - (b) for requiring such premises, apparatus and equipment as the Department may direct to be provided and maintained by relevant suppliers for the purpose of making such determinations;
  - (c) as to the manner in which calculations of the number of therms supplied by relevant suppliers are to be made; and



- (d) as to the manner in which the results of such determinations are, and prescribed information with respect to the making of such calculations is, to be made available to the public.
- (3) The Department shall cause competent and impartial persons to carry out tests of apparatus and equipment provided and maintained by relevant suppliers in pursuance of regulations under this section for the purpose of ascertaining whether they comply with the regulations.
- (4) Regulations may make provision –
  - (a) for persons representing the relevant supplier concerned to be present during the carrying out of such tests;
  - (b) for the manner in which the results of such tests are to be made available to the public; and
  - (c) for conferring powers of entry on property of relevant suppliers for the purpose of carrying out such tests and otherwise for the purposes of this section.
- (5) Every person who is a relevant supplier during any period shall pay to the Department such fees as may be prescribed under Part 5, Division 4 (general fee power) of the *Interpretation Act 2015* in respect of the testing of apparatus and equipment for the purposes of this section.<sup>2</sup>

## 6 Fixing of tariffs

- (1) The tariffs to be charged by a public gas supplier for the supply of gas must be in accordance with such tariffs as may be fixed from time to time by it.
- (2) The Communications and Utilities Regulatory Authority (“the Authority”) may by regulations set the parameters within which a public gas supplier may fix the tariffs in accordance with which the supplier may charge for supplying gas, and such regulations may –
  - (a) create different categories of customers, on such reasonable basis as the Authority considers appropriate, for the purpose of facilitating the charging of different tariffs as between such categories; and
  - (b) specify different parameters in respect of each such category or group of such categories.

Tynwald procedure – approval required.
- (3) The Authority may impose conditions in connection with parameters set by it under this section; but, before exercising this power, must –
  - (a) consult with the public gas supplier on whom it proposes to impose the conditions; and
  - (b) take into consideration any feedback received in the course of that consultation.

- (4) A public gas supplier —
- (a) must, when fixing tariffs, confine itself to those parameters and comply with any condition imposed under this section;
  - (b) may apply the tariffs (or any of them) to all, or any one or more parts, of its business.
- (5) Despite subsection (1), the tariffs fixed in accordance with subsections (1) and (2) may, instead of being subject to parameters and conditions set by the Authority, be subject to any legally binding parameters and conditions agreed between the public gas supplier and the Cabinet Office, and the Cabinet Office must forthwith send a copy of any such agreement to the Authority, which must publish the agreement.
- (6) Tariffs fixed by the public gas supplier —
- (a) may relate to the supply of gas in different areas, cases and circumstances;
  - (b) must be so framed as to show —
    - (i) the methods and principles by which the charges are to be made; and
    - (ii) the prices which are to be charged for the supply of gas;
  - (c) must be published in such manner as, in the opinion of the Authority, will secure adequate publicity for them.
- (7) A tariff fixed by a public gas supplier may include a standing charge in addition to the charge for the actual gas supplied, and may also include a rent or other charge in respect of any gas meter or other gas fittings provided by the supplier on the premises of the consumer.
- (8) Invoices issued for the supply of gas by a public gas supplier must contain such information as the Authority may specify by regulations.
- (9) Despite anything in section 4 or 5 or the preceding provisions of this section, a public gas supplier may enter into a special agreement with any consumer for the supply of gas to him on such terms as may be specified in the agreement if either —
- (a) the tariffs in force are not appropriate, owing to special circumstances; or
  - (b) the agreement provides for a minimum supply of gas to any premises in excess of 2,500 therms, or such other number of therms as may be prescribed, in any period of 12 months,
- and the public gas supplier must notify the Authority that it proposes to enter into such a special agreement and, upon any such agreement's becoming legally binding, furnish the Authority with a copy of it.
- (10) The Authority must lay before Tynwald a gas regulation report each year.
- (11) In this Act, “**tariff customer**” means a person who is supplied with gas by a public gas supplier by any means.<sup>3</sup>

## 7 **Public gas supply code**

Schedule 2 (which relates to the supply of gas by public gas suppliers and connected matters) shall have effect.

*Supply of gas by public gas suppliers and others*

## 8 **[Repealed]<sup>4</sup>**

## 9 **Meter testing and stamping**

- (1) No meter shall be used for the purpose of ascertaining the quantity of gas supplied through pipes to any person unless it is stamped either by, or on the authority of, a meter examiner authorised under this section or in such other manner as may be authorised by regulations.
- (2) Subject to subsections (3) and (4), it shall be the duty of a meter examiner, on being required to do so by any person and on payment of such fee as is prescribed under the *Fees and Duties Act 1989*, to examine any meter used or intended to be used for ascertaining the quantity of gas supplied to any person, and to stamp, or authorise the stamping of, that meter.
- (3) A meter examiner shall not stamp, or authorise the stamping of, any meter unless he is satisfied that it is of such pattern and construction and is marked in such manner as is approved by the Department and that the meter conforms with such standards as may be prescribed.
- (4) A meter examiner may stamp, or authorise the stamping of, a meter submitted to him, notwithstanding that he has not himself examined it, if —
  - (a) the meter was manufactured or repaired by the person submitting it;
  - (b) that person has obtained the consent of the Department to the submission; and
  - (c) any conditions subject to which the consent was given have been satisfied.
- (5) The Department shall authorise competent and impartial persons as meter examiners for the purposes of this section.
- (6) Regulations may make provision —
  - (a) for re-examining meters already stamped, and for the cancellation of stamps in the case of meters which no longer conform with the prescribed standards and in such other circumstances as may be prescribed;
  - (b) for requiring meters to be periodically overhauled; and
  - (c) for the revocation of any approval given by the Department to any particular pattern or construction of meter, and for requiring

existing meters of that pattern or construction to be replaced within such period as may be prescribed.

- (7) If any person supplies gas through a meter which has not been stamped under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.
- (8) Where the commission by any person of an offence under subsection (7) is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.
- (9) In any proceedings for an offence under subsection (7) it shall be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.
- (10) The preceding provisions of this section shall not have effect in relation to the supply of gas to a person under any agreement providing for the quantity of gas supplied to him to be ascertained by a meter designed for rates of flow which, if measured at a temperature of 15 degrees Centigrade and a pressure of 1013.25 millibars, would exceed 1600 cubic metres an hour.

*Investigation of complaints etc.*

## **10 Power of Department to investigate**

- (1) The Department shall have power to investigate any matter which —
  - (a) appears to it to be a matter to which subsection (2) applies; and
  - (b) is the subject of a representation (other than one appearing to the Department to be frivolous) made to the Department by or on behalf of a person appearing to the Department to have an interest in that matter.
- (2) This subsection applies to —
  - (a) any matter relating to the design, manufacture, importation or supply (whether by sale, hire or loan or otherwise) of gas fittings used or intended to be used by persons supplied with gas by public gas suppliers;
  - (b) any matter relating to the installation, maintenance or inspection of gas fittings used or intended to be used by such persons; and
  - (c) any other matter relating to, or to anything connected with, the use by such persons of gas supplied by such a supplier or the use of such fittings.
- (3) Where the Department has investigated any matter under this section, it may prepare a report on that matter and (subject to section 13) shall send

a copy of any such report to such (if any) of the following persons as it thinks appropriate –

- (a) any person to whom the report refers or who (whether or not he has made a representation to the Department) appears to the Department to have an interest in the matter to which the report relates;
- (b) any person who appears to the Department to be affected by or interested in that matter;
- (c) any person who appears to the Department to be a person who ought to take account of the report in determining how to act in relation to that matter.

### *Miscellaneous Functions*

## **11 Fixing of maximum charges for reselling gas**

- (1) The Department shall fix the maximum prices at which gas supplied by public gas suppliers may be resold, and shall publish the prices so fixed in such manner as in its opinion will secure adequate publicity for those prices.
- (2) Before exercising its powers under subsection (1), the Department shall consult the public gas suppliers in the Island.
- (3) Different prices may be fixed under this section in different classes of cases which may be defined by reference to areas, tariffs applicable to gas supplied by the suppliers or any other relevant circumstances.
- (4) If any person resells any gas supplied by a public gas supplier at a price exceeding the maximum price fixed under this section and applicable thereto, the amount of the excess shall be recoverable by the person to whom the gas was resold.

## **12 Power to require information etc**

- (1) Where it appears to the Department that a public gas supplier may be contravening, or may have contravened, any provision of this Act or any public document under this Act, the Department may, in relation to any matter, by notice –
  - (a) require any person to produce, at a time and place specified in the notice, to the Department or to any person appointed by it for the purpose, any documents which are specified or described in the notice and are in that person's custody or under his control; or
  - (b) require any person carrying on any business to furnish to the Department such information as may be specified or described in the notice, and specify the time, the manner and the form in which any such information is to be furnished;

but no person shall be compelled for any such purpose to produce any documents which he could not be compelled to produce in civil proceedings before the court or, in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.

- (2) A person who, without reasonable excuse, fails to do anything duly required of him by a notice under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.
- (3) A person who intentionally alters, suppresses or destroys any document which he has been required by any such notice to produce shall be guilty of an offence and liable —
  - (a) on summary conviction, to a fine not exceeding £5,000;
  - (b) on conviction on information, to a fine.
- (4) If a person makes default in complying with a notice under subsection (1), the High Court may, on the application of the Department make such order as the Court thinks fit for requiring the default to be made good; and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a company or other association who are responsible for its default.

### *Miscellaneous*

## **13 General restrictions on disclosure of information**

- (1) Subject to the provisions of this section, no information with respect to any particular business which —
  - (a) has been obtained under or by virtue of the provisions of this Act; and
  - (b) relates to the affairs of any individual or to any particular business, shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) does not apply to any disclosure of information which is made —
  - (a) for the purpose of facilitating the performance of any functions of the Council of Ministers or any Department or other body;<sup>5</sup>
  - (b) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
  - (c) for the purposes of any civil proceedings brought under or by virtue of this Act; or

- (d) for the purposes of proceedings under any of the enactments specified in subsection (3).
- (3) The enactments referred to in subsection (2)(d) are —
  - (a) the *Consumer Protection (Trades Description) Act 1970*;
  - (b) the *Consumer Protection Act 1991*.
- (4) Nothing in subsection (1) above shall be construed as preventing the publication of matters which are available to the public from other sources.
- (5) Any person who discloses any information in contravention of this section shall be guilty of an offence and liable —
  - (a) on summary conviction, to a fine not exceeding level 5 on the standard scale;<sup>6</sup>
  - (b) on conviction on information, to imprisonment for term not exceeding 2 years or to a fine or to both.
- (6) In any proceedings for an offence under subsection (5) it shall be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

#### 14 Making of false statements etc

If any person, in giving any information or making any application for the purposes of any provision of this Act, or of any public document made under any provision of this Act, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and liable —

- (a) on summary conviction, to a fine not exceeding £5,000;
- (b) on conviction on information, to a fine.

#### *Supplemental*

#### 15 Offences: bodies corporate

- (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## 16 Provisions as to public documents

- (1) Regulations made under any provision of this Act may provide for the determination of questions of fact or of law which may arise in giving effect to the regulations and for regulating (otherwise than in relation to any court proceedings) any matters relating to the practice and procedure to be followed in connection with the determination of such questions, including provision —
  - (a) as to the mode of proof of any matter;
  - (b) as to parties and their representation;
  - (c) for the right to appear and be heard of the Department and other authorities; and<sup>7</sup>
  - (d) as to awarding costs of proceedings for the determination of such questions, determining the amount thereof and the enforcement of awards thereof.
- (2) Regulations made under any provision of this Act which prescribe a period within which things are to be done may provide for extending the period so prescribed.
- (3) Regulations may be made by the Department requiring public gas suppliers to deposit with the emergency fire services and such other persons as may be specified —
  - (a) copies of plans indicating the location of such pipes, works and installations as may be specified; and
  - (b) where changes are made to such pipes, works and installations, copies of plans indicating such changes,and it shall be the duty of a public gas supplier to comply with such regulations.
- (4) Regulations made under any provision of this Act may —
  - (a) make different provision for different areas; and
  - (b) make such supplementary, incidental or transitional provision,as the Department considers necessary or expedient.
- (5) Regulations made under any provision of this Act may provide that any person contravening the regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000
- (6) In any proceedings against any person for an offence under any regulations made under any provision of this Act, it shall be a defence for that person to show —
  - (a) that he was prevented from complying with the regulations by circumstances not within his control; or
  - (b) that circumstances existed by reason of which compliance with the regulations would or might have involved danger to the public and



that he took all such steps as it was reasonable for him to take both to prevent the circumstances from occurring and to prevent them from having that effect.

- (7) Before making any regulations under this Act the Department shall consult with such public gas suppliers as the Department considers likely to be affected by the regulations.
- (8) Any public document made under this Act (with the exception of regulations under section 6(2) and an order under section 20) shall be laid before Tynwald as soon as practicable after it is made and if Tynwald fails to approve the public document at the sitting at which it is laid or at the next following sitting, the public document shall cease to have effect.<sup>8</sup>

### 16A Regulations pre-dating delegation of legislative power to Authority

Regulations made under this Act by another delegate before the delegation hereunder, to the Communications and Utilities Regulatory Authority (“the Authority”), of the power in exercise of which those regulations were made shall continue in effect as if those regulations had been made by the Authority and, for the purposes of amendment or revocation, those regulations shall be deemed to be regulations made by the Authority.<sup>9</sup>

## 17 Interpretation

(1) In this Act —

“**calorific value**” has the meaning given by section 4(2);

“**declared calorific value**” has the meaning given by section 4(2);

“**the Department**” has the meaning given by section 2(4);

“**gas**” means —

- (a) any substance in a gaseous state which consists wholly or mainly of —
  - (i) methane, ethane, propane, butane, hydrogen or carbon monoxide;
  - (ii) a mixture of two or more of those gases; or
  - (iii) a combustible mixture of one or more of those gases and air;and
- (b) any other substance in a gaseous state which is gaseous at a temperature of 15 degrees Centigrade and a pressure of 1013.25 millibars and is specified in an order made by the Department;

“**gas fittings**” means gas pipes and meters, and fittings, apparatus and appliances designed for use by consumers of gas for heating, lighting, motive power and other purposes for which gas can be used;

“**information**”, except in relation to mode of trial, includes accounts, estimates and returns;

“**notice**” means notice in writing;

“**prescribed**” means prescribed by regulations;

“**public gas supplier**” means a person who supplies gas through pipes to premises in the Island;

“**regulations**” means regulations made by the Department;<sup>10</sup>

“**subsidiary**” has the same meaning as in the *Companies Act 1974*;

“**tariff customer**” has the meaning given by section 6(5);

“**therm**” means 105.506 megajoules.

- (2) In this Act, references to the supply of gas do not include references —
- (a) to the supply of gas (directly or indirectly) to a public gas supplier;
  - (b) to the supply of gas by a company to any subsidiary or holding company of that company, or to any subsidiary of a holding company of that company; or
  - (c) to the supply of gas in such other circumstances as may be specified in regulations.

## 18 Repeals

The enactments mentioned in Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

## 19 Financial provisions

There shall be paid out of money provided by Tynwald any expenses incurred by the Department or the Communications and Utilities Regulatory Authority, or both, in consequence of the provisions of this Act and any increase attributable to this Act in the sums payable out of money so provided under any other Act.<sup>11</sup>

## 20 Short title, commencement, transitional and saving

- (1) This Act may be cited as the Gas Regulation Act 1995.
- (2) This Act shall come into operation on such day as the Department may, with the concurrence of the Treasury, by order prescribe and different days may be so prescribed for different purposes and different provisions.<sup>12</sup>
- (3) An order under subsection (2) may contain such transitional and saving provisions as the Department thinks necessary.

## SCHEDULE 1

### POWER OF PUBLIC GAS SUPPLIERS TO BREAK UP STREETS, BRIDGES ETC.

#### Section 1(3)

1. The powers conferred by this Schedule are subject to the provisions of Schedule 4 to the *Highways Act 1986*.
2. (1) A public gas supplier may undertake any kind of roadworks (as defined in that Schedule) for the purpose of its functions.  
(2) A public gas supplier shall do as little damage as possible in the exercise of the powers conferred by this paragraph and shall make compensation for any damage done in the exercise of those powers.
3. The powers of a public gas supplier under paragraph 2 shall include power to erect in any highway one or more structures for housing any apparatus.
4. (1) Subject to sub-paragraph (2), nothing in paragraph 2 shall empower a public gas supplier to lay down or place any pipe or other works into, through or against any building, or in any land not dedicated to the public use.  
(2) A public gas supplier may exercise the powers conferred by paragraph 2 in relation to any street which has been laid out but not dedicated to the public use for the purpose of giving a supply of gas to any premises which abut on the street.
5. In this Schedule, “street” includes any square, court, alley, highway, road, lane, thoroughfare, or public passage or place.

## SCHEDULE 2

### PUBLIC GAS SUPPLY CODE

#### Section 7

#### PART I – SUPPLY OF GAS TO TARIFF CUSTOMERS

##### *Maintenance etc. of service pipes*

1. A public gas supplier shall carry out any necessary work of maintenance, repair or renewal of any service pipe —
  - (a) by which a tariff customer is supplied with gas; and
  - (b) which was provided and laid otherwise than at the expense of the supplier or a predecessor of it,

and may recover the expenses reasonably incurred in so doing from the customer.

*Installation of meters in new premises*

2. (1) This paragraph applies where a meter is to be used to register the quantity of gas supplied to a tariff customer and —

- (a) the building has not previously been supplied with gas by the public gas supplier; or
- (b) a new or substituted pipe is to be laid between the public gas supplier's main and the meter.

(2) Subject to sub-paragraph (3), the meter shall be installed as near as practicable to the main, but within the outside wall of the building.

(3) The meter may be installed otherwise than within the outside wall of the building if it is installed either —

- (a) in accommodation of a type and construction approved by the public gas supplier by an approval given in relation to buildings generally, or to any class or description of buildings; or
- (b) in a separate meter house or other accommodation outside the building approved by the supplier in the case of that particular building.

(4) If the requirements of this paragraph are not complied with, the public gas supplier may refuse to supply gas to the premises until those requirements have been complied with.

*Recovery of charges etc*

3. (1) A public gas supplier may recover from a tariff customer any charges due to it in respect of the agreed supply of gas, or in respect of the agreed supplying and fixing of any meter or fittings.

(2) If a tariff customer quits any premises at which gas has been supplied to him through a meter by a public gas supplier without giving notice thereof to the supplier so that it is received by the supplier at least twenty-four hours before he quits the premises, he shall be liable to pay the supplier all charges in respect of the supply of gas to the premises accruing due up to whichever of the following first occurs, namely —

- (a) the twenty-eighth day after he gives such notice to the supplier;
- (b) the next day on which the register of the meter falls to be ascertained; and
- (c) the day from which any subsequent occupier of the premises requires the supplier to supply gas to the premises.

(3) Sub-paragraph (2), or a statement of the effect thereof, shall be endorsed upon every demand note for gas charges payable to a public gas supplier by a tariff customer.

(4) If a tariff customer quits any premises at which gas has been supplied to him by a public gas supplier without paying any amount due from him by way of charges in respect of the supply, the supplier —

- (a) may refuse to furnish him with a supply of gas at any other premises until he pays the amount so due; but
- (b) shall not be entitled to require payment of that amount from the next occupier of the premises.

(5) If a tariff customer has not, after the expiry of 28 days from the making of a demand in writing by a public gas supplier for payment thereof, paid the charges due from him in respect of the supply of gas by the supplier to any premises, the supplier, after the expiration of not less than seven days' notice of its intention may —

- (a) cut off the supply to the premises by disconnecting the service pipe at the meter (whether the pipe belongs to the supplier or not) or by such other means as it thinks fit; and
- (b) recover any expenses incurred in so doing from the customer.

(6) Where a public gas supplier has cut off the supply of gas to any premises in consequence of any default on the part of a tariff customer, the supplier shall not be under any obligation to resume the supply of gas to the customer so in default until he has made good the default and paid the reasonable expenses of re-connecting the supply.

## PART II – SUPPLY OF GAS TO TARIFF CUSTOMERS AND OTHERS

### *Use of anti-fluctuators and valves*

4. (1) Where a person supplied with gas by a public gas supplier uses the gas for working or supplying an engine, gas compressor or other similar apparatus or any apparatus liable to produce in any main of the supplier a pressure less than atmospheric pressure (any such engine, compressor or apparatus being in this paragraph referred to as a “compressor”), he shall, if so required by the supplier by notice, fix in a suitable position and keep in use an appliance provided by it which will effectually prevent inconvenience or danger being caused to other consumers of gas by reason that he and they are supplied with gas from the same source.<sup>13</sup>

(2) Where a person supplied with gas by a public gas supplier uses for or in connection with the consumption of the gas so supplied any air at high pressure (in this paragraph referred to as “compressed air”) or any gaseous substance not supplied by the supplier (in this paragraph referred to as “extraneous gas”), he shall, if so required other than for the purposes of preventing danger by the supplier by notice, fix in a suitable position and keep in use an appliance provided by it which will effectually prevent the admission of the compressed air or extraneous gas into the service pipe or into any main through which gas is supplied by the supplier.<sup>14</sup>

(3) Where a person is required by this paragraph to keep in use any appliance, he shall at his own expense keep it in proper order and repair, and repair, renew or replace it if it is not in proper order or repair.

(4) A person supplied with gas by a public gas supplier shall not be entitled to use a compressor, or any apparatus for using compressed air or extraneous gas, unless he has given to the supplier not less than 14 days' notice of his intention to do so; but this sub-paragraph shall not apply to the use of any compressor or apparatus which was lawfully in use immediately before the appointed day.

(5) If any person makes default in complying with any provision of this paragraph or regulation 38 of the Gas Safety (Installation and Use) Regulations 1998 as they apply in the Island by virtue of the Gas Safety (Installation, Use and Management) (Application) Order 2021<sup>1</sup> or directions made thereunder, the public gas supplier may cut off the supply of gas to him and shall not be required to resume the supply until the default has been remedied to its reasonable satisfaction.<sup>15</sup>

(6) A public gas supplier shall, as soon as is practicable after any person is first supplied with gas by it, give to that person notice of the effect of the preceding provisions of this paragraph or regulation 38 of the Gas Safety (Installation and Use) Regulations 1998 as they apply in the Island by virtue of the Gas Safety (Installation, Use and Management) (Application) Order 2021<sup>2</sup> or directions made thereunder.<sup>16</sup>

(7) A public gas supplier shall have power to disconnect, remove, test and replace any appliance which any person supplied with gas by it is required by this paragraph to keep in use, and any expenses incurred by the supplier under this sub-paragraph shall, if the appliance is found in proper order and repair, be paid by the supplier but otherwise shall be paid by that person.

#### *Improper use of gas*

5. If any person supplied with gas by a public gas supplier improperly uses or deals with the gas so as to interfere with the efficient supply of gas by the supplier (whether to that person or to any other person), the supplier may, if it thinks fit, discontinue the supply of gas to that person.

#### *Injury to gas fittings and interference with meters*

6. (1) If any person intentionally or by culpable negligence —
- (a) injures or allows to be injured any gas fitting belonging to a public gas supplier;
  - (b) alters the index to any meter used for measuring the quantity of gas supplied by such a supplier; or
  - (c) prevents any such meter from duly registering the quantity of gas supplied,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

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<sup>1</sup> SD 2021/0363

<sup>2</sup> SD 2021/0363

(2) If an offence under sub-paragraph (1) involves any injury to or interference with any gas fittings belonging to a public gas supplier, the supplier may also, until the matter has been remedied, but not longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing).

(3) Where any person is prosecuted for an offence under sub-paragraph (1)(b) or (c), the possession by him of artificial means for causing an alteration of the index of the meter or, as the case may be, the prevention of the meter from duly registering shall, if the meter was in his custody or under his control, be prima facie evidence that the alteration or prevention was intentionally caused by him.

*Restoration of supply without consent*

7. (1) Where a supply of gas to any premises has been cut off by a public gas supplier no person shall, without the consent of the supplier, restore the supply.

(2) If any person acts in contravention of sub-paragraph (1), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 and the supplier may again cut off the supply.

*Failure to notify connection or disconnection of service pipe*

8. (1) No person shall connect any meter with a service pipe through which gas is supplied by a public gas supplier, or disconnect any meter from any such pipe, unless he has given to the supplier, so that it is received by the supplier at least 24 hours before he does so, notice of his intention to do so, specifying the time and place of the proposed connection or disconnection.

(2) If any person acts in contravention of sub-paragraph (1), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

*Prevention of escapes of gas*

9. [Repealed]<sup>17</sup>

*Information as to escapes of gas*

10. [Repealed]<sup>18</sup>

*Entry during continuance of supply*

11. (1) Any officer authorised by a public gas supplier may at all reasonable times, on the production of some duly authenticated document showing his authority, enter any premises in which there is a service pipe connected with a gas main of the supplier for the purpose of —

- (a) inspecting gas fittings;
- (b) ascertaining the quantity of gas supplied;
- (c) performing the duty imposed on the supplier by paragraph 1;

- (d) exercising the power conferred on the supplier by paragraph 4(7);  
or
- (e) in the case of premises where the supplier has reason to believe that a compressor or compressed air or extraneous gas is being used, inspecting the premises and ascertaining whether the provisions of paragraph 4 are being complied with.

(2) Paragraphs (a) and (b) of sub-paragraph (1) do not apply where the consumer has applied in writing to the supplier for the supplier to disconnect the service pipe and cease to supply gas to the premises and the supplier has failed to do so within a reasonable time.

(3) In this paragraph “compressor”, “compressed air” and “extraneous gas” have the same meanings as in paragraph 4.

12. (1) Where —

- (a) a public gas supplier is authorised by any provision of this Act (including any such provision as applied by such an agreement as is mentioned in section 6(4)) to cut off or discontinue the supply of gas to any premises;
- (b) a person occupying premises supplied with gas by a public gas supplier ceases to require such a supply;
- (c) a person entering into occupation of any premises previously supplied with gas by a public gas supplier does not take a supply of gas from the supplier; or
- (d) a person entering into occupation of any premises previously supplied does not hire or borrow that meter,

any officer authorised by the supplier, after 24 hours’ notice to the occupier, or to the owner or lessee of the premises if they are unoccupied, may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of removing any gas fittings.

(2) The notice required to be given by sub-paragraph (1) may, in the case of unoccupied premises the owner or lessee of which is unknown to the supplier and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises not less than 48 hours before the premises are entered.

*Entry for replacing, repairing or altering pipes*

13. (1) Any officer authorised by a public gas supplier, after 7 clear days’ notice to the occupier of any premises, or to the owner or lessee of any premises which are unoccupied, may at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of —

- (a) placing a new pipe in the place of any existing pipe which has already been lawfully placed; or
- (b) repairing or altering any such existing pipe.



(2) The notice required to be given by sub-paragraph (1) may, in the case of unoccupied premises the owner or lessee of which is unknown to the supplier and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises.

(3) In cases of emergency arising from defects in any pipes entry may be made under sub-paragraph (1) without the notice required to be given by that sub-paragraph, but the notice shall then be given as soon as possible after the occurrence of the emergency.

*Provisions as to powers of entry*

14. (1) Where in pursuance of any powers of entry conferred by this Part, entry is made on any premises by an officer authorised by a public gas supplier —

- (a) the officer shall ensure that the premises are left no less secure by reason of the entry; and
- (b) the supplier shall make good, or pay compensation for, any damage caused by the officer, or by any person accompanying him in entering the premises, in taking any action therein authorised by this Schedule, or in making the premises secure.

(2) Any officer exercising powers of entry conferred by this Part of this Schedule may be accompanied by such persons as may be necessary or expedient for the purpose for which the entry is made, or for the purposes of sub-paragraph (1).

(3) If any person intentionally obstructs any officer exercising powers of entry conferred by this Part of this Schedule, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(4) No power of entry conferred by this Part shall be exercised without the authority of a warrant issued by a justice of the peace (except in case of emergency).

*Gas fittings not to be subject to distress*

15. (1) Any gas fittings let for hire or lent to a consumer by a public gas supplier and marked or impressed with a sufficient mark or brand indicating the supplier as the owner thereof —

- (a) shall not be subject to distress or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession they may be; and
- (b) shall not be deemed to be landlord's fixtures, notwithstanding that they may be fixed or fastened to any part of the premises in which they may be situated.

## SCHEDULE 3

### REPEAL OF ENACTMENTS

## Section 18

[Sch 3 repeals the following Acts wholly —

Douglas Gas Act 1835

Joint Stock Companies' Clauses Act

Gas Regulation Act 1927

Gas Regulation Amendment Act 1931

Gas Regulation Act 1963

and the following Acts in part —

Statute Law Revision Act 1982

Gas Undertakings Act 1985

Treasury Act 1985

Fines Act 1986

Statute Law Revision Act 1989

Civil Service Act 1990

High Court Act 1991

Transfer of Governor's Functions Act 1992.]

## ENDNOTES

### Table of Endnote References

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- <sup>1</sup> Subs (4) amended by SD155/10 Sch 5.
- <sup>2</sup> Subs (5) amended by Interpretation Act 2015 s 106.
- <sup>3</sup> S 6 substituted by Gas Regulation (Amendment) Act 2021 s 3.
- <sup>4</sup> S 8 repealed by SI 1996 No.551, as applied to the Island and modified by SD2021/0363.
- <sup>5</sup> Para (a) amended by Gas Regulation (Amendment) Act 2021 s 4.
- <sup>6</sup> Para (a) amended by Gas Regulation (Amendment) Act 2021 s 4.
- <sup>7</sup> Para (c) amended by SD155/10 Sch 5.
- <sup>8</sup> Subs (8) amended by Energy Act 2023 s 4.
- <sup>9</sup> S 16A inserted by Gas Regulation (Amendment) Act 2021 s 5.
- <sup>10</sup> Definition of “regulations” amended by SD155/10 Sch 5.
- <sup>11</sup> S 19 amended by Gas Regulation (Amendment) Act 2021 s 6.
- <sup>12</sup> ADO (provisions lending power to make public documents) 17/3/2004; (whole Act fully operative) 1/5/2004 (SD214/04).
- <sup>13</sup> Subpara (1) amended by SI 1998 No.2451, as applied to the Island and modified by SD2021/0363.
- <sup>14</sup> Subpara (2) amended by SI 1998 No.2451, as applied to the Island and modified by SD2021/0363.
- <sup>15</sup> Subpara (5) amended by SI 1998 No.2451, as applied to the Island and modified by SD2021/0363.
- <sup>16</sup> Subpara (6) amended by SI 1998 No.2451, as applied to the Island and modified by SD2021/0363.
- <sup>17</sup> Para 9 repealed by SI 1996 No.551, as applied to the Island and modified by SD2021/0363.
- <sup>18</sup> Para 10 repealed by SI 1996 No.551, as applied to the Island and modified by SD2021/0363.