



**Isle of Man**

*Ellan Vannin*

**AT 1 of 2021**

**GAS REGULATION (AMENDMENT) ACT  
2021**



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## GAS REGULATION (AMENDMENT) ACT 2021

*Signed in Tynwald:* 16 February 2021  
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AN ACT to amend the Gas Regulation Act 1995 to confer the power to set parameters within which a public gas supplier may fix tariffs, and for connected purposes.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

### 1 Short title

The short title of this Act is the Gas Regulation (Amendment) Act 2021.

### 2 Interpretation

- (1) In this Act, “**the principal Act**” means the *Gas Regulation Act 1995*.
- (2) References hereafter in this Act to a numbered section are, in each case, to the section so numbered in the principal Act.

### 3 Amendment of section 6

For section 6, substitute the following —

#### **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. .

#### 4 Amendment of section 13

Section 13 of the principal Act is amended —

- (a) in subsection (2)(a), by inserting "or other body" between "Department" and the semicolon;
- (b) in subsection (5), by substituting "level 5 on the standard scale" for "£5,000".

#### 5 Insertion of new section: section 16A

The principal Act is amended by inserting, immediately after section 16, the following new section —

**"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."

**6 Amendment of section 19**

Section 19 of the principal Act is amended by inserting “or the Communications and Utilities Regulatory Authority, or both,” between “Department” and “in”.

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*Published by Authority*