

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to implement the recommendations contained in the Review Report: Reforming arrangements for regulating gasfitting, gas installations and appliances, published by the Better Regulation Office in June 2009, by:

(a) amending the Gas Supply Act 1996 to allow for the responsibility for standards and requirements relating to gasfitting work and autogas work to be transferred to the Minister for Fair Trading, and

(b) clarifying that a gas installation begins at the gas meter and ensuring that the definition of gas installation is consistent in the Gas Supply Act 1996 and the regulations made under that Act, and

(c) clarifying that gasfitting work does not include the connection of a gas container, gas regulator or gas appliance to, or the disconnection of a gas container, gas regulator or gas appliance from, a gas installation where it is designed to be readily detachable from the installation whether by the use of a tool, mechanical force or otherwise.

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It is intended that the recommendations in the report also be implemented by way of amendments to the regulations made under the Gas Supply Act 1996. It is anticipated that the amendments to the regulations will also re-organise and consolidate the regulatory framework.

The Bill also makes other minor and consequential amendments.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Gas Supply Act 1996

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Schedule 1 [3] and [4] amend the regulation-making powers in sections 83 and 83A of the Gas Supply Act 1996 as described in paragraph (a) of the Overview. Section 83 is currently administered by the Minister for Energy and section 83A is currently administered by the Minister for Fair Trading. Section 83 currently enables regulations to be made with respect to the carrying out of gasfitting work. The amendment to section 83 limits the power in that section to gasfitting work involving the installation or replacement of a gas meter or any part of the basic metering equipment. The amendment to section 83A enables the making of regulations relating to gas installations and the carrying out of any kind of gasfitting work (apart from gasfitting work involving the installation or replacement of a gas meter or any part of the basic metering equipment). The amendment also transfers the regulation-making power relating to autogas installations and the carrying out of autogas work from section 83 to section 83A.

Schedule 1 [2] inserts a note relating to the appointment of investigators under the Fair Trading Act 1987 for the purposes of any legislation administered by the Minister for Fair Trading (section 83A of the Gas Supply Act 1996 and the regulations made under that section are currently administered by the Minister for Fair Trading). Schedule 1 [1] allows investigators under the Fair Trading Act 1987 to enter any premises for the purpose of ascertaining whether an offence against any regulations made under section 83A of the Act has been committed. Investigators also have certain powers under the Fair Trading Act 1987.

Schedule 1 [7] amends the Dictionary:

(a) to ensure consistency between the definitions of basic metering equipment,

gas appliance, gas container, gas installation, gas network and gasfitting work across all legislation relating to gas supply, and
(b) to provide that a gas installation begins at the gas meter (or at the control valve or other connection point in the case of a gas installation that is not supplied from a gas network), and

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(c) to clarify that gasfitting work does not include the connection of a gas container, gas regulator or gas appliance to, or the disconnection of a gas container, gas regulator or gas appliance from, a gas installation where it is designed to be readily detachable from the installation whether by the use of a tool, mechanical force or otherwise (so that, for example, a person need not hold the necessary qualifications for gasfitting work in order to detach and re-attach a pigtail device during the connection of a gas cylinder).

Schedule 1 [5] makes it clear that regulations may be made under section 83A for or with respect to fees, charges and payments relating to the other matters specified in that section.

Schedule 1 [6] enables regulations of a savings and transitional nature to be made as a consequence of the enactment of the proposed Act.