

Changes to legislation: Gas Act 1986, Cross Heading: Deemed contracts in certain cases is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 2B

THE GAS CODE

Textual Amendments

F1 Sch. 2B inserted (1.3.1996) by 1995 c. 45, s. 9(2), **Sch. 2**; S.I. 1996/218, **art. 2**

Modifications etc. (not altering text)

C1 Sch. 2B applied (with modifications) (26.12.2023) by Energy Act 2023 (c. 52), **s. 153(2)-(5)**, 334(3)(d)

Deemed contracts in certain cases

- 8 (1) Where a gas supplier supplies gas to a consumer otherwise than in pursuance of a contract, the supplier shall be deemed to have contracted with the consumer for the supply of gas as from the time (“the relevant time ”) when he began so to supply gas to the consumer.
- (2) Where—
- (a) the owner or occupier of any premises takes a supply of gas which has been conveyed to those premises by a [^{F2}gas transporter] in pursuance of arrangements made with the transporter by a gas shipper, or by a person authorised to make the arrangements by an exemption granted under section 6A of this Act;
 - (b) that supply is not made by a gas supplier, or by a person authorised to make it by an exemption granted under section 6A of this Act or an exception contained in Schedule 2A to this Act; and
 - (c) a supply of gas so conveyed has been previously made by a gas supplier, the owner or occupier shall be deemed to have contracted with the appropriate supplier for the supply of gas as from the time (“the relevant time ”) when he began to take such a supply; but nothing in this sub-paragraph shall be taken to afford a defence in any criminal proceedings.
- (3) In sub-paragraph (2) above “the appropriate supplier ” means—
- (a) the gas supplier who previously supplied gas to the premises or, if more than one, the gas supplier who last supplied gas to the premises; or
 - (b) where that supplier’s licence has been assigned generally, or has been assigned so far as relating to the premises, the person to whom the licence was so assigned; or
 - (c) where that supplier’s licence has been revoked on his application, or has been so restricted on his application as to exclude the premises, the gas supplier with whom that supplier made arrangements for securing continuity of supply to the premises.

Changes to legislation: Gas Act 1986, Cross Heading: Deemed contracts in certain cases is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

^{F3}(4)

^{F3}(5)

^{F3}(6)

- (7) The express terms and conditions of a contract which, by virtue of sub-paragraph (1) or (2) above, is deemed to have been made shall be provided for by a scheme made under this paragraph.
- (8) Each gas supplier shall make, and from time to time revise, a scheme for determining the terms and conditions which are to be incorporated in the contracts which, by virtue of sub-paragraph (1) or (2) above, are to be deemed to have been made; [^{F4}but this sub-paragraph shall not apply in any case where it is reasonably expected that neither of those sub-paragraphs will apply].
- (9) The terms and conditions so determined may include terms and conditions for enabling the gas supplier to determine, in any case where the meter is not read immediately before the relevant time, the number of therms or kilowatt hours which are to be treated as supplied to the consumer, or taken by the owner or occupier of the premises, during the period beginning with the relevant time and ending with—
- (a) the time when the meter is first read after the relevant time; or
 - (b) the time when the supplier ceases to supply gas to the consumer, or the owner or occupier ceases to take a supply of gas,
- whichever is the earlier.
- (10) A scheme under this paragraph may make different provisions for different cases or classes of cases, or for different areas, determined by, or in accordance with, the provisions of the scheme.
- (11) As soon as practicable after a gas supplier makes a scheme under this paragraph, [^{F5}or a revision of such a scheme], he shall—
- (a) publish, in such manner as he considers appropriate for bringing it to the attention of persons likely to be affected by it, a notice stating the effect of the scheme [^{F6}or revision];
 - (b) send a copy of the scheme [^{F6}or revision] to the Director [^{F7}, to Citizens Advice and to [^{F8}Consumer Scotland]]; and
 - (c) if so requested by any other person, send such a copy to that person without charge to him.]

Textual Amendments

- F2** Words in Sch. 2B para. 8 substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. I para. 2(1)**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F3** Sch. 2B para. 8(4)-(6) omitted (1.10.2001) by virtue of 2000 c. 27, s. 108, **Sch. 6 Pt. I para. 23(a)**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20) and are repealed (*prosp.*) by 2000 c. 27, ss. 108, 110(2), **Sch. 8**
- F4** Words in Sch. 2B para. 8(8) shall cease to have effect (1.10.2001) by virtue of 2000 c. 27, s. 108, **Sch. 6 Pt. I para. 23(b)**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20) and are repealed (*prosp.*) by 2000 c. 27, ss. 108, 110(2), **Sch. 8**
- F5** Words in Sch. 2B para. 11 substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. I para. 23(c)(i)**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)

Changes to legislation: *Gas Act 1986, Cross Heading: Deemed contracts in certain cases is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F6** Words in Sch. 2B para. 11(a)(b) substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. 1 para. 23(c)(ii)**; S.I. 2001/3266, arts. 1(2), 2, **Sch.** (subject to transitional provisions in arts. 3-20)
- F7** Words in Sch. 2B para. 8(11)(b) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 4(20)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F8** Words in Sch. 2B para. 8(11)(b) substituted (13.1.2022) by The Consumer Scotland Act 2020 (Consequential Provisions and Modifications) Order 2022 (S.I. 2022/34), art. 1(1), **Sch. para. 2(18)(b)** (with art. 5)

Changes to legislation:

Gas Act 1986, Cross Heading: Deemed contracts in certain cases is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(e) and word inserted by [2023 c. 52 s. 185\(3\)](#)
- s. 5(1)(ca) inserted by [2023 c. 52 s. 168\(2\)\(b\)](#)
- s. 5(10A) inserted by [2023 c. 52 s. 168\(2\)\(c\)](#)
- s. 5(11A)(11B) inserted by [2023 c. 52 s. 185\(4\)](#)
- s. 7B(5FA) inserted by [2023 c. 52 s. 185\(13\)](#)
- s. 7AC inserted by [2023 c. 52 s. 185\(6\)](#)
- s. 8AA(11B) inserted by [2023 c. 52 s. 185\(14\)](#)
- s. 15A inserted by [1992 c. 43 s. 17](#)
- s. 23D(2)(d) and word inserted by [2013 c. 32 s. 138\(4\)\(c\)\(iii\)](#)
- s. 27(1ZA)(aa) inserted by S.I. 2019/93, Sch. 1 para. 2(2)(b) (as substituted) by [S.I. 2019/1245 reg. 17](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 28(8A) inserted by [2023 c. 52 Sch. 14 para. 3\(3\)](#)
- s. 41E(6)(d) and word inserted by [2013 c. 32 s. 138\(4\)\(f\)\(ii\)](#)
- Sch. 4B para. 9B and cross-heading inserted by [2023 c. 52 Sch. 14 para. 4](#)