

South Australia

## **Gas Regulations 1997**

under the *Gas Act 1997*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 4 Interpretation
- 4A Compliance with standards or codes that are varied or substituted
- 5 Interpretation of certain terms used in Act

#### **Part 1A—Administration**

- 6 Functions and powers of Commission

#### **Part 2—Licensing of gas entities**

- 6A Exemption from requirement to hold licence
- 7 Licence fees—transitional provision—licensed supplier of reticulated gas under repealed Act
- 8 Licence fees and returns
- 8AA Licence condition requiring retailers to match available gas to customers' estimated aggregate demand
- 8A Ombudsman scheme
- 8AB Licence condition requiring pricing information for small customers
- 8B Ombudsman scheme and retailing—annual gas consumption level
- 8C Prescribed class of customers for section 34
- 8D Content of register of licences

#### **Part 3—Gas entities' powers and duties**

- 9 Carrying out certain work on public land

#### **Part 4—Safety and technical issues**

##### **Division 1—Safety and technical requirements**

- 10 General requirements for gas infrastructure

##### **Division 2—Quality of gas supply**

- 11 Obligations of distribution system operator in relation to quality of gas
- 12 Obligations of retailer in relation to quality of gas
- 12A Quality of liquefied petroleum gas supplied in pressurised vessel

##### **Division 3—Gas fitting work**

- 13 General gas fitting work
- 14 Installing or commissioning Type B appliances

Division 4—Reporting of accidents

15 Reporting of accidents

Division 5—Safety, reliability, maintenance and technical management plans and reports

15A Application of Division

15B Safety, reliability, maintenance and technical management plans

15C Safety, reliability, maintenance and technical management reports

Part 5—Miscellaneous

18 Form for warrants

19 Work near gas infrastructure

20 General penalty

21 Fees for reinspection etc

22 Sale of gas where supply affected by gas rationing direction under section 37 of Act

Schedule 1—Flame speed factor and sooting index

Schedule 1A—Gas specifications

Schedule 2—Forms for warrants

Legislative history

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Gas Regulations 1997*.

### 4—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Gas Act 1997*;

*AG 603* means AG 603—*Gas Distribution Code* published by The Australian Gas Association, as in force from time to time (including any code or standard called up by or under AG 603);

*AS 1596* means AS 1596—*LP Gas—storage and handling* published by the Standards Association of Australia, as in force from time to time (including any code or standard called up by or under AS 1596);

*AS 2885* means AS 2885—*Pipelines—Gas and liquid petroleum* published by the Standards Association of Australia, as in force from time to time (including any code or standard called up by or under AS 2885);

*AS 3723* means AS 3723—*Installation and maintenance of plastics pipe systems for gas* published by the Standards Association of Australia, as in force from time to time (including any code or standard called up by or under AS 3723);

**AS 3814** means AS 3814/AG 501—*Industrial and Commercial Gas-fired Appliances* published by The Australian Gas Association, as in force from time to time (including any code or standard called up by or under AS 3814);

**AS 4551** means AS 4551/AG 101—*Approval Requirements for Domestic Gas Cooking Appliances* published by The Australian Gas Association, as in force on 1 May 2000 (including any code or standard called up by or under AS 4551 as at that date);

**AS 4564** means AS 4564/AG 864—*Specification for General Purpose Natural Gas* published by The Australian Gas Association, as in force from time to time (including any code or standard called up by or under AS 4564);

**AS 5601** means AS 5601/AG 601—*Gas Installations* published by The Australian Gas Association, as in force from time to time (including any code or standard called up by or under AS 5601);

**business day** means a day other than a Saturday or a Sunday or other public holiday;

**distribution system operator** means a gas entity authorised by a licence to carry on the operation of a distribution system;

**flame speed factor** means the flame speed factor determined in accordance with the formula set out in Schedule 1;

**inset distribution system** means a distribution system that serves only a group of premises or parts of premises in the same ownership or subject to the same community plan or strata plan under the *Community Titles Act 1996* or *Strata Titles Act 1988*;

**liquefied petroleum gas** means a hydrocarbon fluid composed predominantly of one or more of the following hydrocarbons:

- (a) propane (C<sub>3</sub>H<sub>8</sub>);
- (b) propene (propylene) (C<sub>3</sub>H<sub>6</sub>);
- (c) butane (C<sub>4</sub>H<sub>10</sub>);
- (d) butene (butylene) (C<sub>4</sub>H<sub>8</sub>);

**natural gas** has the same meaning as in AS 4564;

**prescribed transmission pipeline** means a pipeline in respect of which any of the following licences has been granted under the *Petroleum Act 2000*:

PL1

PL3

PL4

PL6

PL11

PL13;

**retail contract** means a contract between a gas entity and a customer for the sale and supply of gas;

**retailer** means a gas entity authorised by a licence to carry on the retailing of gas;

*sooting index* means the sooting index determined in accordance with the formula set out in Schedule 1;

*Type A appliance* means an appliance to which an appliance approval scheme operated by The Australian Gas Association applies;

*Type B appliance* has the same meaning as in AS 5601;

*Wobbe Index* has the same meaning as in AS 4551.

#### 4A—Compliance with standards or codes that are varied or substituted

- (1) Despite a requirement of these regulations for work to be carried out in accordance with a standard or code as in force from time to time, where the code or standard is varied or substituted, work for the installation, commissioning or modification of gas infrastructure, a gas installation or a Type B appliance may be carried out in accordance with the old standard if—
  - (a) design work for that installation, commissioning or modification had been completed before (but not more than 1 month before) the publication of the new standard; or
  - (b) the work (disregarding design or other preparatory work) had commenced before the publication of the new standard; or
  - (c) the work commenced after the publication of the new standard and is to be completed within 6 months after that publication; or
  - (d) the work is connected with the construction of premises and construction work had commenced before the publication of the new standard.
- (2) If—
  - (a) pursuant to subregulation (1) work is purportedly carried out in accordance with an old standard; and
  - (b) the work or the appliance to which the work relates complies with that old standard,an approval or certification that the work or the appliance to which the work relates (as the case requires) complies with the standard or code may be given for the purposes of these regulations.
- (3) In this regulation—
  - (a) a standard or code as in force following the variation or substitution of the standard or code is referred to as the ***new standard***; and
  - (b) a standard or code as in force immediately prior to the variation or substitution of the standard or code is referred to as the ***old standard***; and
  - (c) a reference to ***work*** includes a reference to examinations and tests related to the work.

## 5—Interpretation of certain terms used in Act

- (a1) For the purposes of the definition of *annual gas consumption level* in section 4 of the Act, the following provisions apply to the determination of a customer's annual gas consumption level:
- (a) the customer's annual gas consumption level is to be determined for each metered delivery point through which the customer has or seeks gas supply under a retail contract;
  - (b) if the customer has been entitled under a retail contract to gas supply through the delivery point for the 12 months immediately preceding the relevant day, the customer's annual gas consumption level for the delivery point is—
    - (i) the actual gas supply, expressed in terajoules, through the delivery point for that 12 months period as measured by the meter at the delivery point; or
    - (ii) if the measurement of the gas supply by the meter has been significantly affected by inaccuracies during that 12 months period—the estimated gas supply, expressed in terajoules, through the delivery point for the 12 months immediately following the relevant day;
  - (c) if the customer has not been entitled under a retail contract to gas supply through the delivery point for the 12 months immediately preceding the relevant day, the customer's annual gas consumption level for the delivery point is the estimated gas supply, expressed in terajoules, through the delivery point for the 12 months immediately following the relevant day;
  - (d) an estimate is to be made for the purposes of paragraph (b) or (c) taking into account relevant past gas consumption levels, the gas consumption level of plant and equipment to use gas delivered through the delivery point, the operations for which gas is required to be supplied through the delivery point and other relevant factors;
  - (e) the determination of the actual or estimated gas supply through the delivery point may be by agreement between the customer and the gas entity or, failing such agreement, will be a matter for the decision of the Commission on application to the Commission by the customer or the entity;
  - (f) a determination under this regulation of the customer's annual gas consumption level for the delivery point continues in operation from the relevant day until—
    - (i) the customer ceases to be entitled to gas supply through the delivery point under a retail contract with the gas entity; or
    - (ii) a subsequent determination is made under this regulation of the customer's annual gas consumption level for the delivery point,whichever first occurs;
  - (g) at least 12 months must elapse from the relevant day before a subsequent determination is made under this regulation of the customer's annual gas consumption level for the delivery point.

(b1) In subregulation (a1)—

*the relevant day*, in relation to the determination of the customer's annual gas consumption level for the delivery point, means—

- (a) the day on which the determination is made; or
  - (b) if some earlier or later day is agreed to by the customer and the gas entity, or is decided on by the Commission, as the relevant day for the purposes of the determination—that day.
- (1) For the purposes of the definition of *distribution system* in section 4 of the Act, prescribed transmission pipelines are declared to form part of a distribution system.
- (2) For the purposes of the definition of the term in section 4 of the Act, *gas* does not include gas that has not been processed to make it suitable for general consumption.
- (3) For the purposes of the definition of *retailing* in section 4 of the Act, retailing does not include—
- (a) a customer charging for the supply of gas if the charge forms an unspecified part of rent or charges for the occupation or use of premises; or
  - (b) a customer charging for the supply of gas if—

- (i) the charge is a specified amount for gas supplied by the customer to another person during a period through an inset distribution system; and
- (ii) the charge does not exceed an amount determined as follows:

$$A = \frac{BC}{D}$$

where—

*A* is the amount to be determined;

*B* is the cost to the customer of the gas supplied to the inset distribution system during the period;

*C* is the quantity of gas drawn from the system by the other person during the period (or a reasonable estimate of the quantity);

*D* is the total quantity of gas drawn from the system during the period; and

- (iii) the customer gives the other person, when charging the other for the supply of gas, written notice of—
  - (A) the cost to the customer of the gas supplied to the inset distribution system during the period; and
  - (B) the quantity of gas drawn from the system by the other person during the period (or if the quantity is estimated, the quantity estimated and the basis of the estimate).

- (3a) For the purposes of the definition of *retail market rules* in section 4 of the Act, interactions between any of the following persons is prescribed as a matter to which the rules may relate:
- (a) persons referred to in paragraph (a) of the definition;
  - (b) persons who operate prescribed transmission pipelines;
  - (c) persons who acquire, hold or dispose of rights to prescribed transmission pipeline capacity;
  - (d) persons who contract for the conveyance of gas with persons having rights to prescribed transmission pipeline capacity.
- (3b) For the purposes of the definition of *retail market rules* in section 4 of the Act—
- (a) the following provisions govern the process for approval by the Commission of amendments of retail market rules:
    - (i) the retail market administrator may submit a proposed amendment of a rule to the Commission;
    - (ii) the proposed amendment must be accompanied by a statement of reasons and other information as required by the Commission by condition of the retail market administrator's licence;
    - (iii) the Commission then has an initial period of 30 business days from its receipt of the material referred to in subparagraphs (i) and (ii) to consider the proposed amendment and notify the retail market administrator of its response;
    - (iv) however—
      - (A) the Commission may notify the retail market administrator that it requires further information to be submitted to it by the retail market administrator, in which case, the period for consideration of the proposed amendment is suspended until the Commission receives the further information; and
      - (B) the Commission may notify the retail market administrator that it requires further time to consider the proposed amendment, in which case, the period for consideration of the proposed amendment is extended by a period not exceeding 20 business days specified by the Commission;
    - (v) the Commission's response to the proposed amendment must take the form of rejection of the proposed amendment or approval of the proposed amendment or approval of the proposed amendment on the condition that a specified change is made to the proposed amendment;
    - (vi) material must be submitted to the Commission by the retail market administrator by writing delivered to the office of the Commission or sent by facsimile transmission or e-mail to a number or address specified by the Commission;

- (vii) a response or other decision must be notified to the retail market administrator by the Commission by writing delivered to the office of the retail market administrator or sent by facsimile transmission or e-mail to a number or address specified by the retail market administrator;
- (b) a proposed amendment will be deemed to have the approval of the Commission if—
  - (i) having been submitted to the Commission in accordance with paragraph (a), the Commission fails to notify the retail market administrator of its response within the period allowed for that purpose under that paragraph; or
  - (ii) having been approved by the Commission in accordance with paragraph (a) on the condition that a specified change is made to it, the retail market administrator makes the amendment with that change.
- (4) For the purposes of the definition of *small customer* in section 4 of the Act, each customer whose annual gas consumption level for a delivery point is less than one terajoule is classified as a small customer in relation to gas supply to the customer through the delivery point.

## Part 1A—Administration

### 6—Functions and powers of Commission

Pursuant to section 6A of the Act, the Commission has (in addition to the Commission's functions and powers under the Act and the *Essential Services Commission Act 2002*) the function of determining, in accordance with a process specified by the Minister by notice in the Gazette, and at the expense of one or more of the entities, any matter in dispute between 2 or more gas entities that falls within a range of matters specified by the Minister by notice in the Gazette.

## Part 2—Licensing of gas entities

### 6A—Exemption from requirement to hold licence

- (1) A person who carries on the operation of a distribution system is not required to be licensed under the Act if the system consists only of an inset distribution system.
- (2) A person who carries on the operation of a distribution system is not required to be licensed under the Act if the system consists only of a prescribed transmission pipeline.
- (3) A person who carries on the retailing of gas is not required to be licensed under the Act if the sale of gas is only for the operation of an electricity generating plant by a person who holds or is required to hold a licence under the *Electricity Act 1996* to carry on the operation of the plant.

- (4) Subject to these regulations, an exemption under this regulation is subject to the condition that the person comply with any requirement imposed by or under the Act, these regulations or a code made by the Commission under the *Essential Services Commission Act 2002* as if the person were a gas entity authorised by a licence to carry on the operations to which the exemption relates.
- (5) The appropriate regulator may grant an exemption from subregulation (4), or from specified requirements referred to in that subregulation, on terms and conditions the appropriate regulator considers appropriate.
- (6) In subregulation (5)—  
***appropriate regulator*** means—
  - (a) in relation to Part 5 of the Act or Part 4 of these regulations or any safety requirement—the Technical Regulator; or
  - (b) in any other case—the Commission.

#### **7—Licence fees—transitional provision—licensed supplier of reticulated gas under repealed Act**

Pursuant to clause 2(2) of the Schedule of the Act, the following provisions apply with respect to the payment of licence fees and the initial licence period:

- (a) a person to whom a licence is issued under clause 2(1) of the Schedule authorising the retailing of gas must pay—
  - (i) not later than the first day of the licence period, by way of annual licence fee, an amount equal to one quarter of the amount calculated or fixed under section 24(3)(a) of the Act; and
  - (ii) thereafter, instalments of the annual licence fee as for a licence issued on 1 October 1997;
- (b) a person to whom a licence is issued under clause 2(1) of the Schedule authorising the operation of a distribution system must pay—
  - (i) not later than the first day of the licence period, by way of annual licence fee, an amount equal to one quarter of the amount calculated or fixed under section 24(3)(b) of the Act; and
  - (ii) thereafter, instalments of the annual licence fee as for a licence issued on 1 October 1997.

#### **8—Licence fees and returns**

- (1) For the purposes of section 24(2) of the Act, the licence fee, or the first instalment of the licence fee, (as the case may require) must—
  - (a) in the case of a licence referred to in regulation 7 (after the initial payments under that regulation), be paid before 1 October in each year; or
  - (b) in any other case, be paid before the anniversary in each year of the day on which the licence was issued.
- (2) For the purposes of section 24(2) of the Act, an annual return must be lodged before 31 August in each year.

- (3) For the purposes of section 24(7) of the Act, the penalty for default—
- (a) for failing to pay a licence fee, or an instalment of a licence fee, is 10% per annum of the outstanding amount calculated daily on a cumulative basis;
  - (b) for failing to lodge an annual return is \$500.

### **8AA—Licence condition requiring retailers to match available gas to customers' estimated aggregate demand**

The Commission must make a licence authorising the retailing of gas subject to a condition requiring the gas entity to ensure that at all times the quantity of gas available to it for delivery to its customers from a distribution system is sufficient to meet reasonable forecasts of its customers' aggregate demand for gas from the distribution system.

### **8A—Ombudsman scheme**

For the purposes of sections 26(1)(d) and 26A(2)(i) of the Act, the electricity supply industry is prescribed.

### **8AB—Licence condition requiring pricing information for small customers**

For the purposes of section 26A(2)(d) of the Act, 1 January 2005 is the prescribed date.

### **8B—Ombudsman scheme and retailing—annual gas consumption level**

For the purposes of section 26A(2)(i) of the Act, an annual gas consumption level of 10 terajoules is prescribed.

### **8C—Prescribed class of customers for section 34**

For the purposes of section 34(1) of the Act—

- (a) each customer whose annual gas consumption level for a metered delivery point equals or exceeds 10 terajoules is a customer of a prescribed class in relation to gas supply to the customer through the delivery point;
- (b) each customer whose annual gas consumption level for a metered delivery point equals or exceeds one terajoule but is less than 10 terajoules is a customer of a prescribed class in relation to gas supply to the customer through the delivery point;
- (c) each customer whose annual gas consumption level for a metered delivery point is less than one terajoule is a customer of a prescribed class in relation to gas supply to the customer through the delivery point.

### **8D—Content of register of licences**

For the purposes of section 32(2) of the Act, the register of licences must include (in addition to the terms and conditions of each licence)—

- (a) details of each application for the issue, renewal or variation of a licence; and
- (b) on any such application being refused or withdrawn, a statement to that effect.

## **Part 3—Gas entities' powers and duties**

### **9—Carrying out certain work on public land**

- (1) For the purposes of section 47(5) of the Act, prior notice and agreement are not required under section 47(3) of the Act for—
  - (a) work in an emergency; or
  - (b) maintenance, repairs or minor extensions of existing gas infrastructure, including any necessary excavation or removal of obstructions.
- (2) For the purposes of section 47(6) of the Act, agreement is not required under section 47(3) of the Act for—
  - (a) installation or relocation of gas infrastructure as a part of road reconstruction; or
  - (b) alterations or additions to existing gas infrastructure not involving any significant enlargement of the area of public land occupied by the infrastructure or any significant change in appearance.

## **Part 4—Safety and technical issues**

### **Division 1—Safety and technical requirements**

#### **10—General requirements for gas infrastructure**

For the purposes of section 55 of the Act, gas infrastructure must be designed, installed, operated and maintained to be safe for the gas service conditions and the physical environment in which it will operate and so as to comply with any applicable requirements of AG 603, AS 1596, AS 2885 and AS 3723 or achieve, to the satisfaction of the Technical Regulator, the same or better safety and technical outcomes.

### **Division 2—Quality of gas supply**

#### **11—Obligations of distribution system operator in relation to quality of gas**

- (1) A distribution system operator must ensure that the following requirements are complied with in relation to gas distributed by the system:
  - (a) the gas must—
    - (i) be at a safe temperature and pressure and safe in all other respects for the purposes of the system; and
    - (ii) contain sufficient odorant that it has a distinctive smell to a person with a normal sense of smell at one-fifth of the lower explosive limit in air; and
    - (iii) comply with the relevant specifications set out in Schedule 1A (unless otherwise agreed between the Technical Regulator and the operator);

- (b) before connection or reconnection of a gas supply to a place, steps must be taken to ensure that the gas supply is suitable for each gas installation situated in the place that will be connected to the gas supply;
- (c) the gas must be supplied so that—
  - (i) the operating pressure of the gas at the outlet of each meter set for recording a customer's consumption of gas is 1kPa or more but less than 3kPa subject to any written requirement of the customer or agreement between the Technical Regulator and the operator for gas to be supplied at more than 3kPa; and
  - (ii) the pressure of the gas at each such meter set is within the meter set manufacturer's designated pressure operating range.
- (2) For the purposes of ensuring compliance with subregulation (1)(b), reliance may be placed on a certificate of compliance issued for the purposes of section 56 of the Act in relation to the gas installation.
- (3) Despite regulation 6A(4), a person who operates a prescribed transmission pipeline is not bound to comply with subregulation (1)(a)(ii).

## **12—Obligations of retailer in relation to quality of gas**

- (1) A retailer must ensure that the following requirements are complied with in relation to gas supplied by the retailer to a customer:
  - (a) before connection or reconnection of a gas supply to a place, steps must be taken to ensure that the gas supply is suitable for each gas installation situated in the place that will be connected to the gas supply;
  - (b) the heating value of the gas must, when measured at each measuring point approved by the Technical Regulator for that purpose, be within a margin of plus or minus 1 per cent of the claimed heating value used by the gas entity as the basis for its charges to the customer for the gas;
  - (c) the measured heating value of the gas must not show systematic bias within that margin.
- (2) For the purposes of ensuring compliance with subregulation (1)(a), reliance may be placed on a certificate of compliance issued for the purposes of section 56 of the Act in relation to the gas installation.

## **12A—Quality of liquefied petroleum gas supplied in pressurised vessel**

A person must not sell liquefied petroleum gas knowing, or in circumstances in which the person ought reasonably to know, that it is likely to be supplied to Type A appliances from a pressurised vessel unless it complies with the relevant specifications set out in Schedule 1A.

## **Division 3—Gas fitting work**

### **13—General gas fitting work**

- (1) For the purposes of section 56 of the Act, a person who carries out work on a gas installation or proposed gas installation (other than work comprised of installing, commissioning or modifying a Type B appliance) must—
  - (a) ensure that the work is carried out, and examinations and tests are carried out, in accordance with AS 5601; and
  - (b) if satisfied that the work has been carried out in accordance with AS 5601, complete a certificate of compliance in a form approved by the Technical Regulator to that effect.
- (2) The person must—
  - (a) provide a copy of the completed certificate of compliance to the person on whose behalf the work was carried out; and
  - (b) if the work is associated with the making of a connection or reconnection to a distribution system, provide a copy of the completed certificate of compliance to the distribution system operator; and
  - (c) if the work is not associated with the making of such a connection or reconnection—
    - (i) provide a copy to the supplier of pressurised vessel gas for the installation, if known; or
    - (ii) if the supplier is not known, provide a further copy to the person on whose behalf the work was carried out; and
  - (d) keep a copy of the completed certificate of compliance for at least 5 years after the completion of the work.
- (3) The provisions of this regulation relating to certificates of compliance do not apply in relation to work on a gas installation or proposed gas installation in specified premises if the Technical Regulator has given an exemption under this regulation in respect of the premises and the conditions of the exemption are complied with.
- (4) The Technical Regulator may, on application or on the Technical Regulator's own initiative, give an exemption as referred to in subregulation (3) subject to such conditions as the Technical Regulator thinks fit, including conditions as to the keeping of records relating to gas fitting work in the premises.

### **14—Installing or commissioning Type B appliances**

- (1) For the purposes of section 56 of the Act, a person who installs, commissions or modifies a Type B appliance must ensure that the work is carried out, and examinations and tests are carried out, in accordance with AS 3814 and AS 5601.
- (2) A retailer must not commence supplying gas for use in a Type B appliance following installation of the appliance unless the appliance has been approved as complying with the requirements of AS 3814.

- (3) Subregulation (2) does not prevent a retailer from temporarily supplying gas for the purposes of the commissioning of a Type B appliance or the determination of whether the appliance complies with the requirements of AS 3814.
- (4) For the purposes of this regulation, AS 3814 and AS 5601 are to be read as if any requirement for approval of a regulatory body were a requirement—
  - (a) if the appliance in question is, or is to be, connected to a distribution system, for approval of the distribution system operator whose system it is or an authorised officer;
  - (b) in any other case, for approval of an authorised officer.
- (5) An approval under this regulation must be in a form approved by the Technical Regulator.
- (6) The person approving a Type B appliance under this regulation must complete a certificate of compliance in a form approved by the Technical Regulator in respect of the appliance.
- (7) The person—
  - (a) must provide a copy of the completed certificate of compliance to—
    - (i) the person on whose behalf the work was carried out; and
    - (ii) the Technical Regulator; and
  - (b) being an authorised officer, must—
    - (i) if the work is associated with the making of a connection or reconnection to a distribution system, provide a copy of the completed certificate of compliance to the distribution system operator; or
    - (ii) if the work is not associated with the making of a connection or reconnection to a distribution system—
      - (A) provide a copy to the supplier of pressurised vessel gas for the installation, if known; or
      - (B) if the supplier is not known, provide a further copy to the person on whose behalf the work was carried out; and
  - (c) must keep a copy of the completed certificate of compliance for at least 5 years after the completion of the work.
- (7a) If the person on whose behalf work on a Type B appliance was carried out is not the owner of the appliance, that person must provide a copy of the certificate of compliance to the owner of the appliance.
- (7b) The owner of a Type B appliance must keep a copy of each certificate of compliance provided in relation to the appliance until the appliance is sold or otherwise disposed of.
- (7c) The owner of a Type B appliance must, on sale or transfer of the appliance, deliver copies of all certificates of compliance held in relation to the appliance to the new owner (who must keep any certificate in accordance with subregulation (7b)).

- (8) A fee determined on a basis approved by the Commission may be required by the distribution system operator or the authorised officer for determining whether to approve a Type B appliance under this regulation.
- (9) A fee required by a distribution system operator or an authorised officer who is not a Public Service employee may be retained by the operator or officer.

## **Division 4—Reporting of accidents**

### **15—Reporting of accidents**

For the purposes of section 58 of the Act, if an accident happens that involves gas caused by the operation or condition of gas infrastructure or a gas installation, a report must be made to the Technical Regulator of the details of the accident—

- (a) in the case of a death resulting from the accident—immediately by telephone;
- (b) in the case of a person requiring medical assistance resulting from the accident—within 1 working day of the accident;
- (c) in the case of property damage of more than \$5 000 resulting from the accident—within 10 working days of the accident;
- (d) in the case of any injury to person or property or a dangerous situation involving a gas infrastructure pipeline operating above 1050 kPa or involving the attendance of a fire brigade—within 1 month of the accident.

## **Division 5—Safety, reliability, maintenance and technical management plans and reports**

### **15A—Application of Division**

- (1) This Division applies to a licensee holding a licence authorising the operation of a distribution system or a person exempted from the requirement to hold such a licence.
- (2) However, the Technical Regulator may grant an exemption from this Division, or specified provisions of this Division, on terms and conditions the Technical Regulator considers appropriate.

### **15B—Safety, reliability, maintenance and technical management plans**

- (1) A person to whom this Division applies who is exempted from the requirement to hold a licence must, if so required by the Technical Regulator by notice in writing—
  - (a) prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by subregulation (2);
  - (b) obtain the approval of the Technical Regulator to the plan and any revision;
  - (c) comply with the plan as approved from time to time;
  - (d) audit from time to time the person's compliance with the plan and report the results of those audits to the Technical Regulator.

- (2) For the purposes of section 26(1)(b) of the Act and subregulation (1), the following are matters that must be dealt with by a safety, reliability, maintenance and technical management plan:
- (a) the safe design, installation, commissioning, operation, maintenance and decommissioning of gas infrastructure owned or operated by the person;
  - (b) the maintenance of a supply of gas of the quality required to be maintained by or under the Act, these regulations, the person's licence or the conditions of any exemption granted to the person;
  - (c) ensuring adequacy of the distribution system at all times of high demand on the system;
  - (d) ensuring that gas supply is suitable for each gas installation situated in a place that will be connected or re-connected to the distribution system;
  - (e) ensuring that an appropriate level of examination and testing of installations (including appliances) is carried out on the new connection of gas supply to a place to provide assurance of the safety of gas installations;
  - (f) ensuring compliance with code provisions under the *Essential Services Commission Act 2002* relating to metering of gas supply at delivery points;
  - (g) monitoring compliance with code provisions under the *Essential Services Commission Act 2002* relating to metering of gas supply at delivery points;
  - (h) the implementation and conduct of safety measures and training programs for the purpose of—
    - (i) reducing the risk of death or injury, or damage to property, arising out of the operation of gas infrastructure owned or operated by the person;
    - (ii) ensuring that employees performing work in respect of gas infrastructure owned or operated by the person are competent and properly trained, perform their work safely and are provided with a safe system of work;
  - (i) ensuring that contractors performing work in respect of gas infrastructure owned or operated by the person have processes and procedures for ensuring that the persons personally performing the work are competent and properly trained, perform their work safely and are provided with a safe system of work;
  - (j) the manner in which accidents and unsafe situations are to be dealt with, reported and investigated;
  - (k) monitoring compliance with safety and technical requirements imposed by or under the Act, these regulations, the person's licence or the conditions of any exemption granted to the person;
  - (l) monitoring gas infrastructure owned or operated by the person for the purposes of identifying infrastructure that is unsafe or at risk of failing or malfunctioning;
  - (m) the establishment of indicators and the collection and recording of information to measure the person's performance in respect of matters referred to in the preceding paragraphs.

- (3) A person to whom this Division applies must, at the request of the Technical Regulator, provide the Technical Regulator with such information and access to such officers, employees and contractors as the Technical Regulator reasonably requires for the purposes of determining whether a safety, reliability, maintenance and technical management plan prepared by the person is operating effectively and whether that person is complying with the plan.

### **15C—Safety, reliability, maintenance and technical management reports**

- (1) A person to whom this Division applies must, within 21 working days after the end of each quarter, lodge with the Technical Regulator a report stating in relation to each unplanned interruption to the supply of gas during that quarter that affected the supply of gas to 5 or more but less than 100 customers the following:
- (a) the date, time and cause of the interruption;
  - (b) the number of customers affected by the interruption;
  - (c) the time taken to restore supply to all of the customers affected;
  - (d) the time taken to restore supply to the majority of the customers affected.
- (2) A person to whom this Division applies must, within 2 working days after an unplanned interruption to the supply of gas that affected the supply of gas to 100 or more customers, lodge with the Technical Regulator a report stating in relation to that interruption the information referred to in the paragraphs of subregulation (1).
- (3) Subregulations (1) and (2) do not apply in relation to—
- (a) an interruption to the supply of gas to a customer if the interruption was in accordance with an interruptible or curtailable supply contract with the customer; or
  - (b) an interruption to the supply of gas to a customer that occurred at the request of the customer or that was caused by the customer.
- (4) A person to whom this Division applies must, on or before 31 August in each year, lodge with the Technical Regulator a report relating to the previous financial year containing the following information:
- (a) a general description of the circumstances in which gas infrastructure owned or operated by the person has failed or malfunctioned or been found to be unsafe and of the action taken to rectify, or to prevent or minimise the risk or recurrence of, the failure, malfunction or unsafe situation;
  - (b) whether the person has been able to comply with all aspects of the person's safety, reliability, maintenance and technical management plan and whether the person considers the plan to have been operating effectively.
- (5) In this regulation—
- quarter** means a period of 3 months commencing 1 January, 1 April, 1 July or 1 October.

## Part 5—Miscellaneous

### 18—Form for warrants

A warrant under section 79 or 80 of the Act must be in the appropriate form set out in Schedule 2.

### 19—Work near gas infrastructure

For the purposes of section 83(3)(a) of the Act, a person who does work near gas infrastructure must comply with section 5.3 (Safe Working with Gas) of AG 603.

### 20—General penalty

A person who contravenes or fails to comply with a provision of these regulations for which a specific penalty is not provided is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### 21—Fees for reinspection etc

- (1) A person to whom a direction has been given under section 57, 68 or 69 of the Act is liable to pay a fee of an amount equal to the reasonable costs of any reinspection or reattendance by an authorised officer for the purpose of ensuring compliance with the direction or approving reconnection of the gas supply.
- (2) The Technical Regulator may recover a fee payable under subregulation (1) as a debt by action in a court of competent jurisdiction.

### 22—Sale of gas where supply affected by gas rationing direction under section 37 of Act

- (1) Subject to this regulation, if—
  - (a) a retailer to which a rationing direction applies on a gas day (an *affected retailer*) has a quantity of gas available for supply to an affected customer on that day that exceeds the allocated quantity for the customer for that day; and
  - (b) the affected retailer has made an offer to supply an additional quantity of gas to the affected customer on that day in accordance with approved terms that has been accepted by the customer,then—
  - (c) the affected retailer must, on that day—
    - (i) supply the affected customer with the allocated quantity for that day in accordance with the pre-existing terms; and
    - (ii) supply the affected customer with the additional quantity of gas in accordance with the approved terms; and
  - (d) the affected retailer will be taken to incur no contractual liability by reason of the fact that the retailer has supplied only the allocated quantity for that day to the affected customer under the pre-existing terms.

- (2) The Minister may, by written notice to a retailer, exclude the retailer from the application of this regulation from a day specified in the notice.
- (3) The Minister may, by written notice to a retailer, vary or revoke a previous notice to the retailer under this regulation.

- (4) In this regulation—

**additional quantity** of gas, in relation to an affected customer and a gas day, means a quantity of gas in addition to the allocated quantity for the customer for that day;

**affected customer** means a customer whose entitlement to the supply of gas is affected by a rationing direction;

**allocated quantity** for an affected customer for a gas day, means the quantity of gas to which the customer is entitled for that day under the rationing direction;

**approved terms**, in relation to the supply by an affected retailer of an additional quantity of gas to an affected customer on a gas day, means contractual terms governing that supply that—

- (a) fix as the unit price (exclusive of GST) for the additional quantity on that day—
  - (i) if the Minister has, by written notice to the retailer, approved a unit price for that quantity on that day—a price not more than the price approved by the Minister; or
  - (ii) in any other case—a price not more than the unit price for the supply of gas on that day under the pre-existing terms increased by the amount (if any) by which the average unit price for the purchase by the retailer of all additional gas for supply to affected customers on that day exceeds the average unit price for the purchase by the retailer of all gas for supply to affected customers on that day under pre-existing terms; and
- (b) require the retailer to use its best endeavours to supply additional quantities of gas to the customer but allow the retailer to interrupt or withhold supply of an additional quantity as necessary in circumstances where the retailer experiences a shortfall in the additional quantities of gas available to the retailer for its affected customers and apportions the shortfall amongst those customers in a manner approved by the Minister by written notice to the retailer; and
- (c) are in other respects no more favourable to the retailer than the pre-existing terms;

**gas day** means a period of 24 hours commencing at 6.00 a.m.;

**pre-existing terms**, in relation to the supply of gas by a retailer to an affected customer on a gas day, means the contractual terms that would have applied to that supply of gas if the rationing direction had not been given and this regulation had not been made;

**rationing direction** means a direction given by the Minister to a retailer under section 37 of the Act governing the supply of gas by the retailer to customers of the retailer.

## Schedule 1—Flame speed factor and sooting index

(Regulation 4)

### Part A—Flame speed factor

\*The flame speed factor (**S**) of a gas is given by—

$$S = \frac{\sum mF_m}{\sum nA_n + 5Z - 18.8Q + 1}$$

where—

**F** = flame speed coefficient for each combustible component according to the table in Part C

**m** = mole fraction of combustible component that has a flame speed coefficient  $F_m$

**A** = air requirement for each combustible gas component according to the table in Part C

**n** = mole fraction of combustible component that has an Air requirement of  $A_n$  according to the table in Part C

**Z** = the total mole fraction of inert gases (eg,  $CO_2$ ,  $N_2$ )

**Q** = the mole fraction of oxygen present.

Note—

- \* Based on Gilbert, M.G. and Prigg, J.A., *Gas Council Research Communication GC35* (see *Transactions of the Institution of Gas Engineers* 1956/57).

### Part B—Sooting index

\*The sooting index (**I**) of a gas is given by—

$$I = \frac{1 + 0.01H_2 + 0.01CO}{\sqrt{d}} \cdot \sum aB_a \cdot (1 - 0.03O_2)$$

where—

**B** = the sooting coefficient for each combustible component according to the table in Part C

**a** = the volume per cent of component that has a sooting coefficient of  $B_a$

**H<sub>2</sub>** = the volume per cent of hydrogen in the gas

**CO** = the volume per cent of carbon monoxide in the gas

**O<sub>2</sub>** = the volume per cent of oxygen in the gas

**d** = the relative density of the gas.

**Note—**

\* Based on Schneck, H. and Delbourg, P., *Journal des Industries du Gaz*, December, 1962.

**Part C—Table**

Combustible Gas Component	Flame Speed Coefficient	Air Requirement	Sooting Coefficient
	F	A	B
carbon monoxide	61	2.39	—
hydrogen	339	2.39	—
methane	148	9.55	1.0
ethane	301	16.71	2.0
propane	398	23.87	3.6
butane	513	31.03	4.7
pentane	610	38.00	6.0
hexane	710	45.00	10
heptane	800	52.00	13
octane	880	59.00	17
ethylene	454	14.32	2.8
propylene	674	21.48	6.0
butylene	890	28.64	7.0

**Schedule 1A—Gas specifications**

(Regulations 12 and 12A)

**2—Specifications for natural gas**

The specifications for natural gas are the limits set out in AS 4564 for general purpose natural gas (within the meaning of that Standard).

**3—Specifications for liquefied petroleum gas**

The specifications for liquefied petroleum gas are as follows:

- (a) it must contain less than 12mg/m<sup>3</sup> of hydrogen sulphide; and
- (b) its combustion characteristics must not be more than 10% above or 10% below the limits of—
  - (i) the Wobbe Index; and
  - (ii) the flame speed factor; and
  - (iii) the sooting index,

as derived from Test Gas X referred to in the Test Gas Table set out in AS 4551.

#### 4—Specifications for other gas

The specifications for gas other than natural gas or liquefied petroleum gas are as follows:

- (a) it must contain less than  $12\text{mg/m}^3$  of hydrogen sulphide; and
- (b) its combustion characteristics must not be more than 10% above or 10% below the limits of—
  - (i) the Wobbe Index; and
  - (ii) the flame speed factor; and
  - (iii) the sooting index,

as derived from the test gases for the type of gas referred to in the Test Gas Table set out in AS 4551.

## Schedule 2—Forms for warrants

(Regulation 18)

### Form 1—Warrant (personal application)

*Gas Act 1997*  
(Section 79)

1. I ..... ,  
magistrate, have received an application made personally for a warrant from  
..... (insert name),  
\*authorised officer/gas officer under the *Gas Act 1997*.
2. On the application, I am satisfied that a warrant should be issued to enter  
..... (insert description of place)  
on the following grounds: .....  
.....  
.....  
.....

ACCORDINGLY, I AUTHORISE

- \* the abovenamed authorised officer with any assistance and by any force reasonably necessary—
  - (a) to enter the place described above; and
  - (b) to do anything authorised by the *Gas Act 1997* in that place.
- \* the abovenamed gas officer, in the company of a member of the police force and with any assistance and by any force reasonably necessary—
  - (a) to enter the place described above; and
  - (b) to do anything authorised by the *Gas Act 1997* in that place.

This warrant may only be executed .....  
..... (insert time or period)

This warrant ceases to have effect at .....  
..... (insert time and date).

Signed: .....  
at ..... (insert time and date of signature).

*\*Strike out whichever is inapplicable*

## Form 2—Warrant (application by telephone)

*Gas Act 1997*  
(Section 80)

1. I ..... ,  
magistrate, have received an application by telephone for a warrant from  
..... (insert name),  
\*authorised officer/gas officer under the *Gas Act 1997*.
2. On the application, I am satisfied that a warrant should be issued urgently to enter  
..... (insert description of place)  
on the following grounds: .....  
.....  
.....  
.....

ACCORDINGLY, I AUTHORISE

- \* the abovenamed authorised officer with any assistance and by any force reasonably necessary—
  - (a) to enter the place described above; and
  - (b) to do anything authorised by the *Gas Act 1997* in that place.
- \* the abovenamed gas officer, in the company of a member of the police force and with any assistance and by any force reasonably necessary—
  - (a) to enter the place described above; and
  - (b) to do anything authorised by the *Gas Act 1997* in that place.

This warrant may only be executed .....  
..... (insert time or period)

This warrant ceases to have effect at .....  
..... (insert time and date).

Signed: .....  
at ..... (insert time and date of signature).

*\*Strike out whichever is inapplicable*

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1997	162	<i>Gazette 26.6.1997 p3198</i>	1.7.1997: r 2
1997	246	<i>Gazette 18.12.1997 p1713</i>	18.12.1997: r 2
2000	280	<i>Gazette 14.12.2000 p3563</i>	14.12.2000: r 2
2001	163	<i>Gazette 28.6.2001 p2502</i>	1.7.2001: r 2
2003	215	<i>Gazette 30.10.2003 p3928</i>	1.11.2003: r 2
2004	4	<i>Gazette 15.1.2004 p213</i>	16.1.2004: r 2
<b>2004</b>	<b>156</b>	<b><i>Gazette 23.7.2004 p2619</i></b>	<b>23.7.2004 except rr 10 &amp; 11—28.7.2004: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>rr 2 and 3</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.11.2003</i>
r 4		
<i>AG 101</i>	<i>deleted by 280/2000 r 3(a)</i>	<i>14.12.2000</i>
<i>AG 501</i>	<i>deleted by 280/2000 r 3(b)</i>	<i>14.12.2000</i>
<i>AG 601</i>	<i>deleted by 280/2000 r 3(c)</i>	<i>14.12.2000</i>
AS 3814	inserted by 280/2000 r 3(d)	14.12.2000
AS 4551	inserted by 280/2000 r 3(d)	14.12.2000
<b>AS 4564</b>	<b>inserted by 156/2004 r 4(1)</b>	<b>23.7.2004</b>
AS 5601	inserted by 280/2000 r 3(d)	14.12.2000
<b>business day</b>	<b>inserted by 156/2004 r 4(2)</b>	<b>23.7.2004</b>
<b>flame speed factor</b>	<b>inserted by 156/2004 r 4(3)</b>	<b>23.7.2004</b>

**Gas Regulations 1997—23.7.2004 to 27.7.2004**

Legislative history

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<b>inset distribution system</b>	<b>inserted by 156/2004 r 4(3)</b>	<b>23.7.2004</b>
liquefied petroleum gas	inserted by 280/2000 r 3(e)	14.12.2000
<b>natural gas</b>	<b>inserted by 156/2004 r 4(4)</b>	<b>23.7.2004</b>
<b>prescribed transmission pipeline</b>	<b>inserted by 156/2004 r 4(4)</b>	<b>23.7.2004</b>
retail contract	inserted by 215/2003 r 4	1.11.2003
<b>sooting index</b>	<b>inserted by 156/2004 r 4(5)</b>	<b>23.7.2004</b>
Type A appliance	inserted by 280/2000 r 3(f)	14.12.2000
Type B appliance	varied by 280/2000 r 3(g)	14.12.2000
<b>Wobbe Index</b>	<b>inserted by 156/2004 r 4(6)</b>	<b>23.7.2004</b>
r 4A	inserted by 163/2001 r 3	1.7.2001
r 5		
r 5(a1) and (b1)	inserted by 215/2003 r 5(1)	1.11.2003
r 5(1)	varied by 163/2001 r 4(a), (b)	1.7.2001
	<b>(a) deleted by 156/2004 r 5(1)</b>	<b>23.7.2004</b>
	(b) deleted by 246/1997 r 3(a)	18.12.1997
	<b>varied by 156/2004 r 5(1)</b>	<b>23.7.2004</b>
r 5(3)	substituted by 246/1997 r 3(b)	18.12.1997
	substituted by 215/2003 r 5(2)	1.11.2003
	<b>substituted by 156/2004 r 5(2)</b>	<b>23.7.2004</b>
<b>r 5(3a) and (3b)</b>	<b>inserted by 156/2004 r 5(2)</b>	<b>23.7.2004</b>
r 5(4)	substituted by 215/2003 r 5(2)	1.11.2003
r 5(5)	<i>inserted by 163/2001 r 4(c)</i>	<i>1.7.2001</i>
	<i>deleted by 215/2003 r 5(2)</i>	<i>1.11.2003</i>
r 6	<i>varied by 246/1997 r 4</i>	<i>18.12.1997</i>
	<i>deleted by 215/2003 r 6</i>	<i>1.11.2003</i>
<b>Pt 1A</b>	<b>inserted by 156/2004 r 6</b>	<b>23.7.2004</b>
Pt 2		
r 6A	inserted by 246/1997 r 5	18.12.1997
<b>r 6A(1)</b>	<b>substituted by 156/2004 r 7(1)</b>	<b>23.7.2004</b>
r 6A(2)	substituted by 215/2003 r 7	1.11.2003
	<b>varied by 156/2004 r 7(2)</b>	<b>23.7.2004</b>
r 6A(3)	inserted by 215/2993 r 7	1.11.2003
r 6A(4)	inserted by 215/2993 r 7	1.11.2003
	<b>varied by 156/2004 r 7(3)</b>	<b>23.7.2004</b>
r 6A(5) & (6)	inserted by 215/2993 r 7	1.11.2003
r 8		
r 8(2)	substituted by 215/2003 r 8	1.11.2003
<b>r 8AA</b>	<b>inserted by 156/2004 r 8</b>	<b>23.7.2004</b>
r 8A—see r 8D		
rr 8A	inserted by 215/2003 r 10	1.11.2003

<b>r 8AB</b>	<b>inserted by 156/2004 r 9</b>	<b>23.7.2004</b>
rr 8B	inserted by 215/2003 r 10	1.11.2003
rr 8C	inserted by 215/2003 r 10	1.11.2003
	<b>deleted by 156/2004 r 10</b>	<b>28.7.2004—not incorporated</b>
r 8D	r 8A inserted by 246/1997 r 6	18.12.1997
	r 8A redesignated as r 8D by 215/2003 r 9	1.11.2003
<b>Pt 2A</b>	<b>inserted by 156/2004 r 11</b>	<b>28.7.2004—not incorporated</b>
<b>Pt 2B</b>	<b>inserted by 156/2004 r 11</b>	<b>28.7.2004—not incorporated</b>
<b>Pt 2C</b>	<b>inserted by 156/2004 r 11</b>	<b>28.7.2004—not incorporated</b>
Pt 4 Div 2		
<b>r 11</b>	<b>substituted by 156/2004 r 12</b>	<b>23.7.2004</b>
<i>r 12 before substitution by 156/2004</i>		
<i>r 12(2)</i>	<i>varied by 215/2003 r 11(1)</i>	<i>1.11.2003</i>
<i>r 12(3)</i>	<i>varied by 280/2000 r 4</i>	<i>14.12.2000</i>
<i>r 12(3)</i>	<i>(d) and (e) deleted by 280/2000 r 4</i>	<i>14.12.2000</i>
<i>r 12(6)</i>	<i>varied by 215/2003 r 11(1), (2)</i>	<i>1.11.2003</i>
<i>r 12(7)</i>	<i>varied by 215/2003 r 11(1), (3)</i>	<i>1.11.2003</i>
<b>r 12</b>	<b>substituted by 156/2004 r 12</b>	<b>23.7.2004</b>
r 12A	inserted by 280/2000 r 5	14.12.2000
Pt 4 Div 3		
r 13		
r 13(1)	varied by 280/2000 r 6	14.12.2000
r 14		
r 14(1)	varied by 280/2000 r 7(a), (b)	14.12.2000
r 14(2)	varied by 280/2000 r 7(c)	14.12.2000
r 14(3)	varied by 280/2000 r 7(d)	14.12.2000
r 14(4)	varied by 280/2000 r 7(e)	14.12.2000
	varied by 215/2003 r 12(1)	1.11.2003
r 14(7)	varied by 280/2000 r 7(f)	14.12.2000
r 14(8)	varied by 215/2003 r 12(2)	1.11.2003
r 14(7a)—(7c)	inserted by 280/2000 r 7(g)	14.12.2000
Pt 4 Div 5	inserted by 215/2003 r 13	1.11.2003
Pt 5		
<i>r 16 before deletion by 156/2004</i>		
<i>r 16(1)</i>	<i>varied by 215/2003 r 14(1), (2)</i>	<i>1.11.2003</i>
<i>r 16(5)</i>	<i>varied by 215/2003 r 14(1), (2)</i>	<i>1.11.2003</i>
<i>r 16(6)</i>	<i>varied by 215/2003 r 14(1)</i>	<i>1.11.2003</i>
<i>r 16(7)</i>	<i>varied by 215/2003 r 14(1)</i>	<i>1.11.2003</i>
<i>r 16(8)</i>	<i>varied by 215/2003 r 14(1), (2)</i>	<i>1.11.2003</i>
<b>r 16</b>	<b>deleted by 156/2004 r 13</b>	<b>23.7.2004</b>
r 17	varied by 246/1997 r 7	18.12.1997

## Gas Regulations 1997—23.7.2004 to 27.7.2004

### Legislative history

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	<i>varied by 215/2003 r 15</i>	<i>1.11.2003</i>
	<b><i>deleted by 156/2004 r 13</i></b>	<b><i>23.7.2004</i></b>
r 22	inserted by 4/2004 r 4	16.1.2004
Sch 1A	inserted by 280/2000 r 8	14.12.2000
<i>cl 1</i>	<b><i>deleted by 156/2004 r 14(1)</i></b>	<b><i>23.7.2004</i></b>
<b>cl 2</b>	<b>substituted by 156/2004 r 14(2)</b>	<b>23.7.2004</b>

## Historical versions

1.11.2003