

# Gas Supply (Savings and Transitional) Regulation 1991

[1991-450]



New South Wales

## Status Information

### Currency of version

Repealed version for 1 July 2001 to 31 August 2008 (accessed 18 July 2024 at 2:38)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Previously named**  
Gas Supply Regulation 1991  
Gas Regulation 1991
- **Repeal**  
The Regulation was repealed by cl 37 of the *Gas Supply (Safety and Network Management) Regulation 2008 (384)* (GG No 106 of 29.8.2008, p 8356) with effect from 1.9.2008.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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## Contents

<b>Part 1 Preliminary</b> .....	4
1 Name of Regulation .....	4
2 Commencement .....	4
3-6 (Repealed) .....	4
<b>Parts 2-8 (Repealed)</b> .....	4
<b>Part 9 Transitional provisions consequent on the enactment of the Gas Supply Act 1996</b> .....	4
52 Variation of conditions of authorisations arising under clause 3 of Schedule 2 to the Act.....	4
53 Transitional exemptions for certain suppliers and distributors .....	4
54 Division into 2 authorisations of authorisation arising under clause 3 of Schedule 2 to the Act.....	5
<b>Part 10 Transitional provisions consequent on the making of the Gas Supply Amendment (Savings and Transitional) Regulation 1997</b> .....	5
55 Transitional provision .....	5
56 Continuation of certain provisions until implementation of operational plan .....	6
<b>Part 11 Transitional provisions consequent on the enactment of the Gas Supply Amendment (Retail Competition) Act 2001</b> .....	6
57 Negotiated contracts entered into before 1 January 2002.....	6

58 Construction of references ..... 6

**Schedules 1, 2 (Repealed)** ..... 7

# Gas Supply (Savings and Transitional) Regulation 1991



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation may be cited as the *Gas Supply (Savings and Transitional) Regulation 1991*.

### 2 Commencement

This Regulation commences on 1 September 1991.

### 3-6 (Repealed)

## Parts 2-8

### 7-51 (Repealed)

## Part 9 Transitional provisions consequent on the enactment of the **Gas Supply Act 1996**

### 52 Variation of conditions of authorisations arising under clause 3 of Schedule 2 to the Act

- (1) This clause applies to an authorisation arising under clause 3 of Schedule 2 to the Act.
- (2) Section 12 of the Act applies to the variation of the conditions of an authorisation to which this clause applies (including any condition that relates to the price that may be charged for the supply of gas) in the same way as it applies to the variation of the conditions of an authorisation granted under section 9 of the Act.
- (3) This clause is subject to clause 3 (3) of Schedule 2 to the Act.

### 53 Transitional exemptions for certain suppliers and distributors

- (1) This clause applies to any person who, immediately before 12 July 1996, was an exempt supplier or distributor of gas under section 4 (2) of the old Act.

- (2) A person to whom this clause applies is exempt from the requirements of sections 5 (Prohibition of unauthorised gas reticulation and gas supply) and 34 (Prohibition of unlicensed distribution of LPG and other gases) of the new Act if:
- (a) before 12 July 1996, the person had applied for an authorisation under the old Act, or
  - (b) on or after 12 July 1996, the person applies for an authorisation or licence, as the case requires, under the new Act.

(3) In this clause:

**the new Act** means the *Gas Supply Act 1996*.

**the old Act** means the *Gas Industry Restructuring Act 1986*.

(4) This clause:

- (a) is taken to have commenced on 12 July 1996, and
- (b) ceases to have effect on 1 April 1997.

#### **54 Division into 2 authorisations of authorisation arising under clause 3 of Schedule 2 to the Act**

- (1) This clause applies to the gas supplier's authorisation held by AGL Gas Networks Limited as at 1 June 1997, being an authorisation arising under clause 3 of Schedule 2 to the Act.
- (2) The authorisation to which this clause applies is taken to have become 2 authorisations, namely:
- (a) an authorisation with respect to the supply of natural gas to tariff customers, and
  - (b) an authorisation with respect to the supply of natural gas to non-tariff customers.
- (3) The authorisation referred to in subclause (2) (a) may, on the application of AGL Gas Networks Limited, be transferred to AGL Retail Energy Limited.
- (4) An application referred to in subclause (3) is excluded from the operation of section 8 of the Act, but only if the application is made before 12 July 1997 (being the end of the period of 12 months referred to in clause 3 (5) of Schedule 2 to the Act).

### **Part 10 Transitional provisions consequent on the making of the *Gas Supply Amendment (Savings and Transitional) Regulation 1997***

#### **55 Transitional provision**

Any act, matter or thing that, immediately before the repeal of a provision of this Regulation by the *Gas Supply Amendment (Savings and Transitional) Regulation 1997*,

had effect under the repealed provision continues to have effect under the corresponding provision of the *Gas Supply (Gas Meters) Regulation 1997*, *Gas Supply (General) Regulation 1997* or *Gas Supply (Safety and Operating Plans) Regulation 1997*, as the case requires.

#### **56 Continuation of certain provisions until implementation of operational plan**

- (1) Any provision of clause 7, 11–17, 18 or 19 or Schedule 1 that applied to a network operator immediately before 31 August 1997:
  - (a) continues to apply to the network operator until an audit certificate in respect of its distribution system is submitted to the Director-General under clause 5 of the *Gas Supply (Safety and Operating Plans) Regulation 1997*, and
  - (b) so applies as if any reference in that provision to a reticulation system or gas distributor were instead a reference to a distribution system or network operator.
- (2) A network operator must not supply gas to a gas user otherwise than in accordance with the standards prescribed by any provisions taken to apply to it under subclause (1).

Maximum penalty (subclause (2)): 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

### **Part 11 Transitional provisions consequent on the enactment of the Gas Supply Amendment (Retail Competition) Act 2001**

#### **57 Negotiated contracts entered into before 1 January 2002**

- (1) This clause applies to any contract (other than a standard form contract referred to in section 83 (3) (a) of the Act) that is entered into between a supplier and a small retail customer on or after 1 July 2001 and before 1 January 2002.
- (2) A contract to which this clause applies may not contain a provision requiring the customer to pay a termination fee in the event that the contract is terminated before 1 July 2002.
- (3) Before entering into such a contract, the supplier must notify the small retail customer in writing that the customer will not be required to pay any termination fee in the event that the contract is terminated before 1 July 2002.
- (4) Compliance with the requirements of this clause is taken to be a condition of the supplier's authorisation.

#### **58 Construction of references**

In any regulation under the Act:

- (a) a reference to a tariff customer is to be construed as including a reference to a small

retail customer, and

- (b) a reference to a small customer is to be construed as a reference to a protected LPG customer.

## **Schedules 1, 2 (Repealed)**