Gas

THE GAS CHARGES (NORTHERN IRELAND) ORDER, 1949, DATED 28TH APRIL, 1949, MADE BY THE MINISTRY OF COMMERCE FOR NORTHERN IRELAND UNDER REGULATIONS 55 AND 55AA OF THE DEFENCE (GENERAL) REGULATIONS, 1939, AS HAVING EFFECT BY VIRTUE OF THE SUPPLIES AND SERVICES (TRANSITIONAL POWERS) ACT, 1945, AS EXTENDED BY THE SUPPLIES AND SERVICES (EXTENDED PURPOSES) ACT, 1947.

1949. No. 67

In exercise of the powers under Regulations 55 and 55AA of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945 (**a**), as extended by the Supplies and Services (Extended Purposes) Act, 1947 (**b**), delegated to it by the Delegation of Emergency Powers (Ministry of Commerce for Northern Ireland) Order, 1949 (**c**), made by the Secretary of State under paragraph (1) of Regulation 102A of the said Regulations, as having effect as aforesaid, and of all other powers it enabling, the Ministry of Commerce for Northern Ireland hereby orders as follows :—

Restriction on increase in gas charges in certain cases.

1.—(1) Save as provided in the following paragraphs of this Article, no undertaker shall, except under the authority of a permit, carry on any undertaking so as to increase any price charged by him at the date of the coming into force of this Order in respect of any supply of gas.

(2) Subject to the provisions of paragraph (3) of this Article, and the next following Article, any such price may be increased by the proportionate amount of any net increase in the cost to the undertaker of the gas supplied in the period to which the charge relates due to any one or more of the following, that is to say :—

(*a*) any increase in the delivered price of coal on or after

(i) the date on which the price charged by him at the date of the coming into force of this Order in respect of any supply of gas became operative ; or

(ii) the first day of September, 1947 ;

whichever is the later (which later date in relation to any undertaker is hereinafter referred to as " the operative date ") ;

(*b*) any increase in the net cost of gas oil by reason of :—

(i) any increase in the price thereof on or after the operative date ; or

(**a**) 9 & 10 Geo. 6 c. 10 ; and S. R. & O. 1945 (Nos. 1611, 1618 and 1625) II, pp. 39, 48 and 56.
(**b**) 10 and 11 Geo. 6., c. 55.
(**c**) S.I. 1949 No. 803.

(ii) the termination of any subsidy paid by the Minister of Fuel and Power on such oil ;

after making due allowance for any additional sums received by him by reason of any increase in the price of coke on or after the operative date :

Provided that where any of the factors specified in sub-paragraph (*a*) or (*b*) of this paragraph has been relied upon by any undertaker in applying for a permit granted, or deemed by Article six of this Order to have been granted, under the preceding paragraph, and any increase in price has thereupon been authorised, the part of that increased price appropriate to that factor shall be deducted from the proportionate amount calculated as aforesaid.

(3) Any undertaker who, by virtue of the preceding paragraph, increases the price charged by him in respect of any supply of gas shall forthwith give notice to the Ministry of any such increase stating the amount thereof and the date on which it takes effect ; and shall, in relation to every such increase, supply all such information, and supplementary information, as the Ministry may at any time require.

(4) Nothing in this Article shall restrict any undertaker from increasing the price charged by him in respect of a supply of gas furnished :—

(*a*) to any person in pursuance of a contract between the undertaker and that person the terms whereof provide for variation, as there specified, in the price charged for gas supplied by reference to the cost of coal to the undertaker or to the quantity of gas supplied during any period to that person, by any amount in accordance with that contract ; or

(*b*) in any period to any person carrying on a factory (not being another undertaking), if, during the year immediately preceding that period, the quantity of gas so supplied for consumption in that factory was not less than one hundred and fifty thousand cubic feet, and if previous notice in writing of any proposed increase, and of the amount thereof, has been given to the Ministry by the undertaker, by any amount, so however that the Ministry may at any time direct that, in any such case as aforesaid, as from a specified date any specified undertaker shall not, except under the authority of a permit, increase the price charged by him in respect of the supply of gas to any specified person.

(5) A direction under sub-paragraph (*b*) of the last preceding paragraph may, notwithstanding anything contained therein, be given so as to apply to any class or description of undertakers or persons as aforesaid.