

**GAS SAFETY (REGISTRATION OF GAS SUPPLY
COMPANIES) REGULATIONS**

(Cap. 51 sub. leg. E)

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GAS SAFETY (REGISTRATION OF GAS SUPPLY COMPANIES) REGULATIONS

(Cap. 51, section 8)

[1 April 1991]

PART I

PRELIMINARY

1. Citation

These regulations may be cited as the Gas Safety (Registration of Gas Supply Companies) Regulations.

2. Interpretation

(1) In these regulations, unless the context otherwise requires—

“applicant” (申請人) means a company which has made an application under regulation 5;

“application” (申請) means an application under regulation 5;

“certificate of registration” (註冊證明書) means a certificate of registration issued or deemed to have been issued under regulation 8;

“disciplinary action” (紀律處分) means any of the actions which the Authority may take under regulation 20(1) against a registered gas supply company;

“gas distributor” (氣體分銷商), in relation to a registered gas supply company, means a person who has that company’s approval referred to in regulation 3(2);

“gas emergency” (氣體緊急事故) means any accident involving gas which has caused, or may cause, personal injury to an individual or damage to property;

“gas supply company” (氣體供應公司) means a company which as a business—

- (a) imports;
- (b) manufactures; or
- (c) supplies,

any gas;

“major gas emergency” (嚴重氣體(緊急)事故) means any gas emergency which is an accident in which there is—

- (a) significant damage to a gas vehicle, or loss of containment of liquefied petroleum gas from such a vehicle;
- (b) loss of containment of not less than one tonne of flammable product within the boundaries of any—
 - (i) terminal for the importation and storage of liquefied petroleum gas; or
 - (ii) works for the manufacture of town gas, synthetic natural gas or substitute natural gas;
- (c) loss of containment, in not more than 1 hour in any place other than within the boundaries of any terminal or works referred to in paragraph (b), of not less than—
 - (i) 250 kilograms of flammable product in liquid form;
 - (ii) 250 kilograms of flammable product in gaseous form with a relative density of more than 1 ; or
 - (iii) 500 kilograms of flammable product in gaseous form with a relative density of not more than 1;
- (d) loss of the supply of gas to more than 500 consumers;

- (e) explosion damage caused by gas where the damage extends beyond the immediate source of the explosion;
- (f) explosion damage to any notifiable gas installation where repair is required, irrespective of whether such installation is rendered inoperable by such explosion;
- (g) fire damage to any notifiable gas installation; or
- (h) any casualty, whether fatal or non-fatal, due to the inhalation of unburnt gas or the products of the combustion of gas,

and includes any similar accident;

“notifiable gas installation” (應具報氣體裝置) means notifiable gas installation within the meaning of the Gas Safety (Gas Supply) Regulations (Cap. 51 sub. leg. B);

“register” (註冊紀錄冊) means the register kept under regulation 24;

“registered” (註冊) means registered under regulation 7(1)(a);

“relative density” (相對密度) means relative density within the meaning of the Gas Safety (Gas Quality) Regulations (Cap. 51 sub. leg. A).

- (2) For the purposes of these regulations, a person providing, for use in any premises or part thereof let by him, gas supplied to him through gas pipes, shall not in so doing be deemed to be supplying gas.

PART II

ONLY REGISTERED GAS SUPPLY COMPANIES MAY CARRY ON BUSINESS OF GAS SUPPLY COMPANY, ETC.

- 3. Only registered gas supply company may carry on business of gas supply company, etc.**
- (1) Subject to subregulation (2), no person other than a registered gas supply company shall carry on the business of a gas supply company.
 - (2) A person may supply liquefied petroleum gas if he has the approval in writing so to do of the registered gas supply company which imports or manufactures such gas.
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PART III

REGISTRATION OF GAS SUPPLY COMPANIES

4. Qualification for registration

A company is qualified to be registered as a gas supply company if, having regard to the scope of the company's proposed business operations and the liabilities the company may incur in the course of carrying on the business of a gas supply company, the company has sufficient material resources to carry on business as a gas supply company.

5. Application for registration

- (1) A company may make an application in an approved form to the Authority to be registered as a gas supply company but, in any case, the company shall state in that form its address for service by post.
- (2) An application under subregulation (1) shall be accompanied by a fee of \$18,940. (*L.N. 316 of 1993; L.N. 606 of 1994; L.N. 37 of 1997; L.N. 25 of 1998; L.N. 138 of 1998*)

6. Information and particulars to be furnished

- (1) An applicant shall furnish to the Authority such information and particulars as the Authority requires for the purpose of determining whether registration as a gas supply company should be granted or refused.
- (2) Without limiting the generality of subregulation (1), the Authority may under that subregulation require an applicant to submit to him such information and particulars as the Authority requires for the purpose of ascertaining how that

applicant proposes to comply with regulation 10 if it is granted registration.

- (3) For the purpose referred to in subregulation (1), the Authority may require the attendance before him of a representative of the applicant, being an individual authorized in writing by the applicant to so attend, and may examine any such representative who so attends.

7. Determination of application

- (1) Subject to this regulation, upon receipt of an application, the Authority shall, as soon as practicable, by notice served on the applicant—
 - (a) grant registration to the applicant as a gas supply company subject to such reasonable conditions, if any, as the Authority thinks fit; or
 - (b) refuse to grant registration to the applicant as a gas supply company.
- (2) The Authority shall not grant registration to an applicant as a gas supply company unless he is satisfied that—
 - (a) the applicant is qualified under regulation 4 to be so registered; and
 - (b) in all the circumstances, the applicant, if so registered, would be capable of complying with the requirements under the Ordinance with which it is its obligation to comply, in particular in relation to the safety of members of the public.
- (3) Where the Authority—
 - (a) grants registration as a gas supply company to an applicant subject to conditions; or
 - (b) refuses to grant registration as a gas supply company to an applicant,

he shall specify in the notice concerned under subregulation (1) his reasons for such imposition of conditions or refusal of registration, as the case may be.

8. Issue of certificate of registration

Where the Authority grants registration to an applicant as a gas supply company, he shall issue to the applicant a certificate of registration—

- (a) in the approved form as evidence of such registration; and
 - (b) endorsed with any conditions to which such registration is subject.
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PART IV

DUTIES OF REGISTERED GAS SUPPLY COMPANIES AND GAS DISTRIBUTORS

9. General self-regulating duty of registered gas supply company

- (1) It shall be the duty of every registered gas supply company to ensure, in carrying on its business as a gas supply company, so far as is reasonably practicable, the health and safety at work of all its employees and to conduct its operations in a safe manner so that members of the public are not exposed to undue risks from gas.
- (2) Without prejudice to the generality of a registered gas supply company's duty under subregulation (1), the matters to which that duty extends include in particular—
 - (a) the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;
 - (b) arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the carrying on of its business as a gas supply company;
 - (c) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of its employees;
 - (d) so far as is reasonably practicable as regards any place of work under its control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks; and

- (e) the provision and maintenance of a working environment for its employees that is, so far as is reasonably practicable, safe and without risks to health.

10. Registered gas supply company to provide Authority with written statement of its health and safety arrangements, etc.

- (1) It shall be the duty of every registered gas supply company to prepare, as soon as is reasonably practicable after it is first registered, and thereafter as often as may be necessary revise, a written statement of its general policy with respect to the health and safety at work of its employees and the organization and arrangements for the time being in force for carrying out that policy, and to—
 - (a) bring the statement and any revision of it to the notice of all its employees; and
 - (b) provide a copy of the statement and any revision of it to the Authority, as soon, so far as is reasonably practicable, after the statement is prepared or revised, as the case may be.
- (2) Without prejudice to the generality of subregulation (1), a statement required under that subregulation from a registered gas supply company shall, where applicable, include—
 - (a) details as to how it complies with its duty under regulation 9;
 - (b) details as to all safety rules and procedures to be followed by it, or others on its behalf, for constructing, installing, operating, monitoring and maintaining its gas installations;
 - (c) details on how it advises consumers or others on the safe use of gas supplied by it;
 - (d) details as to the qualifications it requires for all its key operational positions which carry responsibility for gas

- safety, and the particular areas of responsibility for such positions;
- (e) details as to the training, monitoring and, where appropriate, testing arrangements it provides in relation to ensuring competence of personnel at all levels of its operations;
 - (f) the arrangements in force for carrying out and supervising the construction, installation and maintenance of gas installations including the arrangements in force for others who carry out such work for it, in particular the arrangements in force for carrying out quality control;
 - (g) the monitoring arrangements used to verify compliance with its operating procedures in connection with the carrying on of its business as a gas supply company;
 - (h) the arrangements in force for dealing with reports from members of the public of escaping gas;
 - (i) the arrangements in force for dealing with gas emergencies; and
 - (j) the arrangements in force for carrying out gas leakage surveys.

11. Certain persons only may store or transport gas

- (1) Subject to subregulation (2), no person shall store or transport gas imported or manufactured by a registered gas supply company unless—
 - (a) he is an employee of the company storing or transporting such gas in the course of his work as such an employee; or
 - (b) he has the approval in writing of the company so to do.

- (2) Subregulation (1) shall not apply to the storage or transport of liquefied petroleum gas in disposable cylinders.

12. Storage, transport and supply of liquefied petroleum gas by gas distributors

No gas distributor shall store, transport or supply any liquefied petroleum gas other than such gas provided by a registered gas supply company for which he is a gas distributor, irrespective of whether such gas is provided to such gas distributor by—

- (a) such company; or
- (b) another gas distributor for such company.

13. Registered gas supply company to notify Authority of its gas distributors

It shall be the duty of every registered gas supply company—

- (a) to give written notice to the Authority of the names and addresses of all its gas distributors but, in any particular case, not later than 28 days after any person has become such a gas distributor; and
- (b) to give written notice to the Authority of the name and address of any person who has, by whatever means, ceased to be one of its gas distributors but, in any particular case, not later than 28 days after any person has ceased to be such a gas distributor.

14. Registered gas supply company to monitor its gas distributors

It shall be the duty of every registered gas supply company that has gas distributors—

- (a) to have in force at all times a system of monitoring its gas distributors to ensure the gas distributors—

- (i) are competent to handle liquefied petroleum gas; and
- (ii) are in possession of—
 - (A) the provisions setting out the requirements under the Ordinance;
 - (B) any approved codes of practice; and
 - (C) any instructions issued by the company, relevant to the matters to be carried out or observed by a gas distributor; and
- (b) to have in force at all times a system for training its gas distributors in the safe handling of liquefied petroleum gas, which system may be, or include, assistance of the provision of others for such training.

15. Registered gas supply company to report major gas emergencies

Where there is a major gas emergency, the registered gas supply company concerned shall—

- (a) forthwith after it becomes aware of the emergency report the emergency to the Authority but, in any case, not later than the next working day after the day on which the emergency occurred;
- (b) provide the Authority with such information and details in relation to the emergency as he requires; and
- (c) not later than 28 days after the day on which the emergency occurred, furnish the Authority with a written report stating, so far as is reasonably practicable—
 - (i) the cause of the emergency; and
 - (ii) the actions which are or have been implemented to prevent, so far as is reasonably practicable, the recurrence of any similar emergency.

16. Reported escape of gas

It shall be the duty of a registered gas supply company to have arrangements in force for dealing with reports of escaping gas and any such arrangements shall include—

- (a) a telephone number which—
 - (i) can be dialled to report an escape of gas; and
 - (ii) is manned 24 hours a day;
- (b) upon receipt of a report of escaping gas, the despatch of personnel, competent by virtue of their training and practical experience to deal with gas escapes, forthwith to each place where there is a reported gas escape; and
- (c) a record of each report of a gas escape, to be retained by the company for not less than 2 years after the report was made, specifying—
 - (i) the date and time of receipt of the report;
 - (ii) the name and address of the person who made the report;
 - (iii) the date and time of despatch of personnel referred to in paragraph (b) to deal with the gas escape;
 - (iv) the time such personnel arrived at the place the subject of the report; and
 - (v) action taken by such personnel to deal with the gas escape.

17. Interruption of piped gas supply

- (1) It shall be the duty of every registered gas supply company which supplies gas through gas pipes to have arrangements in force for dealing with interruptions to such supplies of gas to ensure, so far as is reasonably practicable, that the restoration

of the supply of gas to a gas supply system which has been interrupted does not cause an unsafe situation to arise—

- (a) in any part of the gas supply system; and
 - (b) at any gas appliance—
 - (i) connected to that system; and
 - (ii) which does not have flame failure protection.
- (2) No person shall restore a supply of gas to a piped gas supply system which has been interrupted unless he has ascertained, so far as is reasonably practicable, that such restoration will not cause an unsafe situation to arise—
- (a) in any part of the gas supply system; and
 - (b) at any gas appliance—
 - (i) connected to that system; and
 - (ii) which does not have flame failure protection.

18. Couplings for cylinders

No registered gas supply company shall supply liquefied petroleum gas—

- (a) in any cylinder which has a facility for withdrawing such gas in liquid form unless—
 - (i) such cylinder is equipped with an excess flow device; and
 - (ii) where such device is not an integral part of the shut-off valve of such cylinder, such device is fitted to such cylinder in such a manner as to prevent it from being accidentally disconnected from such cylinder; and
- (b) with effect on and from 1 January 1992, in any cylinder which has a facility for withdrawing such gas in vapour form unless any coupling to be used on or with that

cylinder is incapable of being connected to the cylinder referred to in paragraph (a).

19. Registered gas supply company to notify change of name or address

Where any registered gas supply company changes its name, or address for service by post specified in its application, subsequent to its registration as a gas supply company, it shall give written notification to the Authority of such change not later than 21 days after such change takes place.

PART V

DISCIPLINARY ACTION AND RELATED MATTERS

20. Disciplinary action

- (1) Subject to this Part, the Authority may, on any of the grounds specified in subregulation (2) which are applicable—
 - (a) cancel the registration of a registered gas supply company;
 - (b) suspend the registration of a registered gas supply company for such period as he thinks fit;
 - (c) revoke a registered gas supply company's certificate of registration and issue a replacement certificate of registration stating new or altered conditions in respect of which the company is so registered; or
 - (d) reprimand a registered gas supply company.
- (2) Disciplinary action may be taken against a registered gas supply company—
 - (a) the registration of which was obtained by fraud or misrepresentation in a material particular;
 - (b) which is convicted of an offence against the Ordinance; or
 - (c) which it appears to the Authority has not complied with a requirement under the Ordinance with which it is its obligation to comply.
- (3) Disciplinary action referred to in subregulation (1)(a) shall not be taken against a registered gas supply company on a ground specified in subregulation (2)(b) or (c) unless the offence concerned, or the failure to comply with the requirement concerned, has resulted, or, in the opinion of the Authority,

could likely have resulted, in serious personal injury to an individual.

- (4) Where the Authority has taken disciplinary action against a registered gas supply company, he shall by notice served on the company inform it of the disciplinary action taken against it and the reason therefor and, in the case of disciplinary action referred to in—
 - (a) subregulation (1)(b), the notice shall specify the period of suspension of the registration concerned; and
 - (b) subregulation (1)(c), the notice shall be accompanied by the replacement certificate of registration.
- (5) Disciplinary action taken against a registered gas supply company shall take effect on the day on which the notice under subregulation (4) concerned is served on the company, or on such later date as is specified in that notice, as the case may be, and—
 - (a) in the case of disciplinary action referred to in subregulation (1)(b), the company shall, during the period of its suspension, be deemed not to be registered as a gas supply company; and
 - (b) in the case of disciplinary action referred to in subregulation (1)(c), the replacement certificate of registration accompanying the notice shall be deemed to have been issued under regulation 8.
- (6) Disciplinary action referred to in subregulation (1)(a), (b) or (c) may be revoked by the Authority upon such terms as he thinks fit and, for that purpose, the Authority shall have such powers as are necessary to give effect to that revocation.

21. Inquiry

- (1) Before taking disciplinary action against a registered gas supply company, the Authority shall—

- (a) by notice served on the company, inform it of the complaint against it; and
 - (b) hold an inquiry into the matter of the complaint and afford the company an opportunity of giving an explanation—
 - (i) in writing; or
 - (ii) personally by an individual authorized in writing by the company for the purpose.
- (2) The Authority may in a notice under subregulation (1) served on a registered gas supply company, direct the company not to carry on the business of a gas supply company where the Authority is satisfied that his failure to give such a direction might substantially prejudice the safety of members of the public.
- (3) A direction referred to in subregulation (2) shall take effect on the day on which the notice under subregulation (1) concerned is served on the registered gas supply company, and shall cease to have effect—
- (a) at the expiration of 14 days after that day;
 - (b) on the day on which any disciplinary action taken against the company takes effect; or
 - (c) if the company is served with a notice by the Authority stating that the direction is revoked,
- whichever first occurs.

22. Compulsory surrender of certificate of registration, etc.

- (1) Where disciplinary action referred to in regulation 20(1)(a), (b) or (c) is taken against a registered gas supply company, the company shall, not later than 14 days after—
- (a) the notice under regulation 20(4) concerned is served on it; or

- (b) the date specified in the notice referred to in paragraph (a) as the date on which such disciplinary action shall take effect,

as the case may be, surrender to the Authority the certificate of registration to which the disciplinary action relates.

- (2) Where disciplinary action referred to in regulation 20(1)(b) taken against a registered gas supply company ceases to have effect, the Authority shall, upon the written request of the company, return to the company its certificate of registration surrendered under subregulation (1), or issue to the company another certificate of registration in like terms, and any such certificate so issued shall, for the purposes of these regulations, be deemed to have been issued under regulation 8.
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PART VI

APPEALS

23. Appeals to appeal board

- (1) Any company aggrieved by—
 - (a) a decision of the Authority—
 - (i) under regulation 7(1)(a) in any case where regulation 7(3) applies; or
 - (ii) under regulation 7(1)(b); or
 - (b) disciplinary action taken against it,
may appeal to an appeal board against that decision or disciplinary action, as the case may be.
- (2) An appeal under this regulation shall—
 - (a) be in writing;
 - (b) set out the details of or be accompanied by—
 - (i) in the case of a decision under regulation 7(1)(a) or (b), the notice under regulation 7(1) concerned; and
 - (ii) in the case of disciplinary action, the notices under regulations 20(4) and 21(1)(a) concerned; and
 - (c) be commenced within 30 days after—
 - (i) the decision appealed against was made; or
 - (ii) the disciplinary action appealed against has taken effect,
as the case may be; and
 - (d) be delivered to the Secretary.

- (3) A company which appeals under this regulation shall deliver to the Authority notice of, and the grounds for, the appeal.
 - (4) Subject to subregulation (5), a decision referred to in subregulation (1) or disciplinary action shall take effect immediately, notwithstanding that an appeal has been or may be made under this regulation against that decision or disciplinary action.
 - (5) Where an appeal is made under this regulation against disciplinary action referred to in regulation 20(1)(a), (b) or (c), the Authority may suspend that disciplinary action upon such terms as he thinks fit and, for that purpose, the Authority shall have such powers as are necessary to give effect to that suspension.
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PART VII

REGISTER

24. Register

- (1) The Authority shall keep in the approved form a register which shall contain—
 - (a) the name, address for service by post, date of registration and registration number of every registered gas supply company;
 - (b) in respect of each registered gas supply company, the address of every premises at which the company carries on business as a gas supply company; and
 - (c) such other particulars in respect of registered gas supply companies as the Authority thinks fit.
- (2) The Authority may make such alterations to the particulars entered in the register as he thinks fit to ensure the accuracy of the register.

25. Inspection of register

- (1) The register shall be kept at the office of the Authority or at such other place as may be notified by the Authority by notice in the Gazette.
- (2) Any person shall be entitled—
 - (a) to inspect the register during ordinary office hours and take copies of any entry therein; and
 - (b) on payment of a fee of \$20, to obtain from the Authority a copy, certified by or under the authority of the Authority to be correct, of any entry in the register.

PART VIII

MISCELLANEOUS

26. Advertising

No person shall advertise or otherwise hold itself out as a gas supply company unless it is a registered gas supply company.

27. Lost, etc. certificates of registration

Where the certificate of registration issued to any registered gas supply company has been lost, defaced or destroyed, the Authority may, upon payment of a fee of \$150, issue to the company another certificate of registration in like terms, and any such document so issued shall, for the purposes of these regulations, be deemed to have been issued under regulation 8.

28. Voluntary surrender of certificate of registration

- (1) Subject to this regulation, a registered gas supply company may surrender its certificate of registration by lodging it at the office of the Authority.
- (2) The surrender of a certificate of registration under subregulation (1) shall not have effect until the gas supply company to which that document was issued is served with a notice by the Authority stating that the Authority accepts the surrender of such certificate.
- (3) The Authority may refuse to accept the surrender of a certificate of registration under subregulation (1) where the gas supply company to which that certificate was issued has been served a notice under regulation 21(1)(a) unless and

until the complaint to which that notice relates has been disposed of by the Authority—

- (a) taking disciplinary action; or
 - (b) refusing to take disciplinary action, against that company.
- (4) Immediately upon the surrender of a certificate of registration under subregulation (1) having effect in accordance with subregulation (2), the gas supply company to which that document was issued shall cease to be a registered gas supply company, but shall remain liable for—
- (a) an act or omission done, caused, permitted or made by it prior to the surrender; and
 - (b) a liability incurred by it under the Ordinance prior to the surrender.

29. Offences

- (1) Any person who contravenes regulation 3(1) commits an offence and is liable on conviction to a fine of \$25,000 and to imprisonment for 6 months and, in the case of a continuing offence, to a daily penalty of \$2,000.
- (2) Any registered gas supply company which contravenes regulation 9(1) or (2) commits an offence and is liable on conviction to a fine of \$25,000 and, in the case of a continuing offence, to a daily penalty of \$2,000.
- (3) Any registered gas supply company which contravenes regulation 10(1) or (2), 14, 16, 17(1) or 18 commits an offence and is liable on conviction to a fine of \$10,000 and, in the case of a continuing offence, to a daily penalty of \$1,000.
- (4) Any person who contravenes regulation 11(1) commits an offence and is liable on conviction to a fine of \$10,000 and to

imprisonment for 3 months and, in the case of a continuing offence, to a daily penalty of \$1,000.

- (5) Any gas distributor who, without reasonable excuse, contravenes regulation 12 commits an offence and is liable on conviction to a fine of \$10,000 and, in the case of a continuing offence, to a daily penalty of \$1,000.
- (6) Any registered gas supply company which, without reasonable excuse, contravenes regulation 13, 19 or 22(1) commits an offence and is liable on conviction to a fine of \$1,000.
- (7) Any registered gas supply company which, without reasonable excuse, contravenes regulation 15 commits an offence and is liable on conviction to a fine of \$10,000 and, in the case of a continuing offence, to a daily penalty of \$1,000.
- (8) Any person who contravenes regulation 17(2) commits an offence and is liable on conviction to a fine of \$5,000.
- (9) Any registered gas supply company which contravenes a direction referred to in regulation 21(2) specified in a notice under regulation 21(1) served on it commits an offence and is liable on conviction to a fine of \$10,000 and, in the case of a continuing offence, to a daily penalty of \$1,000.
- (10) Any person who contravenes regulation 26 commits an offence and is liable on conviction to a fine of \$10,000.
- (11) Any registered gas supply company which contravenes any condition endorsed on its certificate of registration commits an offence and is liable on conviction to a fine of \$10,000 and, in the case of a continuing offence, to a daily penalty of \$1,000.

30. Exemptions

- (1) The Authority may exempt in writing any person from any of the provisions of these regulations specified in such exemption—

- (a) where the Authority is of the opinion that the safety of members of the public will not be prejudiced by such exemption; and
 - (b) subject to such reasonable conditions as the Authority thinks fit specified in such exemption.
- (2) The Authority may by notice in the Gazette exempt any class of persons from any of the provisions of these regulations specified in such exemption—
 - (a) where the Authority is of the opinion that the safety of members of the public will not be prejudiced by such exemption; and
 - (b) subject to such reasonable conditions as the Authority thinks fit specified in such exemption.