

SCHEDULES

SCHEDULE 4

Section 16(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Interpretation

- 1 In this Schedule “public gas transporter” has the same meaning as in Part I of the 1986 Act.

Enactments relating to statutory undertakers etc.

- 2 (1) A public gas transporter shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking for the purposes of the following enactments, namely—
- (i) the Public Health Act 1925;
 - (ii) the Public Health Act 1936;
 - (iii) the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;
 - (iv) section 4 of the Requisitioned Land and War Works Act 1948;
 - (v) the National Parks and Access to the Countryside Act 1949;
 - (vi) the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951;
 - (vii) the Landlord and Tenant Act 1954;
 - (viii) the Opencast Coal Act 1958;
 - (ix) the Flood Prevention (Scotland) Act 1961;
 - (x) section 17(10) of the Public Health Act 1961;
 - (xi) the Pipe-lines Act 1962;
 - (xii) Schedule 3 to the Harbours Act 1964;
 - (xiii) section 40 of the Forestry Act 1967;
 - (xiv) section 50 of the Agriculture Act 1967;
 - (xv) sections 38 and 66 of the Countryside (Scotland) Act 1967;
 - (xvi) the New Towns (Scotland) Act 1968;
 - (xvii) section 11 of and paragraph 6 of Schedule 2 to the Countryside Act 1968;
 - (xviii) section 22 of the Sewerage (Scotland) Act 1968;
 - (xix) sections 19, 37, 45, 46, 108(2), 117 to 119, 121, 154(3), 170 to 172, 175, 181, 195(6), 198(3), 199(2), 202(3), 205, 211, 212, 214, 216 to 230, 233(7), 242, 266(6)(b) and 275(2) of, and Schedule 8, paragraphs 1 to 3 of Schedule 17 and Schedule 18 to, the Town and Country Planning (Scotland) Act 1972;
 - (xx) section 51 of the Land Compensation Act 1973;
 - (xxi) sections 47 and 67 of the Land Compensation (Scotland) Act 1973;
 - (xxii) section 73 of the Control of Pollution Act 1974;
 - (xxiii) the Welsh Development Agency Act 1975;

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- (xxiv) sections 15(3) and 26 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (xxv) the Development of Rural Wales Act 1976;
 - (xxvi) section 9(3) of the Inner Urban Areas Act 1978;
 - (xxvii) the Ancient Monuments and Archaeological Areas Act 1979;
 - (xxviii) Parts XII and XVI and section 120 of the Local Government, Planning and Land Act 1980;
 - (xxix) the Highways Act 1980;
 - (xxx) the New Towns Act 1981;
 - (xxxi) the Acquisition of Land Act 1981;
 - (xxxii) the Civil Aviation Act 1982;
 - (xxxiii) section 30 of the Local Government (Miscellaneous Provisions) Act 1982;
 - (xxxiv) the Roads (Scotland) Act 1984;
 - (xxxv) the Building Act 1984;
 - (xxxvi) sections 283(2) and 296 of the Housing Act 1985;
 - (xxxvii) section 21 of the Road Traffic Act 1988.
 - (xxxviii) section 9 of the Enterprise and New Towns (Scotland) Act 1990;
 - (xxxix) section 7(5) of the Natural Heritage (Scotland) Act 1991.
- (2) References to public gas suppliers in the following enactments shall have effect as references to a public gas transporter, namely—
- (a) section 17(1)(b) of the Requisitioned Land and War Works Act 1945;
 - (b) the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958;
 - (c) section 7A(4)(b)(ii) of the Mines (Working Facilities and Support) Act 1966;
 - (d) section 109(2)(d) of the Transport Act 1968;
 - (e) section 204(2)(a) of the Town and Country Planning (Scotland) Act 1972;
 - (f) sections 73(11)(c) and 74(11)(b) of the Highways Act 1980;
 - (g) section 48(6)(c) of the Civil Aviation Act 1982;
 - (h) paragraph 3 of Schedule 5 to the Road Traffic Regulation Act 1984;
 - (i) section 80(3)(b) of the Building Act 1984;
 - (j) section 91 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
 - (k) section 39 of the Planning (Hazardous Substances) Act 1990;
 - (l) section 52(1) of the Coal Mining Subsidence Act 1991;
 - (m) section 209(3)(b) of and paragraph 1(5)(e) of Schedule 13 to the Water Industry Act 1991;
 - (n) section 208(3)(b) of and paragraph 1(4)(e) of Schedule 22 to the Water Resources Act 1991;
 - (o) paragraph 1(1)(e) of Schedule 6 to the Land Drainage Act 1991.
- (3) The reference in Schedule 4 to the Public Health Act 1961 to gas undertakers shall have effect as a reference to a public gas transporter.
- (4) References in the Landlord and Tenant Act 1927 to a statutory company shall be deemed to include references to a public gas transporter.

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- (5) References to public utility undertakers in the Civil Defence Act 1939 shall be deemed to include references to a public gas transporter.
- (6) References to public utility undertakers in the Highways Act 1980 shall be deemed to include references to a public gas transporter.
- (7) Paragraph 23 of Schedule 2 to the Telecommunications Act 1984 (undertakers' works) shall apply to a public gas transporter for the purposes of any works carried out by him.
- (8) The reference in section 82(4) of the Building Act 1984 (provisions with respect to demolition orders) to a person authorised by an enactment to carry on an undertaking for the supply of gas shall be construed as a reference to a public gas transporter.
- (9) References to public undertakers in section 125(7) of, and paragraphs 9 and 10 of Schedule 8 to, the Housing (Scotland) Act 1987 shall be deemed to include references to a public gas transporter.
- (10) In the following enactments, namely—
 - (a) section 39 of the Opencast Coal Act 1958;
 - (b) paragraph 2 of Schedule 6 to the Gas Act 1965;
 - (c) the New Towns (Scotland) Act 1968;
 - (d) sections 195(6), 214 to 227, 266(6)(b) and 275(2) of, and Schedule 8 to, the Town and Country Planning (Scotland) Act 1972;
 - (e) the Welsh Development Agency Act 1975;
 - (f) the Development of Rural Wales Act 1976;
 - (g) the New Towns Act 1981;
 - (h) section 9 of the Enterprise and New Towns (Scotland) Act 1990;
 - (i) section 7(5) of the Natural Heritage (Scotland) Act 1991,
“the appropriate Minister”, in relation to a public gas transporter, shall mean the Secretary of State for Trade and Industry.
- (11) In the following enactments, namely—
 - (a) the Pipe-lines Act 1962;
 - (b) Schedule 3 to the Harbours Act 1964;
 - (c) section 121 of the Highways Act 1980; and
 - (d) the Acquisition of Land Act 1981,
“the appropriate Minister”, in relation to a public gas transporter, shall mean the Secretary of State.

Public Health Act 1936 (c. 49)

- 3 In section 229 of the Public Health Act 1936 (power of statutory undertakers to supply water, gas or electricity to baths etc. on favourable terms), the word “gas”, in both places where it occurs, shall cease to have effect.

Statistics of Trade Act 1947 (c. 39)

- 4 (1) In relation to gas, subsection (5)(b) of section 9 of the Statistics of Trade Act 1947 (restriction on disclosure of information obtained under that Act) shall have effect as if the references to the total quantity or value of any articles produced, sold or delivered included a reference to each of the following, that is to say—

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- (a) the total quantity or value of gas which is supplied in Great Britain;
 - (b) the total quantity or value of gas which in Great Britain is supplied—
 - (i) for the same purposes, or for different purposes but in similar quantities;
 - (ii) to premises appearing to the Secretary of State to be of the same description; or
 - (iii) on terms appearing to the Secretary of State to be similar as respects continuity of supply;
 - (c) the total quantity of gas which in Great Britain is conveyed or shipped to premises for supply purposes, or is stored; and
 - (d) the total quantity of gas which in Great Britain is conveyed or shipped to or from, or is stored in, facilities or pipe-line systems appearing to the Secretary of State to be of the same description.
- (2) If different areas of Great Britain are specified for any purposes of this paragraph by order made by the Secretary of State, this paragraph shall have effect for those purposes as if any reference to Great Britain included a reference to each of those areas.
- (3) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In this paragraph—
- “convey” means convey through pipes;
 - “for supply purposes”, in relation to any conveyance or shipment of gas to any premises, means with a view to the gas being supplied to the premises, or being used in the premises by the holder of a licence under section 7A(2) of the 1986 Act;
 - “gas” and “public gas transporter” have the same meanings as in Part I of the 1986 Act;
 - “store” means store in, or in a facility which is connected (directly or indirectly) to, a pipe-line system operated by a public gas transporter;
 - “supply”, in relation to gas, means supply to premises to which the gas has been conveyed, other than supply (directly or indirectly) to a public gas transporter, gas supplier or gas shipper.
- (5) For the purposes of this paragraph—
- (a) gas is shipped if, in pursuance of arrangements made with a public gas transporter, it is introduced into, conveyed by means of or taken out of a pipe-line system operated by that transporter; and
 - (b) any reference to the shipment of gas to any premises, or to or from any facilities or pipe-line systems, shall be construed accordingly.

Rights of Entry (Gas and Electricity Boards) Act 1954 (c. 21)

- 5 (1) In subsection (2) of section 1 of the Rights of Entry (Gas and Electricity Boards) Act 1954 (restriction on exercise of rights of entry), for the words “public gas supplier” there shall be substituted the words “gas operator”.
- (2) In subsection (1) of section 2 of that Act—
- (a) in paragraph (a), for the words “public gas supplier” there shall be substituted the words “gas operator”;

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- (b) in that paragraph, after the words “a supplier” there shall be inserted the words “or operator”; and
 - (c) for the words “the supplier or his employee”, in both places where they occur, there shall be substituted the words “the operator or supplier or any employee of the operator or supplier”.
- (3) In paragraph (a) of subsection (3) of that section, for the words “public gas supplier” there shall be substituted the words “gas operator”.
- (4) In section 3 of that Act—
- (a) for the definition of “employee” there shall be substituted the following definition—
 - ““employee” means—
 - (a) in relation to a gas operator, an officer, servant or agent of the operator and any servant or officer of such an agent; and
 - (b) in relation to an electricity supplier, an officer, servant or agent of the supplier;” and
 - (b) for the definition of “public gas supplier” there shall be substituted the following definition—
 - ““gas operator” means a public gas transporter, gas supplier or gas shipper within the meaning of Part I of the Gas Act 1986;”.

Pipe-lines Act 1962 (c. 58)

- 6 (1) In section 58(1) of the Pipe-lines Act 1962 (exclusion of application of Act to pipe-lines of certain statutory bodies), for paragraph (a) there shall be substituted the following paragraph—
- “(a) a public gas transporter within the meaning of Part I of the Gas Act 1986;”
- (2) After that section there shall be inserted the following sections—

“58A Avoidance of damage by buildings etc to pipe-lines of a public gas transporter

- (1) Notwithstanding subsection (4) of section 58 of this Act, but subject to subsection (2) of this section, the references to a pipe-line in sections 27(1) and 31(1) of this Act (protection of pipe-lines imperilled by buildings, structures or deposits) shall include references to any pipe-line operated by a public gas transporter other than one laid in a street or a service pipe.
- (2) The application by virtue of subsection (1) of this section of sections 27(1) and 31(1) of this Act to a particular part of any pipe-line shall be dependent upon there having been previously deposited with every local authority in whose area the part lies by the public gas transporter a map (drawn to an appropriate scale) showing the route taken by the part.
- (3) A local authority holding a map relating to a pipe-line operated by a public gas transporter shall keep the map at their offices, and shall secure that it is open to inspection by any person at all reasonable times free of charge.
- (4) In this section—

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“local authority” means—

- (a) in England, the council of a county, district or London borough, and the Common Council of the City of London;
- (b) in Wales, the council of a county or county borough; and
- (c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

“public gas transporter” and “service pipe” have the same meanings as in Part I of the Gas Act 1986;

“street” has the same meaning as in Part III of the New Roads and Street Works Act 1991.

- (5) In relation to any time before 1st April 1996, the definition of “local authority” in subsection (4) of this section shall have effect as if—
 - (a) in paragraph (b), for the words “county borough” there were substituted the word “district”; and
 - (b) in paragraph (c), for the words “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994” there were substituted the words “an islands or district council”.
- (6) In its application to Scotland this paragraph shall have effect with the substitution for any reference to a street of a reference to a road within the meaning of Part IV of the New Roads and Street Works Act 1991.

58B Exclusion of application of Act to construction of small pipes

- (1) In relation to the construction, by any person other than a public gas transporter, of a pipe to which this section applies—
 - (a) references in sections 1 to 14 of this Act to a pipe-line shall be construed as not including references to such a pipe; and
 - (b) references in those sections to pipe-line works shall be construed as not including references to works executed in connection with the construction of a such a pipe.
- (2) This section applies to any pipe—
 - (a) by which any premises are proposed to be connected to a distribution main of a public gas transporter; and
 - (b) by which gas is proposed to be conveyed to premises at a rate which is not expected to exceed 75,000 therms in any period of twelve months.
- (3) The Secretary of State may, after consulting the Director General of Gas Supply, by order amend subsection (2) above by substituting—
 - (a) where the limit is for the time being expressed by reference to a number of therms—
 - (i) such lower number of therms as he considers appropriate; or
 - (ii) such lower limit, expressed by reference to a number of kilowatt hours, as he considers appropriate; or
 - (b) where the limit is for the time being expressed by reference to a number of kilowatt hours, such lower number of kilowatt hours as he considers appropriate.

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- (4) An order under subsection (3) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section “distribution main” and “public gas transporter” have the same meanings as in Part I of the Gas Act 1986.
- (6) In relation to any time after 31st December 1999, the reference in subsection (2) above to 75,000 therms shall be construed as a reference to 2,196,000 kilowatt hours.
- (7) This section is without prejudice to anything in section 58 of this Act.”

Gas Act 1965 (c. 36)

- 7 (1) In Part II of the Gas Act 1965 for the words “public gas supplier”, in each place where they occur, there shall be substituted the words “public gas transporter”.
- (2) In subsection (2) of section 32 of that Act, for the words “public gas supplier” there shall be substituted the words ““public gas transporter””.
- (3) In paragraph 14(1) of Schedule 2 to that Act, for the words “public gas suppliers” there shall be substituted the words “public gas transporters”.

Local Government (Scotland) Act 1966 (c. 51)

- 8 In paragraph (b) of subsection (4) of section 18 of the Local Government (Scotland) Act 1966 (rating of certain office premises), for the word “supplier” there shall be substituted the word “transporter”.

Post Office Act 1969 (c. 48)

- 9 In paragraph (ca) of subsection (1A) of section 7 of the Post Office Act 1969 (powers of Post Office), for the words “public gas supplier” there shall be substituted the words “gas supplier”.

Health and Safety at Work etc. Act 1974 (c. 37)

- 10 (1) Part I of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) shall have effect as if section 58A of the Pipe-lines Act 1962 and section 22A(1)(c) of and paragraphs 17, 20 and 21 of Schedule 2B to the 1986 Act—
 - (a) were existing statutory provisions within the meaning of Part I of the 1974 Act; and
 - (b) were specified in the third column of Schedule 1 to that Act.
- (2) Without prejudice to the generality of subsection (1) of section 15 of the 1974 Act (health and safety regulations), regulations under that section may repeal or modify any of the provisions mentioned in sub-paragraph (1) above.
- (3) Nothing in sub-paragraph (1) above shall affect the operation of section 18 of the 1974 Act (enforcement of relevant statutory provisions) in relation to any time before such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different purposes.

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Energy Act 1976 (c. 76)

- 11 (1) In subsection (1) of section 9 of the Energy Act 1976 (liquefaction of offshore natural gas), for the words from “except” to the end there shall be substituted the words “except where—
- (a) methane or ethane is liquefied for the purpose of enabling it to be stored;
 - (b) the process of liquefaction is carried out by a public gas transporter within the meaning of Part I of the Gas Act 1986; or
 - (c) small quantities of liquid methane or ethane are produced in the course of a gas processing operation within the meaning of section 12 of the Gas Act 1995.”
- (2) In subsection (2) of section 12 of that Act (disposal of gas by flaring, etc), for the words “except gas supplied by a public gas supplier” there shall be substituted the words “except gas conveyed through pipes to premises by a public gas transporter”.

Water (Scotland) Act 1980 (c. 45)

- 12 In paragraph (c) of the proviso to section 36 of Schedule 4 to the Water (Scotland) Act 1980 (provisions to be incorporated in orders relating to water undertakings), for the words—
- (a) “gas undertakers” there shall be substituted the words “public gas transporter (within the meaning of Part I of the Gas Act 1986)”; and
 - (b) “those undertakers” there shall be substituted the words “such public gas transporter”.

Bankruptcy (Scotland) Act 1985 (c. 66)

- 13 In paragraph (a) of subsection (4) of section 70 of the Bankruptcy (Scotland) Act 1985 (supplies by utilities), for the words “public gas supplier” there shall be substituted the words “gas supplier”.

Insolvency Act 1986 (c. 45)

- 14 (1) For paragraph (a) of subsection (3) of section 233 of the Insolvency Act 1986 (supplies of gas, water, electricity etc.) there shall be substituted the following paragraph—
- “(a) a supply of gas by a gas supplier within the meaning of Part I of the Gas Act 1986;”.
- (2) Paragraph (a) of subsection (5) of that section shall cease to have effect.
- (3) For paragraph (a) of subsection (4) of section 372 of that Act (supplies of gas, water, electricity etc.) there shall be substituted the following paragraph—
- “(a) a supply of gas by a gas supplier within the meaning of Part I of the Gas Act 1986;”.
- (4) Paragraph (a) of subsection (5) of that section shall cease to have effect.

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Consumer Protection Act 1987 (c. 43)

- 15 (1) In paragraph (c) of subsection (7) of section 10 of the Consumer Protection Act 1987 (the general safety requirement), for the words “section 6, 7 or 8” to the end there shall be substituted the following words “section 7A of the Gas Act 1986 (licensing of gas suppliers and gas shippers) or paragraph 5 of Schedule 2A to that Act (supply to very large customers an exception to prohibition on unlicensed activities).”
- (2) In paragraph (c) of subsection (7) of section 11 of that Act (safety regulations), for the words “section 6, 7 or 8” to the end there shall be substituted the following words “section 7A of the Gas Act 1986 (licensing of gas suppliers and gas shippers) or paragraph 5 of Schedule 2A to that Act (supply to very large customers an exception to prohibition on unlicensed activities).”

Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22)

- 16 In paragraph 8 of Schedule 5 to the Road Traffic (Driver Licensing and Information Systems) Act 1989 (driver information systems: undertakers' works)—
- (a) in the definition of “relevant undertaker”, for the words “public gas supplier” there shall be substituted the words “public gas transporter”; and
 - (b) in the definition of “undertaker’s works”, for the words “supplying gas as a public gas supplier” there shall be substituted the words “conveying gas as a public gas transporter”.

Electricity Act 1989 (c. 29)

- 17 (1) In paragraph 3 of Schedule 4 to the Electricity Act 1989 (other powers etc. of licence holders)—
- (a) in sub-paragraph (1)(b), for the words “under the control of a public gas supplier” there shall be substituted the words “operated by a public gas transporter”;
 - (b) in sub-paragraph (2), for the words “public gas supplier” there shall be substituted the words “public gas transporter”.
- (2) In sub-paragraph (1)(a) of paragraph 4 of that Schedule, for the words “public gas supplier” there shall be substituted the words “public gas transporter”.
- (3) In paragraph 12 of that Schedule, for the words “public gas supplier” there shall be substituted the words “public gas transporter”.

Town and Country Planning Act 1990 (c. 8)

- 18 (1) In section 252 of the Town and Country Planning Act 1990 (procedure for making orders)—
- (a) in paragraph (b) of subsection (2), for the words “public gas supplier” there shall be substituted the words “public gas transporter”;
 - (b) in subsection (4), for the words “public gas supplier” there shall be substituted the words “public gas transporter”; and
 - (c) in subsection (5), for the word “supplier” there shall be substituted the word “transporter”.

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- (2) In subsection (3) of section 262 of that Act (meaning of “statutory undertakers”), for the words “public gas supplier” there shall be substituted the words “public gas transporter”.
- (3) In subsection (2) of section 265 of that Act (meaning of “the appropriate Minister”), for the words “public gas supplier” there shall be substituted the words “public gas transporter”.
- (4) In subsection (1) of section 336 of that Act (interpretation), for the words “public gas supplier” there shall be substituted the words “public gas transporter”.

Enterprise and New Towns (Scotland) Act 1990 (c. 35)

- 19 In section 9(5) of the Enterprise and New Towns (Scotland) Act 1990 (powers of entry: meanings of certain expressions), for the words “Schedule 7 to the Gas Act 1986” there shall be substituted the words “Schedule 4 to the Gas Act 1995”.

Natural Heritage (Scotland) Act 1991 (c. 28)

- 20 In section 7 of the Natural Heritage (Scotland) Act 1991 (powers of entry)—
- (a) in subsection (5), the words from “(within” to the end shall cease to have effect; and
 - (b) after subsection (5) there shall be inserted—
 - “(5A) In subsection (5) above, “appropriate Minister” has the same meaning as in section 213(1) of the Town and Country Planning (Scotland) Act 1972; but this subsection is subject to paragraph 2(10) of Schedule 4 to the Gas Act 1995.”.

Central Rating Lists Regulations 1994 (S.I. 1994/3121)

- 21 In Part 3 of the Schedule to the Central Rating Lists Regulations 1994, for the words “public gas supplier”, in both places where they occur, there shall be substituted the words “public gas transporter”.