Gas Act 1965

1965 CHAPTER 36

An Act to confer additional functions on the Gas Council and to make further provision as to the rating of the Gas Council and Area Gas Boards; to increase the number of members of the Gas Council, to regulate and facilitate the storage of gas by the Council and those Boards in underground strata, and to modify section 52 of the Gas Act 1948; and for connected purposes. [5th August 1965]

Modifications etc. (not altering text)

C1 Act amended by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(1), **Sch. 8 para. 33**
Act amended (1.4.1996) by S.I. 1996/593, reg. 2, **Sch. 1**

C2 Act: references to a public gas transporter or to the holder of a licence under section 7 of the 1986 Act shall have effect as if they were references to a gas transporter (1.10.2001) by virtue of Utilities Act 2000 (c. 27), **s. 76(7)**; S.I. 2001/3266, art. 2, **Sch.** (with arts. 3-20)

Commencement Information

I1 Act partly in force at Royal Assent, Act wholly in force at 1.12.1965 see s. 32(5)

PART I

1—3. . . . . . [F1]

Textual Amendments

F1 Ss. 1–3, 29, 30 and Sch. 1 repealed by Gas Act 1972 (c. 60, SIF 44:2), **Sch. 8**

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART II

UNDERGROUND STORAGE OF GAS BY GAS AUTHORITIES

Modifications etc. (not altering text)

C3 Part II (ss. 4–28) modified (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(2), **Sch. 26 para. 32(1)(2)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

C4 Part II modified (1.12.1991) (E.W.) by Water Resources Act 1991 (c. 57, SIF 130), ss. 48, 55, 60, 61, 65, 225(2), **Sch. 7 para. 1(2)(a)** (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)

4 Storage authorisation orders.

(1) The Minister may by an order (in this Part of this Act referred to as a "storage authorisation order") authorise the storage by a **[**[F2]public gas transporter**]**in natural porous strata underground of such kinds of gas (including natural gas) as, having regard to the safety of the public and the need to protect water resources are in the opinion of the Minister suitable for such storage.

(2) A **[**[F2]public gas transporter**]**shall not develop or use any such strata for the storage of gas except in accordance with a storage authorisation order, and a storage authorisation order . . . [F3] shall not authorise the disregard by any **[**[F2]public gas transporter**]**of any enactment or rule of law exonerate a **[**[F2]public gas transporter**]**from any indictment, action or other proceedings for any nuisance caused by them.

(3) At all stages in the formulation by a **[**[F2]public gas transporter**]**of any proposals for the making of a storage authorisation order, and in the consideration by the Minister of any such proposals, the **[**[F2]public gas transporter**]**or the Minister, as the case may be, shall have regard to the safety of the public and the protection of water resources.

(4) At all stages in the formulation by a **[**[F2]public gas transporter**]**of any proposals for the making of a storage authorisation order, and in the consideration by the Minister of any such proposals, the **[**[F2]public gas transporter**]**or the Minister, as the case may be, having regard to the desirability of preserving natural beauty, of conserving flora, fauna, and geological or physiographical features of special interest, and of protecting buildings and other objects of architectural or historic interest, shall take into account any effect which the proposals might have on the natural beauty of the countryside or on any such flora, fauna, features, buildings or objects.

[[F4](5) Section 72 of the [M1]Water Resources Act 1963 (control of discharges into underground strata) shall not apply to a discharge of gas into underground strata in accordance with a storage authorisation order.**]**

(6) So far as—

(a) the carrying out or construction of any surface works, boreholes or pipes associated with an underground gas storage which in a storage authorisation order are shown as approved by the Minister for the purposes of this subsection, or

(b) the bringing into use or operation of an underground gas storage in accordance with a storage authorisation order,

constitute development for the purposes of **[**[F5]the Town and Country Planning Act 1990**]**, that development shall for the purposes of **[**[F6]section 90 of that Act**]** (deemed

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planning permission) be taken to be authorised by the Minister in making the storage authorisation order.

(7) The provisions of the last foregoing subsection shall apply to Scotland, but for the words from "constitute" to the end of the subsection there shall be substituted the words "constitute development for the purposes of **[**[F7]the [M2]Town and Country Planning (Scotland) Act 1972**]**that development shall for the purposes of **[**[F7]section 37 of that Act**]**(planning permission for development by local authorities and statutory undertakers) be taken to be authorised by the Minister in making the storage authorisation order".

(8) The provisions of Parts I and II of Schedule 2 to this Act shall have effect as respects the contents of a storage authorisation order and the procedure for making it, and—

(a) the provisions of a storage authorisation order specifying the **[**[F2]public gas transporter**]**to whom the order applies, and

(b) the provisions of any such order specifying the nature of the gas which may be stored,

may be varied by a further storage authorisation order which shall be made in accordance with the provisions of Part III of that Schedule; and Part IV of that Schedule shall have effect for the purpose of adapting the other provisions of that Schedule in their application to Scotland.

Textual Amendments

F2 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F3 Words repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3)(4), Sch. 7 para. 6(4), Sch. 8 para. 33, **Sch. 9 Pt. I**

F4 S. 4(5) repealed (*prosp.*) by Control of Pollution Act 1974 (c. 40, SIF 46:4), s. 108, **Sch. 4**

F5 Words substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 12(1)(a)**

F6 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 12(1)(b)**

F7 Words substituted by Town and Country Planning Act (Scotland) Act 1972 (c. 52, SIF 123:2), **Sch. 21 Pt. II**

Marginal Citations

M1 1963 c. 38.**(130)**

M2 1972 c. 52.**(123:2)**

5 Control of mining and other operations in storage area and protective area.

(1) This section shall apply to controlled operations in a storage area and, if a storage authorisation order so provides as respects any area outside the storage area, in that other area (in this Part of this Act referred to as "the protective area"), and for the purposes of this section controlled operations are any description of excavation, mining, quarrying or boring operations in the storage area or the protective area which are carried out wholly or partly below the depth prescribed by the storage authorisation order (which may be a different depth for different parts of either area) and which are begun or continued after the coming into force of the storage authorisation order.

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(2) No person, other than the **[**[F8]public gas transporter**]**authorised to operate the underground gas storage, shall carry out any controlled operations without the consent of the Minister.

(3) An application for the consent of the Minister under this section shall state—
   (a) the name and address of the applicant,
   (b) the extent, purpose and nature of the proposed operations, and the methods proposed to be employed,
   (c) the location and depth of every proposed borehole, shaft, excavation, quarry or other working.

(4) The applicant shall serve a copy of his application on the **[**[F8]public gas transporter**]**to whom the storage authorisation order applies and inform the Minister of the date on which he has done so.

(5) If within twenty-eight days of the date on which the copy of the application is so served, the **[**[F8]public gas transporter**][**[F9]informs the Minister that he objects**]**to any of the proposals, or if the Minister proposes to refuse consent or to attach any conditions to his consent, the Minister shall afford to the applicant and to the **[**[F8]public gas transporter**]**an opportunity of being heard before a person appointed by the Minister.

(6) The Minister shall take into consideration the application and the report of any such hearing, and may either refuse the application or give his consent with or without any conditions.

(7) The Minister's consent under this section shall enure for the benefit of the land and of all persons for the time being interested in the land.

(8) The Minister after giving his consent, with or without conditions, may at any time revoke his consent or impose conditions or further conditions or revoke or vary any conditions previously imposed but, before acting under this subsection, the Minister shall afford to the **[**[F8]public gas transporter**]**and to any person for the time being interested in the land an opportunity of being heard before a person appointed by the Minister.

(9) The **[**[F8]public gas transporter**]**shall pay to a person making an application for the Minister's consent under this section, or for a decision under subsection (8) of this section, any expenses reasonably incurred by the applicant in the preparation of plans, and any expenses reasonably incurred by him upon other similar matters in connection with the application, including reasonable costs incurred in employing an engineer, surveyor, land agent, solicitor or other person in an advisory capacity.

[[F10](10) The following shall be local land charges, namely, a storage authorisation order, any conditions attached to a consent given by the Secretary of State under this section and, save in so far as it revokes any conditions, any further decision taken by the Secretary of State under subsection (8) of this section**]**.

(11) On the coming into operation of a storage authorisation order relating to an area in Scotland it shall be recorded as soon as may be in the General Register of Sasines by the **[**[F8]public gas transporter**]**named in the order; and particulars of any consent given by the Minister relating to controlled operations in Scotland shall be recorded as aforesaid by the person who has applied for that consent, and any further decision taken in relation to that consent under subsection (8) of this section shall be so recorded by the Minister.

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(12) It shall be the duty of the **[**[F8]public gas transporter**]**concerned to furnish to any person who is under an obligation to record a consent under the last foregoing subsection all necessary information to enable him to comply with that obligation.

(13) If any person contravenes subsection (2) of this section or fails to comply with any conditions imposed under this section he shall be guilty of an offence under this Part of this Act and shall be liable—

(a) on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both, and

(b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or to both.

Textual Amendments

F8 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F9 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(5), **Sch. 8 para. 33**

F10 S. 5(10) substituted by Local Land Charges Act 1975 (c. 76, SIF 98:2), **Sch. 1**

Modifications etc. (not altering text)

C5 S. 5(9) amended (E.W.) (01.01.1992) by S.I. 1991/2684, arts. 2, 4, **Sch. 1**.

6 Controlled operations: carrying out of works to remedy a default.

(1) If a **[**[F11]public gas transporter**]**[F12]applies**]**in England or Wales to a magistrates court or in Scotland to the sheriff, and **[**[F12]satisfies**]**the court that any controlled operations have been carried out without the consent of the Minister, or that there has been a failure to comply with any conditions subject to which the Minister's consent to the carrying out of any controlled operations has been granted, and that the works specified in the application which consist of the filling in of an excavation, well, borehole or shaft made or sunk in contravention of the last foregoing section, or the taking of any other steps to make good the default, ought to be carried out in the interests of safety, or in order to safeguard property, to preserve water resources or to prevent the suspension, or continued suspension, of the operations of an underground gas storage, the court may make an order authorising the **[**[F11]public gas transporter**]**to execute those works in such manner as **[**[F13]he thinks**]**fit.

(2) Any person having an interest in the land in which the controlled operations have been carried out shall be entitled to appear and be heard on the application by the **[**[F11]public gas transporter**]**to the court, and the court shall not entertain the application unless satisfied that the **[**[F11]public gas transporter**]**[F14]has taken**]**reasonable steps to give notice of the application to all such persons who are known to **[**[F15]him**]**.

(3) The **[**[F11]public gas transporter**]**shall, as against all persons interested in the land in which the works are to be carried out, and any other land to which entry is required for the purpose of obtaining access to that land, have all such rights as are necessary in order to enable **[**[F16]him**]**to execute the order.

(4) Except in a case of emergency, a **[**[F11]public gas transporter**]**shall not in pursuance of subsection (3) of this section demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier, and where a **[**[F11]public gas transporter**]**in exercising **[**[F17]his**]**powers under

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subsection (3) of this section [F17][causes] any damage to land or chattels, any person interested in the land or chattels shall be entitled to compensation in respect of that damage from the **[**[F11]public gas transporter**]**.

(5) Any expenses reasonably incurred by the **[**[F11]public gas transporter**]**in executing the order of a court under this section (but not including any compensation paid by the **[**[F11]public gas transporter**]**under this section) may be recovered by the **[**[F11]public gas transporter**]**from the person who carried out the controlled operations or, as the case may be, failed to comply with any conditions subject to which the Minister's consent was granted.

(6) Any person who wilfully obstructs a person acting under the authority of the order of a court under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding **[**[F18]level 1 on the standard scale**]**.

(7) Any application under this section to a magistrates' court shall be made by complaint.

(8) In the application of this section to Scotland—

(a) where a **[**[F11]public gas transporter**]**[F19]applies**]**to the sheriff for an order under subsection (1) of this section **[**[F19]he**]**shall do so by way of summary application, and "sheriff" means a sheriff within whose jurisdiction the controlled operations mentioned in the application have been carried out;

(b) in subsection (4) "chattels" means corporeal moveables.

Textual Amendments

F11 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F12 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(6), **Sch. 8 para. 33**

F13 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(6), **Sch. 8 para. 33**

F14 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(7), **Sch. 8 para. 33**

F15 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch 7 para. 6(7), **Sch. 8 para. 33**

F16 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(8), **Sch. 8 para. 33**

F17 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(9), **Sch. 8 para. 33**

F18 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

F19 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(10), **Sch. 8 para. 33**

7 Compensation for general effect of storage authorisation order.

Subject to section 10 of this Act, if a person entitled to an interest in land which consists of or comprises, or is held with, land in a storage area, being an interest subsisting on the date when the storage authorisation order comes into force, proves that the value of his interest on that date is depreciated by the making of the storage authorisation order and its effect under this Part of this Act, the **[**[F20]public gas transporter**]**shall pay to him compensation equal to the amount of the depreciation so far as directly attributable to those causes.

Textual Amendments

F20 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

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8 Compensation for refusal of consent to controlled operations, or consent granted subject to conditions.

(1) This section shall apply where the Minister, on an application for his consent to the carrying out of any controlled operations, decides to refuse his consent, or to grant his consent subject to conditions.

(2) Subject to this section, if it is shown that the applicant or any other person—

(a) has incurred expenditure in carrying out work which is rendered abortive by the Minister's decision, or

(b) has otherwise sustained loss or damage which is directly attributable to the Minister's decision,

the **[**[F21]public gas transporter**]**shall pay to the person who has incurred the expenditure or sustained the loss or damage compensation in respect of that expenditure, loss or damage.

(3) For the purposes of this section any expenditure incurred in the preparation of plans for the purposes of any work, or upon any similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out that work.

(4) In assessing compensation under this section in respect of abortive expenditure no account shall be taken of any expenditure incurred after the storage authorisation order came into force.

(5) No liability to pay compensation shall arise under this section unless it is shown that any planning permission or statutory licence to abstract water which would be required for the carrying out of the controlled operations which are prevented by the Minister's decision has been granted, or could, according to a certificate issued under the provisions of Schedule 3 to this Act, reasonably have been expected to be granted but for the Minister's decision.

If any planning permission or statutory licence to abstract water or any certificate issued under Schedule 3 to this Act which is relied on by the claimant shows that the carrying out of the controlled operations in accordance with the application would be, or could have been expected to be, subject to conditions, limitations or restrictions imposed by the local planning authority **[**[F22]or by the river authority, it shall**][**[F22]or by the National Rivers Authority, it shall**]** be assumed for the purposes of this section that the application is for the carrying out of the controlled operations subject to such conditions, limitations or restrictions.

(6) In assessing compensation under this section no account shall be taken of any expenditure or of any loss or damage if the expenditure, or any act which gave rise to the loss or damage, was not reasonably necessary and was undertaken for the purpose of obtaining compensation, or greater compensation.

(7) In assessing the result of the Minister's decision it shall be assumed that his decision will not at any future time be revoked or modified.

Textual Amendments

F21 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

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F22 Words "or by the National Rivers Authority, it shall" substituted (E.W.) for the words from "or by" to "it shall" by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(1)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

9 Compensation for withdrawal of consent or variation of conditions.

(1) This section shall apply where the Minister after giving his consent to an application for the carrying out of controlled operations withdraws his consent or imposes conditions or further conditions on his consent or varies any conditions previously imposed on his consent.

(2) Subject to this section, if it is shown that the applicant or any other person—

(a) has incurred expenditure in carrying out work which is rendered abortive by the Minister's decision, or

(b) has otherwise sustained loss or damage which is directly attributable to the Minister's decision,

the **[**[F23]public gas transporter**]**shall pay to the person who has incurred the expenditure or sustained the loss or damage compensation in respect of that expenditure, loss or damage.

(3) For the purposes of this section any expenditure incurred in the preparation of plans for the purposes of any work, or upon any similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out that work.

(4) In assessing compensation under this section in respect of abortive expenditure no account shall be taken of any expenditure incurred in the period between the time when the storage authorisation order came into force and the time when that consent was given.

(5) No liability to pay compensation shall arise under this section unless it is shown that any planning permission or statutory licence to abstract water which would be required for the carrying out of the controlled operations which are prevented by the Minister's decision has been granted or could, according to a certificate issued under the provisions of Schedule 3 to this Act, reasonably have been expected to be granted but for the Minister's decision.

If any planning permission or statutory licence to abstract water or any certificate issued under Schedule 3 to this Act which is relied on by the claimant shows that the carrying out of the controlled operations would be, or could have been expected to be, subject to conditions, limitations or restrictions imposed by the local planning authority **[**[F24]or by the river authority, it shall**][**[F24]or by the National Rivers Authority, it shall**]** be assumed for the purposes of this section that the Minister's consent was for the carrying out of the controlled operations subject to such conditions, limitations or restrictions.

(6) In assessing the result of the Minister's decision it shall be assumed that his decision will not at any future time be revoked or modified.

Textual Amendments

F23 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

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F24 Words "or by the National Rivers Authority, it shall" substituted (E.W.) for the words from "or by" to "it shall" by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(2)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

10 Exclusion of double compensation.

(1) A right to store gas in an underground gas storage acquired by a **[**[F25]public gas transporter**]**by agreement or compulsorily shall not include a right, as against any other person, to prevent the carrying out of any controlled operations, or of any operations which would be controlled operations but for the provisions of section 18(7)(a) of this Act; and compensation for any compulsory acquisition of such a right under **[**[F26]Schedule 3 to the principal Act**]**shall be assessed accordingly.

(2) In assessing compensation—

(a) under section 7 of this Act, or

(b) on a claim for compensation for the compulsory acquisition by a **[**[F25]public gas transporter**]**of an interest in or right over any land which involves a claim for the injurious affection of any land,

the effect of sections 5 and 6 of this Act shall be disregarded.

(3) The Lands Tribunal in assessing compensation for the depreciation of an interest in land—

(a) on a claim for compensation under section 7 of this Act, or

(b) on a claim for compensation for compulsory acquisition by a **[**[F25]public gas transporter**]**of an interest in or right over any land which involves compensation for depreciation,

shall make such adjustments as will in the opinion of the Lands Tribunal prevent compensation being paid more than once for the same cause on two or more claims falling within paragraphs (a) and (b) of this subsection, or on one or more such claims when taken with the consideration paid by the **[**[F25]public gas transporter**]**for the acquisition by agreement of any interest in land.

(4) The Lands Tribunal in assessing compensation under section 8 or section 9 of this Act shall make such adjustments as will in the opinion of the Lands Tribunal prevent compensation being paid more than once in respect of the same cause, whether it gives rise to a claim for the depreciation of an interest in land, for abortive expenditure or for other loss or damage.

Textual Amendments

F25 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F26 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), S. 67(1)(3), Sch. 7 para. 6(3), **Sch. 8 para. 33**

11 Compensation under ss. 8 and 9 to be repayable in certain circumstances.

(1) If after a decision of the Minister under section 5 of this Act has given rise to a liability to pay compensation under section 8 or section 9 of this Act the Minister takes a further decision under the said section 5 with respect to the operations in respect of which the compensation was payable, and the further decision is in all or any respects more

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favourable than the earlier decision, any person who carries out any operations which would have been unlawful if the Minister had not taken that further decision shall, subject to this section, be liable to pay to the **[**[F27]public gas transporter**]**concerned an amount equal to—

(a) so much, if any, of that compensation as is in respect of abortive expenditure which, in consequence of the further decision of the Minister, is no longer abortive, and

(b) so much of that compensation as is for any loss or damage which is nullified by the further decision,

together with interest on that amount from the date on which the operations made lawful by the Minister's further decision were begun until payment at the rate for the time being in force under section 32 of the [M3]Land Compensation Act 1961 or, as the case may be, section 40 of the [M4]Land Compensation (Scotland) Act 1963.

(2) If, on an application to the Minister, it is shown to the satisfaction of the Minister that, having regard to the probable value of any operations which will give rise to a liability under this section, the operations are not likely to be carried out unless he exercises his powers under this subsection, the Minister may remit the whole or a part of any amount otherwise recoverable under this section.

(3) Particulars of any compensation under section 8 or section 9 of this Act which has been agreed or awarded, together with particulars of the nature and location of the operations in respect of which the compensation is payable, shall be **[**[F28]a local land charge.**]**

(4) In Scotland, where compensation has been agreed or awarded as aforesaid it shall be the duty of the **[**[F27]public gas transporter**]**concerned as soon as may be to cause the particulars specified in the last foregoing subsection to be recorded in the General Register of Sasines.

Textual Amendments

F27 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F28 Words substituted by Local Land Charges Act 1975 (c. 76, SIF 98:2), **Sch. 1**

Marginal Citations

M3 1961 c. 33.**(28:1)**

M4 1963 c. 51.**(28:2)**

12 The right to store gas underground and related rights.

(1) A **[**[F29]public gas transporter**]**may be authorised under **[**[F30]Schedule 3 to the principal Act**]**(compulsory purchase of land) to purchase compulsorily a right to store gas in an underground gas storage, **[**[F31]and Part I of Schedule 4 to this Act shall apply in relation to any such compulsory purchase.**]**

(2) Subject to section 10(1) of this Act, the right acquired under the foregoing subsection shall be an exclusive right to use the stratum for the purpose of the underground gas storage, and to prevent other persons from using it for that or any other purpose.

(3) Where, by a deed or instrument in which it is certified by a **[**[F29]public gas transporter**]**that the instrument is made in connection with the acquisition of rights to

Status: *Point in time view as at 01/03/1996.*
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store gas in an underground gas storage, any person having an interest in land grants, or agrees to grant, to a **[**[F29]public gas transporter**]**a right to store gas in an underground gas storage or any other right over the land, the grant or agreement shall, subject to the provisions of the [M5]Land Charges Act 1925 and the [M6]Land Registration Act 1925 applied by the next following subsection, be binding upon any person deriving title or otherwise claiming under the grantor to the same extent as it is binding upon the grantor, notwithstanding that it would not have been binding upon that person apart from the provisions of this subsection.

(4) Any right to store gas in an underground gas storage which is vested in a **[**[F29]public gas transporter**]**(whether created by compulsory purchase order or not), and any right to which the last foregoing subsection applies, shall be deemed to be a charge affecting land falling within paragraph (iii) of Class D in **[**[F32]section 2(5) of the [M7]Land Charges Act 1972**]**, and that Act and the [M8]Land Registration Act 1925 shall have effect accordingly.

(5) Where any deed or instrument referred to in subsection (3) of this section relates to a right to store gas in an underground gas storage in Scotland, the deed or instrument shall be recorded as soon as may be by the person deriving a right to store gas as aforesaid in the General Register of Sasines.

(6) A **[**[F29]public gas transporter**]**shall not dispose of a right to store gas in any part of an underground gas storage to a person other than another **[**[F29]public gas transporter**]**or the person who would have been entitled to grant that right if it had not been acquired by any **[**[F29]public gas transporter**]**.

Textual Amendments

F29 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F30 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), S. 67(1)(3), Sch. 7 para. 6(3), **Sch. 8 para. 33**

F31 Words repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**

F32 Words substituted by virtue of Land Charges Act 1972 (c. 61, SIF 98:2), **s. 18(6)**

Modifications etc. (not altering text)

C6 S. 12(1) modified (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), **s. 30**

Marginal Citations

M5 1925 c. 22.

M6 1925 c. 21.**(98:2)**

M7 1972 c. 61.**(98:2)**

M8 1925 c. 21.**(98:2)**

13 Compulsory purchase of rights as respects wells, boreholes and shafts in storage area and protective area.

(1) The Minister may authorise a **[**[F33]public gas transporter**]**under **[**[F34]Schedule 3 to the principal Act**]**to purchase compulsorily any land which is in a storage area or protective area and which is the site of any well, borehole or shaft for the purpose—

(a) of making use of the well, borehole or shaft in connection with the development or use of the underground gas storage (and to the exclusion of its use by any other person), or

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(b) where the well, borehole or shaft extends below the depth prescribed by the storage authorisation order, of stopping it up or preventing its use by any other person.

(2) If the well, borehole or shaft in any such land extends below the depth prescribed by the storage authorisation order, the **[**[F33]public gas transporter**]**may be authorised under **[**[F34]Schedule 3 to the principal Act**]**to purchase compulsorily such rights as appear to the Minister expedient to enable the **[**[F33]public gas transporter**]**to ensure that the well, borehole or shaft is stopped up, or is prevented from being used by any other person; **[**[F35]and Part I of Schedule 4 to this Act shall apply in relation to the compulsory purchase**]**.

(3) For the purpose of enabling a **[**[F33]public gas transporter**]**to obtain access to land which is in a storage area or protective area and—

(a) on which the **[**[F33]public gas transporter**]**[F36]proposes**]**to construct a well, borehole or shaft to be connected with, or used for any of the purposes of, the underground gas storage, or

(b) which is the site of an existing well, borehole or shaft,

the **[**[F33]public gas transporter**]**may be authorised under **[**[F37]the said Schedule 3**]**to purchase compulsorily a right of way over any land either for persons on foot or both for persons on foot and vehicles; **[**[F35]and Part I of Schedule 4 to this Act shall apply in relation to the compulsory purchase**]**. A right of way conferred under this subsection shall, subject to any express provision of the compulsory purchase order, imply—

(i) the right to construct and maintain gates, stiles and bridges along the right of way together with all such rights as would be implied in the grant of an easement or servitude for a right of way comparable to that conferred by the compulsory purchase order, and

(ii) where the right of way includes a right to pass over the land with vehicles, a right to transport materials, plant and apparatus in vehicles.

(4) Where in consequence of the exercise by a **[**[F33]public gas transporter**]**of any right acquired under subsection (3) of this section any person suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled to compensation in respect of that loss from the **[**[F33]public gas transporter**]**.

(5) Part II of Schedule 4 to this Act (which relates to cases where a well, borehole or shaft is used for the purpose of providing a supply of water) shall have effect for the purposes of this section.

(6) A right acquired under subsection (2) or subsection (3) of this section shall be deemed to be a charge affecting land falling within paragraph (iii) of class D in **[**[F38]section 2(5) of the [M9]Land Charges Act 1972**]**, and that Act and the [M10]Land Registration Act 1925 shall have effect accordingly.

(7) A right acquired as aforesaid in relation to a well, borehole or shaft situated in Scotland shall be recorded as soon as may be by the person acquiring the right in the General Register of Sasines.

(8) **[**[F39]Section 10(3) of the Coal Industry Act 1994**]** (restriction on alienation of coal and coalmines) shall not prevent the acquisition by a **[**[F33]public gas transporter**]**, whether by agreement or by compulsory purchase, for purposes connected with an underground gas storage of land which is the site of a well, borehole or shaft which forms part of a **[**[F40]coal mine (as defined in section 65 of the said Act of 1994)**]**which is disused, or of any rights as respects such a well, borehole or shaft.

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(9) References in this section to a storage area or protective area, or the depth prescribed by a storage authorisation order, shall, in relation to a compulsory purchase order which is made under this section after proposals for a storage authorisation order have been submitted to the Minister under paragraph 3 of Schedule 2 to this Act, but before the storage authorisation order takes effect, be taken as references to those areas, or the depth so prescribed, as set out in the proposals, or in an application under paragraph 6 of the said Schedule 2, and any variation of the areas or depth in the storage authorisation order, as compared with those proposals or the application, shall not invalidate the compulsory purchase order.

(10) The provisions of this section are without prejudice to the generality of the provisions of **[**[F34]Schedule 3 to the principal Act**]**.

(11) In the application of this section to Scotland, in subsection (4) "chattels" means corporeal moveables.

Textual Amendments

F33 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F34 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), S. 67(1)(3), Sch. 7 para. 6(3), **Sch. 8 para. 33**

F35 Words repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**

F36 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(11), **Sch. 8 para. 33**

F37 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(11), **Sch. 8 para. 33**

F38 Words substituted by virtue of Land Charges Act 1972 (c. 61, SIF 98:2), **s. 18(6)**

F39 Words in s. 13(8) substituted (31.10.1994) by 1994 c. 21, s. 67, 68(2), **Sch. 9 para. 9** (with s. 40(7)); S.I. 1994/2553, **art. 2**

F40 Words in s. 13(8) substituted (31.10.1994) by 1994 c. 21, s. 67, 68(2), **Sch. 9 para. 9** (with s. 40(7)); S.I. 1994/2553, **art. 2**

Modifications etc. (not altering text)

C7 S. 13(2)(3) modified (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), **s. 30**

Marginal Citations

M9 1972 c. 61.**(98:2)**

M10 1925 c. 21.**(98:2)**

14 Gas authority's liability for underground gas storage.

(1) Subject to this section, and to section 18(8)(b) of this Act, the **[**[F41]public gas transporter**]**shall be absolutely liable in civil proceedings in respect of damage caused by gas in an underground gas storage, or by gas in the boreholes connected with an underground gas storage, or which is escaping from or has escaped from any underground gas storage or any such boreholes.

(2) For the purposes of the law of tort liability under this section shall be regarded as arising from a duty owed by the **[**[F41]public gas transporter**]**to the person suffering the damage, and in section 1 of the [M11]Fatal Accidents Act 1846, references to a wrongful act, neglect or default shall include references to any occurrence which gives rise to liability under this section.

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(3) Subject to the [M12]Law Reform (Contributory Negligence) Act 1945, where the person suffers the damage as the result of his own fault (including in that expression the fault of his servant or agent) the **[**[F41]public gas transporter**]**shall not be responsible for the damage.

(4) In this section "damage" means loss of life, personal injury and damage to property, and in relation to Scotland for the reference to the law of tort there shall be substituted a reference to the law of reparation.

Textual Amendments

F41 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

Modifications etc. (not altering text)

C8 Reference to section 1 of the Fatal Accidents Act 1846 (c. 93) in s. 14(2) to be constituted as including references to Fatal Accidents Act 1976 (c. 30); Fatal Accidents Act 1976 (c. 30, SIF 122:3), **Sch. 1 para. 2**

Marginal Citations

M11 1846 c. 93.

M12 1945 c. 28.**(122:3)**

15 Responsibility of [[F42]public gas transporter] for interference with supplies of water. E+W

(1) If the injection of gas into, or the presence of gas in, an underground gas storage, or the escape of gas from an underground gas storage or the boreholes connected with an underground gas storage, pollutes any water or interferes with the flow of any water, or displaces any water located in or percolating through an underground stratum, and as a result any person is prevented from effectively exercising or enjoying a protected right (as defined in **[**[F43]Chapter II of Part II of the Water Resources Act 1991 or within the meaning of that Chapter so far as it applies in relation to any application for a licence which is a licence of right for the purposes of Schedule 7 to the Water Resources Act 1991)**]**) which was exercisable at the time when the storage authorisation order came into force, it shall be the duty of the **[**[F42]public gas transporter**]**concerned to pay such compensation, or to take such other steps, as are specified in this section.

(2) If the water obtainable in exercise of the protected right is polluted and it is reasonably practicable and economical to cleanse the amount of water which the users desire to obtain in exercise of that right, whether by means of apparatus permanently installed or by other means, then—

(a) where the users of the supply are statutory water **[**[F44]undertakers or the National Rivers Authority, the **[**[F42]public gas transporter**]** shall**]** pay to them the costs reasonably incurred by them in cleansing the supply of water so obtained, and

(b) where the users of the supply are other persons, the **[**[F42]public gas transporter**]**shall at **[**[F45]his**]**own cost cleanse the supply of water so obtained.

(3) Where subsection (2) of this section does not apply, and the persons entitled to exercise the protected right are statutory water **[**[F46]undertakers or the National Rivers Authority, the **[**[F42]public gas transporter**]** shall, if the statutory water undertakers or

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the National Rivers Authority provide**]** an alternative supply of water, pay to them the costs reasonably incurred by them in doing so:

Provided that the **[**[F42]public gas transporter**]**shall not be liable for those costs if and so far as they are attributable to the supply so provided being superior in quantity or quality to the supply which was being, or might have been, obtained in exercise of the protected right.

(4) Where subsection (2) of this section does not apply, and the persons entitled to exercise the protected right are not statutory water **[**[F47]undertakers or the National Rivers Authority, the **[**[F42]public gas transporter**]** shall**]**, at the request of those persons, and if it is reasonably practicable and economical so to do, provide without charge an alternative supply of water which is in quantity and quality equivalent to the supply which was being, or might have been, obtained in exercise of the protected right.

(5) Where subsection (2), subsection (3) or subsection (4) of this section applies the **[**[F42]public gas transporter**]**shall pay to the persons entitled to relief under those subsections—

(a) compensation for any loss or damage suffered by them in the period before effective action is taken under those provisions, and

(b) compensation by way of a lump sum payment in respect of the burden, if any, imposed on the persons entitled to exercise the protected right by reason of the **[**[F48]amounts payable—

(i) by virtue of **[**[F49]section 123 of the Water Resources Act 1991**]**; and

(ii) in respect of the alternative supply of water to which subsection (3) or subsection (4) of this section relates,

having regard to the amount, if any, which would have been payable as mentioned in sub-paragraph (i) above**]** in respect of the supply of water which is being replaced, and to any difference in the quantities of water being abstracted.

(6) Where subsections (2) to (5) of this section do not apply the **[**[F42]public gas transporter**]** shall pay compensation for the loss or damage suffered.

[F50](7) . . . . . .

(8) Any dispute between a **[**[F42]public gas transporter**]**and any other person as to whether or not it is reasonably practicable and economical to take such steps as are described in subsection (2) or subsection (4) of this section shall be referred to and determined by the Minister and the Minister concerned with water resources acting jointly.

Before determining a dispute referred to them under this subsection, the said Ministers shall afford to the parties to the dispute an opportunity of being heard before a person appointed by the Ministers for the purpose, and shall, in determining the dispute, take the report of the hearing into consideration.

(9) In this section references to a protected right which was exercisable at the time when the storage authorisation order came into force include references to a protected right deriving from a licence issued in substitution for a licence which was in force at that time.

(10) It is hereby declared that statutory water **[**[F51]undertakers, the National Rivers Authority or any**]** other person may surrender any of the rights conferred by this section on such terms as may be agreed with the **[**[F42]public gas transporter**]**.

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(11) In the application of this section to Scotland—

(a) for any reference to the exercise or enjoyment of a protected right (as defined by section 26 of the [M13]Water Resources Act 1963) there shall be substituted a reference to a right to the enjoyment for any purpose of an existing supply of water including a statutory right to take water;

(b) for any reference to statutory water undertakers there shall be substituted a reference to a local water authority;

(c) subsection (5)(b) shall be omitted;

(d) for the reference to Part XIV of Schedule 3 to the [M14]Water Act 1945 there shall be substituted a reference to Part VIII of Schedule 4 to the [M15]Water (Scotland) Act **[**[F52]1980**]**.

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

F42 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F43 Words in s. 15(1) substituted (E.W.) (1. 12. 1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 2, 4(2), **Sch. 1 para. 14(1)(a)**

F44 Words in s. 15(2)(a) "undertakers or the National Rivers Authority, the public gas supplier shall" substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(3)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

F45 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(12), **Sch. 8 para. 33**

F46 Words in s. 15(3) from "undertakers or the National Rivers Authority," to "provide" substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(3)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F47 Words in s. 15(4) "undertakers or the National Rivers Authority, the public gas supplier shall" substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25**, para. 32(3)(c) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

F48 Words in s. 15(5)(b) from "amounts payable" to "sub-paragraph (i) above" substituted (E.W.) by Water Act 1989 (c.15, SIF 130), s. 190(1), **Sch. 25**, para. 32(3)(d) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

F49 Words in s. 15(5)(b) substituted (1. 12. 1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 2, 4(2), **Sch. 1 para. 14(1)(b)**

F50 S. 15(7) repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

F51 Words in s. 15(10) "undertakers, the National Rivers Authority or any" substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(3)(e)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F52 Word substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112(1), **Sch. 10 Pt. II**

Modifications etc. (not altering text)

C9 S. 15(8) explained by S.I. 1970/1681, **Sch. 3 para. 10(2)**

Status: *Point in time view as at 01/03/1996.*
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Marginal Citations

M13 1963 c. 38.**(130)**
M14 1945 c. 42**(130)**
M15 1980 c. 45.**(130)**

15 Responsibility of [F207public gas transporter] for interference with supplies of water. S

(1) If the injection of gas into, or the presence of gas in, an underground gas storage, or the escape of gas from an underground gas storage or the boreholes connected with an underground gas storage, pollutes any water or interferes with the flow of any water, or displaces any water located in or percolating through an underground stratum, and as a result any person is prevented from effectively exercising or enjoying a protected right (as defined in section 26 of the M55Water Resources Act 1963) which was exercisable at the time when the storage authorisation order came into force, it shall be the duty of the **[**F207public gas transporter**]**concerned to pay such compensation, or to take such other steps, as are specified in this section.

(2) If the water obtainable in exercise of the protected right is polluted and it is reasonably practicable and economical to cleanse the amount of water which the users desire to obtain in exercise of that right, whether by means of apparatus permanently installed or by other means, then—

(a) where the users of the supply are statutory water undertakers or a river authority, the **[**F207public gas transporter**]**shall pay to them the costs reasonably incurred by them in cleansing the supply of water so obtained, and

(b) where the users of the supply are other persons, the **[**F207public gas transporter**]**shall at **[**F208his**]**own cost cleanse the supply of water so obtained.

(3) Where subsection (2) of this section does not apply, and the persons entitled to exercise the protected right are statutory water undertakers or a river authority, the **[**F207public gas transporter**]** shall, if the statutory water undertakers or the river authority provide an alternative supply of water, pay to them the costs reasonably incurred by them in doing so:

Provided that the **[**F207public gas transporter**]**shall not be liable for those costs if and so far as they are attributable to the supply so provided being superior in quantity or quality to the supply which was being, or might have been, obtained in exercise of the protected right.

(4) Where subsection (2) of this section does not apply, and the persons entitled to exercise the protected right are not statutory water undertakers or a river authority, the **[**F207public gas transporter**]** shall, at the request of those persons, and if it is reasonably practicable and economical so to do, provide without charge an alternative supply of water which is in quantity and quality equivalent to the supply which was being, or might have been, obtained in exercise of the protected right.

(5) Where subsection (2), subsection (3) or subsection (4) of this section applies the **[**F207public gas transporter**]**shall pay to the persons entitled to relief under those subsections—

(a) compensation for any loss or damage suffered by them in the period before effective action is taken under those provisions, and

(b) compensation by way of a lump sum payment in respect of the burden, if any, imposed on the persons entitled to exercise the protected right by reason

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of the charges and fees payable under Part V of the [M56]Water Resources Act 1963 in respect of the alternative supply of water to which subsection (3) or subsection (4) of this section relates, having regard to the charges and fees, if any, which would have been so payable in respect of the supply of water which is being replaced, and to any difference in the quantities of water being abstracted.

(6) Where subsections (2) to (5) of this section do not apply the **[**[F207]public gas transporter**]** shall pay compensation for the loss or damage suffered.

(7) The provisions of this section shall be without prejudice to the liability of a **[**[F207]public gas transporter**]**in any criminal proceedings under Part XIV of Schedule 3 to the [M57]Water Act 1945 or any other enactment, but liabilities discharged by a **[**[F207]public gas transporter**]**under this section shall go towards mitigating any liability for damages in civil proceedings for the pollution of, or other interference with, the water supply which are not brought by virtue of this section.

(8) Any dispute between a **[**[F207]public gas transporter**]**and any other person as to whether or not it is reasonably practicable and economical to take such steps as are described in subsection (2) or subsection (4) of this section shall be referred to and determined by the Minister and the Minister concerned with water resources acting jointly.

Before determining a dispute referred to them under this subsection, the said Ministers shall afford to the parties to the dispute an opportunity of being heard before a person appointed by the Ministers for the purpose, and shall, in determining the dispute, take the report of the hearing into consideration.

(9) In this section references to a protected right which was exercisable at the time when the storage authorisation order came into force include references to a protected right deriving from a licence issued in substitution for a licence which was in force at that time.

(10) It is hereby declared that statutory water undertakers, a river authority or any other person may surrender any of the rights conferred by this section on such terms as may be agreed with the **[**[F207]public gas transporter**]**.

(11) In the application of this section to Scotland—

(a) for any reference to the exercise or enjoyment of a protected right (as defined by section 26 of the [M58]Water Resources Act 1963) there shall be substituted a reference to a right to the enjoyment for any purpose of an existing supply of water including a statutory right to take water;

(b) for any reference to statutory water undertakers there shall be substituted a reference to a local water authority;

(c) subsection (5)(b) shall be omitted;

(d) for the reference to Part XIV of Schedule 3 to the [M59]Water Act 1945 there shall be substituted a reference to Part VIII of Schedule 4 to the [M60]Water (Scotland) Act **[**[F209]1980**]**.

Extent Information

E7 S. 15: This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F207 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F208 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(12), **Sch. 8 para. 33**

F209 Word substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112(1), **Sch. 10 Pt. II**

Modifications etc. (not altering text)

C22 S. 15(8) explained by S.I. 1970/1681, **Sch. 3 para. 10(2)**

Marginal Citations

M55 1963 c. 38.**(130)**

M56 1963 c. 38.**(130)**

M57 1945 c. 42**(130)**

M58 1963 c. 38.**(130)**

M59 1945 c. 42**(130)**

M60 1980 c. 45.**(130)**

16 Safety conditions.

(1) The Minister may, at any time, if he considers it necessary so to do in the interests of safety, by notice served on a **[**[F53]public gas transporter**]**impose conditions concerning the manner in which the **[**[F53]public gas transporter**][**[F54]develops or operates**]**an underground gas storage; and the Minister may in particular impose—

(a) conditions as to the maximum pressures at which gas may be injected into the underground gas storage,

(b) conditions as to the maximum rates at which gas may be injected into, or withdrawn from the underground gas storage,

(c) conditions as to the provision of boreholes to be used for making observations and measurements,

(d) conditions as to the removal in whole or in part of any ingredient or substance from, or the addition of any ingredient or substance to, gas before it is injected into the underground gas storage,

(e) conditions for securing that operations in connection with the storage of the gas are conducted so as to prevent the leakage of gas,(f) conditions for securing an efficient system for the testing of water supplies in and adjacent to the storage area and the protective area.

(2) The Minister may at any time, if he considers it necessary so to do in the interests of safety, by notice served on a **[**[F53]public gas transporter**]**require the **[**[F53]public gas transporter**]**to do all or any of the following things, that is,—

(a) to cease injecting gas into an underground gas storage, and

(b) to reduce the quantity of gas in the storage to such quantity as he may specify, and

(c) to take such other measures as respects the storage or any activity or matter connected therewith as appear to the Minister to be expedient in the interests of safety, and the Minister may include in the requirements terms making the duration of the requirements indefinite or for a definite period variable by a further notice under this subsection.

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Any notice under this section shall take effect as from such date as the Minister may specify in the notice; and may at any time be varied or revoked by a subsequent notice under this section.

(4) The **[**[F53]public gas transporter**]**on whom a notice is served under this section may at any time make representations to the Minister as to the date on which the notice is to take effect, or representations as to the variation or revocation of the notice; and the Minister shall take any such representations into account in deciding whether to exercise his powers of variation or revocation under this section.

(5) If a **[**[F53]public gas transporter**]**[[F55]fails**]**to comply with a condition or requirement imposed in a notice under this section, the **[**[F53]public gas transporter**]**shall be guilty of an offence under this Part of this Act and shall be liable—

(a) on summary conviction to a fine not exceeding one hundred pounds, and

(b) on conviction on indictment to a fine of any amount.

(6) In this section references to action necessary in the interests of safety include references to action necessary to protect water resources.

Textual Amendments

F53 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F54 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(13), **Sch. 8 para. 33**

F55 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(14), **Sch. 8 para. 33**

17 Accidents. E+W

(1) If—

(a) there is a leakage of gas from an underground gas storage, or from the boreholes connected with an underground gas storage, or

(b) some other event occurs which is of a kind which the Minister has by notice served on the **[**[F56]public gas transporter**]**specified for the purposes of this section,

notice of the event, in such form and accompanied by such particulars as may be specified by the Minister, shall forthwith be given by the **[**[F56]public gas transporter**]**to the Minister; and a **[**[F56]public gas transporter**]**failing to comply with this subsection shall be guilty of an offence under this Part of this Act.

(2) The Minister may, where he thinks it expedient so to do, direct an inquiry to be held into any event notice of which is to be given under the foregoing subsection, or any other event connected with the underground gas storage.

The inquiry shall be held in public and in accordance with the provisions of Schedule 5 to this Act.

(3) The Minister may, whether or not he proposes to hold an inquiry in public under the last foregoing subsection into any event connected with an underground gas storage, appoint one of his officers or some other competent person to investigate the event and to make a special report with respect to it, and the Minister may cause any such report to be made public at such time and in such manner as he thinks fit.

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Where, in the case of an event in Scotland that causes the death of a person, the Minister directs an inquiry to be held in public under this section, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the [M16]Fatal Accidents **[**[F57]and Sudden Deaths Inquiry (Scotland) Act 1976**]**.

(5) It shall be the duty of the **[**[F56]public gas transporter**]**to make arrangements—

(a) **[**[F58]for the National Rivers Authority and for every police force, fire authority, statutory water undertakers and sewerage undertakers**]** who appear to them to be authorities on whom duties will or may fall, or who will or may have to take precautionary or preventive action, in any event within paragraphs (a) and (b) of subsection (1) of this section, and

(b) for such other bodies as the Minister may specify by notice given to the **[**[F56]public gas transporter**]**, being bodies appearing to him to have duties to discharge in any such event,

to be notified immediately on the occurrence of any such event; and the **[**[F56]public gas transporter**]**shall provide those authorities and bodies with such plans, maps and other information as they may reasonably require in order to enable **[**[F59]him**]**to carry out those duties.

A **[**[F56]public gas transporter**]**failing to comply with this subsection shall be guilty of an offence under this Part of this Act.

(6) A **[**[F56]public gas transporter**]**guilty of an offence under this Part of this Act by virtue of this section shall be liable on summary conviction to a fine not exceeding **[**[F60]level 3 on the standard scale**]**.

Extent Information

E2 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F56 Words in Pt. 11 (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art.2**

F57 Words substituted by Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c. 14, SIF 36:3), **Sch. 1 para. 1**

F58 Words in s. 17(5)(a) substituted by 1989 c. 15, s. 190(1), **Sch. 25 para. 32(4)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F59 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(15), **Sch. 8 para. 33**

F60 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46

Marginal Citations

M16 1976 c. 14.**(36:3)**

17 Accidents. S

(1) If—

(a) there is a leakage of gas from an underground gas storage, or from the boreholes connected with an underground gas storage, or

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Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) some other event occurs which is of a kind which the Minister has by notice served on the **[**[F210]public gas transporter**]**specified for the purposes of this section,

notice of the event, in such form and accompanied by such particulars as may be specified by the Minister, shall forthwith be given by the **[**[F210]public gas transporter**]**to the Minister; and a **[**[F210]public gas transporter**]**failing to comply with this subsection shall be guilty of an offence under this Part of this Act.

(2) The Minister may, where he thinks it expedient so to do, direct an inquiry to be held into any event notice of which is to be given under the foregoing subsection, or any other event connected with the underground gas storage.

The inquiry shall be held in public and in accordance with the provisions of Schedule 5 to this Act.

(3) The Minister may, whether or not he proposes to hold an inquiry in public under the last foregoing subsection into any event connected with an underground gas storage, appoint one of his officers or some other competent person to investigate the event and to make a special report with respect to it, and the Minister may cause any such report to be made public at such time and in such manner as he thinks fit.

(4) Where, in the case of an event in Scotland that causes the death of a person, the Minister directs an inquiry to be held in public under this section, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the [M61]Fatal Accidents **[**[F211]and Sudden Deaths Inquiry (Scotland) Act 1976**]**.

(5) It shall be the duty of the **[**[F210]public gas transporter**]**to make arrangements—

(a) for every police force, fire authority, river authority, local water authority, river purification authority and statutory water undertakers who appear to them to be authorities on whom duties will or may fall, or who will or may have to take precautionary or preventive action, in any event within paragraphs (a) and (b) of subsection (1) of this section, and

(b) for such other bodies as the Minister may specify by notice given to the **[**[F210]public gas transporter**]**, being bodies appearing to him to have duties to discharge in any such event,

to be notified immediately on the occurrence of any such event; and the **[**[F210]public gas transporter**]**shall provide those authorities and bodies with such plans, maps and other information as they may reasonably require in order to enable **[**[F212]him**]**to carry out those duties.

A **[**[F210]public gas transporter**]**failing to comply with this subsection shall be guilty of an offence under this Part of this Act.

(6) A **[**[F210]public gas transporter**]**guilty of an offence under this Part of this Act by virtue of this section shall be liable on summary conviction to a fine not exceeding **[**[F213]level 3 on the standard scale**]**.

Extent Information

E8 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F210 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F211 Words substituted by Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c. 14, SIF 36:3), **Sch. 1 para. 1**

F212 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(15), **Sch. 8 para. 33**

F213 Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

Marginal Citations

M61 1976 c. 14.**(36:3)**

18 Discontinuance of an underground gas storage.

(1) If at any time it appears to the Minister necessary in the interest of safety that an underground gas storage should be discontinued, he may serve notice on the **[**[F61]public gas transporter**]**concerned stating that he proposes to make an order requiring the storage to be taken out of operation.

The **[**[F61]public gas transporter**]**may, within six weeks of the date of service of the notice, make representations to the Minister, and the Minister shall take the representations into account.

(2) A **[**[F61]public gas transporter**]**may at any time apply to the Minister for an order requiring the storage to be taken out of operation.

(3) The Minister shall include in an order under this section such provisions as appear to him necessary or expedient for the purpose of ensuring that the gas in the storage, and the stratum in which the gas is stored, do not become or remain a source of danger; and the Minister may, in particular, include among those provisions a requirement that the **[**[F61]public gas transporter**]**shall withdraw, so far as may be practicable, all gas from the storage.

(4) The **[**[F61]public gas transporter**]**shall submit a report to the Minister setting out the steps taken to comply with the order.

(5) Any requirement contained in an order under this section shall take effect as from such date as the Minister may specify in the order, and any such provision may at any time be varied or revoked by a subsequent order under this section.

(6) The **[**[F61]public gas transporter**]**may at any time make representations to the Minister as to the date on which any requirement in the order is to take effect, or representations as to the variation or revocation of the requirement; and the Minister shall take any such representations into account in deciding whether to exercise his powers of making an order varying or revoking any such requirement.

(7) At any time after the making of an order under this section the Minister may, if he considers that it is safe to do so, direct—

(a) that operations in the storage area and the protective area carried out on or after the date specified in the direction shall not be controlled operations, and

(b) that any conditions which may have been imposed on the carrying out of controlled operations in the storage area and the protective area shall cease to have effect on that date.

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(8) If a direction is given under the last foregoing subsection—

(a) section 11 of this Act shall have effect as if, wherever the Minister gave a decision giving rise to a liability to pay compensation under section 8 or section 9 of this Act, he had given a further decision under section 5 of this Act on the date when the direction comes into force giving his consent to the operations in question without any conditions, and

(b) section 14 of this Act shall not apply to any damage (as defined in that section) attributable to an event after the date when the direction comes into force.

(9) If a **[**[F61]public gas transporter**]**[[F62]fails**]**to comply with an order under this section, the **[**[F61]public gas transporter**]**shall be guilty of an offence under this Part of this Act and shall be liable—

(a) on summary conviction to a fine not exceeding one hundred pounds, and

(b) on conviction on indictment to a fine of any amount.

(10) In this section references to action necessary in the interests of safety include references to action necessary to protect water resources, and the expression "safe" shall be construed accordingly.

Textual Amendments

F61 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F62 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(14), **Sch. 8 para. 33**

19 Appointment of inspectors.

(1) The Minister may appoint as inspectors to assist him in the execution of this Part of this Act such number of persons appearing to him to be qualified for the purpose as he may from time to time consider necessary or expedient, and may make to or in respect of any person so appointed, such payments, by way of remuneration or allowances or otherwise, as the Minister may, with the approval of the Treasury, determine.

(2) Any sums paid by the Minister under the foregoing subsection shall be paid out of moneys provided by Parliament.

(3) **[**[F63]Every **[**[F64]public gas transporter**]**to whom a storage authorisation order applies during any period shall pay to the Minister such proportion as the Minister may determine of**]**Any sums so paid by the Minister, and such part of any expenses incurred by him as he may, with the consent of the Treasury, determine to be incurred in connection with the exercise of his powers under subsection (1) of this section, **[**[F65]and any sums received by the Minister under this subsection shall be**]**paid into the Exchequer.

The reference in this subsection to the Minister's expenses includes a reference to expenses incurred by any other government department in connection with the **[**[F66]Department of Energy**]**, and to such sums as the Treasury may determine in respect of the use for the purposes of that **[**[F66]Department of Energy**]**of any premises belonging to the Crown.

(4) Any liability of **[**[F67]**[**[F64]a public gas transporter**]** in respect of sums payable by him**]**under the last foregoing subsection on account of pensions shall, if the Minister

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so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Treasury, by reference to remuneration.

(5) An inspector shall, for the purpose of the execution of this Part of this Act, have power (subject to production, if so requested, of written evidence of his authority), to do all or any of the following things that is,—

(a) at all reasonable times to carry out inspections and tests of any underground gas storage, and of the equipment and apparatus used for the storage, and to take samples of any gas, fluid or other matter,

(b) to require the production of, and to inspect, any documents which are in the possession or under the control of the **[**[F64]public gas transporter**]**and which relate to the storage,

(c) to require any officer or servant of the **[**[F64]public gas transporter**]**having responsibilities as respects the storage to give to the inspector such facilities and assistance with respect to any matters or things to which the responsibilities of that officer or servant extend as are necessary for the purpose of enabling the inspector to exercise the powers conferred on him by paragraph (a) of this subsection.

(6) A person who—

(a) fails to comply with a requirement imposed under this section by an inspector, or

(b) obstructs an inspector in the exercise of the powers conferred by this section,

shall be guilty of an offence under this Part of this Act, and shall be liable on summary conviction to a fine not exceeding **[**[F68]level 3 on the standard scale**]**.

Textual Amendments

F63 Words inserted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(16)(a), **Sch. 8 para. 33**

F64 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F65 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(16)(b), **Sch. 8 para. 33**

F66 Words substituted by virtue of S.I. 1969/1498, **arts. 2(1)**, 5(6), 1970/1537, arts. 2(2), 7(4) and 1974/692, arts. 2(3), 5(3)

F67 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(17), **Sch. 8 para. 33**

F68 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

20 Powers of entry.

Schedule 6 to this Act (which confers powers of entry on land and powers of prospecting and surveying land) shall have effect for the purposes of this Part of this Act.

21 General provisions as to offences under Part II.

(1) **[**[F69]Section 43(1)**]**of the principal Act (punishment for false information given for purposes of Act) shall apply as if references in that subsection to any provision of that Act included references to any provision of this Part of this Act.

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Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) **[**[F70]Section 43(2)**]**of the principal Act (restriction on institution of prosecutions) shall apply as if the reference in that section to an offence under the said **[**[F70]section 43(1)**]**included a reference to an offence under any provision of this Part of this Act.

(3) Where a body corporate is guilty of an offence under any provision of this Part of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or of any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection, the expression "director", in relation to . . . [F71]any other body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that . . . [F71]body corporate.

(4) Without prejudice to the operation, as respects England and Wales, of section 8 of the [M17]accessories and Abettors Act 1861 and **[**[F72]section 44 of the [M18]Magistrates' Courts Act 1980**]**, any person who aids, abets, counsels or procures the commission of an offence under this Part of this Act shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) If by virtue of either of the two last foregoing subsections an individual is guilty of an offence under section 16(5) or section 18(9) of this Act the individual shall be liable—

(a) on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both, and

(b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine of any amount or to both.

Textual Amendments

F69 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(18), **Sch. 8 para. 33**

F70 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(19), **Sch. 8 para. 33**

F71 Words repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(20), **Sch. 8 para. 33**

F72 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 7 para. 54**

Marginal Citations

M17 1861 c. 94.**(39:1)**

M18 1980 c. 43.**(82)**

22 Application of provisions of principal Act.

(1) **[**[F73]Section 46**]**of the principal Act (service of notices) shall apply as if any reference in that section to the principal Act included a reference to this Part of this Act.

(2) **[**[F74]Section 46 of the [M19]Gas Act 1972**]**(inquiries held by Minister) shall apply as if any reference in that section to **[**[F75]that Act**]**included a reference to this Part of this Act,

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Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

and the provisions of that section shall apply to any public local inquiry held by the Minister in pursuance of this Part of this Act, other than an inquiry under Schedule 5 to this Act, as they apply to any inquiry held by the Minister under that section.

Textual Amendments

F73 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(21), **Sch. 8 para. 33**

F74 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(22), **Sch. 8 para. 33**

F75 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(22), **Sch. 8 para. 33**

Marginal Citations

M19 1972 c. 60.**(44:2)**

23 Assessment of compensation. E+W

(1) There shall be referred to and determined by the Lands Tribunal—

(a) any question of disputed compensation under this Part of this Act, including any question as to the liability of a **[**[F76]public gas transporter**]**to pay any sum under section 15 of this Act, and

(b) any question as to the amount recoverable by a **[**[F76]public gas transporter**]**under section 11 of this Act,

but subject to the express provisions of this Part of this Act referring questions for the decision of any Ministers.

(2) In relation to the determination of any question so referred to the Lands Tribunal the provisions of sections 2 and 4 of the [M20]Land Compensation Act 1961 or, as the case may be, sections 9 and 11 of the [M21]Land Compensations (Scotland) Act 1963 (which relate to procedure and costs) shall apply, subject to any necessary modifications.

(3) For the purposes of assessing any compensation under this Part of this Act in respect of depreciation of an interest in land the rules set out in section 5 of the said Act of 1961 or, as the case may be, section 2 of the said Act of 1963 (which are the rules applicable to compulsory purchases of land) shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purposes of assessing compensation for the compulsory acquisition of an interest in land.

(4) On the reference to the Lands Tribunal—

(a) of any claim for compensation under section 7 of this Act, or

(b) of any question of disputed compensation on a compulsory acquisition by a **[**[F76]public gas transporter**]**in which it is claimed that any land has been injuriously affected by the making of a storage authorisation order and its effect under this Part of this Act,

the Tribunal may admit evidence as to the effect which the introduction and use of underground gas storages in other parts of the United Kingdom or elsewhere have had on land values, so far as such evidence may tend to indicate, particularly in cases where direct evidence of the value of the land in question is scarce or non-existent, whether any, and if so how much, depreciation occurred at any given date.

(5) Without prejudice to the generality of the principles on which compensation is to be assessed under this Part of this Act, account shall be taken in assessing compensation

under this Part of this Act of the provisions of **[**[F77]Chapter II of Part II of the Water Resources Act 1991**]**, of the [M22]Water (Scotland) **[**[F78]Act 1980**]**, of the [M23]Spray Irrigation (Scotland) Act 1964, and of any other enactment restricting rights or powers of abstracting water.

Extent Information

E3 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

F76 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F77 Words in s. 23(5) substituted (E.W.) (1. 12. 1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 2, 4(2), **Sch. 1 para. 14(2)**

F78 Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**

Marginal Citations

M20 1961 c. 33.**(28:1)**

M21 1963 c. 51.**(28:2)**

M22 1980 c. 45.**(130)**

M23 1964 c. 90.**(46:4)**

23 Assessment of compensation. S

(1) There shall be referred to and determined by the Lands Tribunal—

(a) any question of disputed compensation under this Part of this Act, including any question as to the liability of a **[**[F214]public gas transporter**]**to pay any sum under section 15 of this Act, and

(b) any question as to the amount recoverable by a **[**[F214]public gas transporter**]**under section 11 of this Act,

but subject to the express provisions of this Part of this Act referring questions for the decision of any Ministers.

(2) In relation to the determination of any question so referred to the Lands Tribunal the provisions of sections 2 and 4 of the [M62]Land Compensation Act 1961 or, as the case may be, sections 9 and 11 of the [M63]Land Compensations (Scotland) Act 1963 (which relate to procedure and costs) shall apply, subject to any necessary modifications.

(3) For the purposes of assessing any compensation under this Part of this Act in respect of depreciation of an interest in land the rules set out in section 5 of the said Act of 1961 or, as the case may be, section 2 of the said Act of 1963 (which are the rules applicable to compulsory purchases of land) shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purposes of assessing compensation for the compulsory acquisition of an interest in land.

(4) On the reference to the Lands Tribunal—

(a) of any claim for compensation under section 7 of this Act, or

(b) of any question of disputed compensation on a compulsory acquisition by a **[**[F214]public gas transporter**]**in which it is claimed that any land has been injuriously affected by the making of a storage authorisation order and its effect under this Part of this Act,

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Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the Tribunal may admit evidence as to the effect which the introduction and use of underground gas storages in other parts of the United Kingdom or elsewhere have had on land values, so far as such evidence may tend to indicate, particularly in cases where direct evidence of the value of the land in question is scarce or non-existent, whether any, and if so how much, depreciation occurred at any given date.

(5) Without prejudice to the generality of the principles on which compensation is to be assessed under this Part of this Act, account shall be taken in assessing compensation under this Part of this Act of the provisions of the [M64]Water Resources Act 1963, of the [M65]Water (Scotland) **[**[F215]Act 1980**]**, of the [M66]Spray Irrigation (Scotland) Act 1964, and of any other enactment restricting rights or powers of abstracting water.

Extent Information

E9 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

F214 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F215 Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**

Marginal Citations

M62 1961 c. 33.**(28:1)**
M63 1963 c. 51.**(28:2)**
M64 1963 c. 38.**(130)**
M65 1980 c. 45.**(130)**
M66 1964 c. 90.**(46:4)**

24 Special provisions as to payment of compensation.

(1) Where compensation under the provisions of section 7, section 8 or section 9 of this Act is payable in respect of depreciation of the value of an interest in land and that interest is subject to a mortgage—

(a) any such compensation shall be assessed as if the interest were not subject to the mortgage;

(b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;

(c) no such compensation shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and

(d) any such compensation which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale;

and in relation to an interest in land in Scotland "mortgage" means a heritible security including a security constituted by ex facie absolute disposition or assignation, and "mortgagee" means the creditor in such a security.

(2) Compensation payable under this Part of this Act in respect of an interest in land may, where under the [M24]Settled Land Act 1925 or any other enactment a limited owner

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can give a good discharge for the purchase money on a purchase of that interest, be paid to that person.

(3) In the application of the last foregoing subsection to Scotland for any reference to a person being a limited owner under the Settled Land Act 1925 or any other enactment there shall be substituted a reference to a liferenter.

Marginal Citations
M24 1925 c. 18.**(98:3)**

25 Application to the Crown.

(1) Land in which there is a Crown or Duchy interest may, with the consent of the appropriate authority, be included in a storage area or in a protective area.

(2) Except with the approval of the Minister, no controlled operations shall be carried out in any land by a government department or, in land as respects which an appropriate authority, other than a government department, have given their consent under subsection (1) of this section, by that authority, but nothing in this section or in any other provision of this Part of this Act shall be taken as applying section 5 of this Act so as to bind the Crown.

(3) In this section "Crown or Duchy interest" means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department; and "the appropriate authority"—

(a) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate means the Crown Estate Commissioners and in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land;

(b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;

(c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall, appoints; and

(d) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department;

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

26 Ecclesiastical property.

(1) Where under this Part of this Act a document is required to be served on an owner of land, and the land is ecclesiastical property, a copy of the document shall be served on the Church Commissioners.

(2) Any compensation payable under this Part of this Act to a person by virtue of his title to any interest in land shall, if the land is ecclesiastical property and if the interest is the fee simple in the land, be paid (where the fee simple is vested in any person other than the Church Commissioners) to them instead of to that person.

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(3) Any sums paid under the last foregoing subsection to the Church Commissioners with reference to any land shall, if the land is not consecrated, be applied by them for the purposes for which the proceeds of a sale by agreement of the fee simple in the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale, and, if the land is consecrated, be applied by them in such manner as they may determine.

(4) Where the fee simple in any ecclesiastical property is in abeyance, it shall be treated—

(a) for the purposes of this Part of this Act, and

(b) for the purposes of any proceedings for the confirmation of a compulsory purchase order made by virtue of **[**[F79]Schedule 3 to the principal Act**]**for purposes connected with an underground gas storage and of the compulsory purchase in pursuance of the compulsory purchase order,

as being vested in the Church Commissioners, and any notice to treat shall be served accordingly.

(5) In this section the expression "ecclesiastical property" means land belonging to an ecclesiastical benefice of the Church of England, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese of the Church of England or the site of a church so subject, or being or forming part of a burial ground so subject.

Textual Amendments

F79 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), S. 67(1)(3), Sch. 7 para. 6(3), **Sch. 8 para. 33**

27 Registration in register of local land charges and General Register of Sasines.

[[F80](1) For the purposes of the [M25]Local Land Charges Act 1975, **[**[F81]the **[**[F82]public gas supplier**]** concerned**]**shall be treated as the originating authority as respects any matter which is a local land charge by virtue of this Part of this Act.**]**

(2) . . . . . [F83]

(5) It shall be the duty of any person required to record any matter in the General Register of Sasines under this Part of this Act to include in the particulars to be recorded the names of the owners of and the addresses of all properties affected by that matter, and such information as the Keeper of the Registers of Scotland may require for the performance of his functions, and to notify the Keeper of any modification or discharge of entries relating to matters so recorded, and, in particular, it shall be the duty of the **[**[F82]public gas transporter**]**, for the purpose of enabling an entry under section 5(11) of this Act to be discharged, to give notice of any direction given under section 18(7).

Textual Amendments

F80 S. 27(1) substituted by Local Land Charges Act 1975 (c. 76, SIF 98:2), **Sch. 1**

F81 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(23), **Sch. 8 para. 33**

F82 Words in Pt. II (ss. 4-28) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 7(1)**; S.I. 1996/218, **art. 2**

F83 S. 27(2)–(4) repealed by Local Land Charges Act 1975 (c. 76, SIF 98:2), **Sch. 2**

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations
M25 1975 c. 76.**(98:2)**

28 Interpretation of Part II. E+W

(1) In this Part of this Act, unless the context otherwise requires—

"compulsory purchase order" means an order confirmed under Schedule 1 to the [M26]Acquisition of Land (Authorisation Procedure) Act 1946 or under Schedule 1 to the [M27]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

"controlled operations" has the meaning given by section 5 of this Act;

. . . . . [F84]

"danger" means danger of bodily harm or injury or danger to property, and "safe" and "safety" shall be construed accordingly;

"fire authority" means an authority which for the time being is constituted a fire authority by the [M28]Fire Services Act 1947 or any combination scheme made under that Act;

. . . . . [F85]

"Gazette" means, in relation to land in England and Wales, the London Gazette and, in relation to land in Scotland, the Edinburgh Gazette;

[[F86]"large-scale map" means a map drawn on a scale not less than 1 in 10,560;**]**

[F87] . . .

"local authority" means, in England and Wales, **[**[F88]the council of a county or district**]**, the council of a London borough and the common council of the City of London, and, in Scotland a **[**[F89]regional, islands or district**]**council;

"local planning authority" in England and Wales has the meaning assigned to it by **[**[F90]section 336(1) of the Town and Country Planning Act 1990**]**, . . . [F91]and, in Scotland, the meaning assigned to it by **[**[F92]section 1 of the [M29]Town and Country Planning (Scotland) Act 1972**]**;

[[F93]"local water authority" means a water authority within the meaning of section 109(1) of the [M30]Water (Scotland) Act 1980;**]**

"Minister concerned with water resources" means—

[[F94](a) in relation to England and Wales, the Secretary of State;**]**

(d) in relation to land in Scotland, **[**[F95]the Secretary of State for Scotland**]**;

"natural gas" means any gas derived from natural strata (including gas orginating outside the United Kingdom);

"owner", in relation to any land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion and, in relation to any land in Scotland,—

(a) unless the land is held on a long lease, means, if the land if feudal property, the proprietor of the*dominium utile* or, if the land is not feudal property, the owner of the land;

(b) if the land is held on a long lease, means the lessee under that lease;

and, for the purposes of this definition, "long lease" means a lease which has been, or is capable of being, recorded in the General Register of Sasines under the [M31]Registration of Leases (Scotland) Act 1857;

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"planning Minister" means, in relation to England, the **[**[F96]Secretary of State**]**and, in relation to Scotland or Wales, the Secretary of State;

"planning permission" means permission under **[**[F90]Part III of the [M32]Town and Country Planning Act 1990 (other than sections 88 and 89)**]** or under **[**[F92]Part III of the [M33]Town and Country Planning (Scotland) Act 1972**]**;

[F87] . . .

"river purification authority" has the same meaning as in section 17 of the [M34]Rivers (Prevention of Pollution) (Scotland) Act 1951;

"statutory licence to abstract water", in relation to England and Wales, means a licence under Part IV of the Water Resources Act 1963 and in relation to Scotland means a statutory right to take water;

"statutory right to take water" means a right to take water conferred by an order under section **[**[F97]17**]**of the [M35]Water (Scotland) Act **[**[F97]1980**]**or by a provisional order having effect in Scotland;

"statutory undertakers" means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of . . . [F98], . . . [F99]hydraulic power [F100]. . .;

[[F101]"statutory water undertakers" means any water undertaker**]**

"storage authorisation order" means an order under section 4 of this Act;

"underground gas storage" means a storage of gas in a stratum below the surface of the ground in accordance with a storage authorisation order or, if the context so requires, the stratum where gas is so stored.

(2) In this Part of this Act the expressions "protective area" and "storage area" have the meanings respectively assigned by section 5(1) of, and paragraph 1 of Schedule 2 to, this Act and, except where the context otherwise requires, any reference in this Part of this Act to a protective area or storage area includes all land and strata at all depths below the surface of the ground in the area.

(3) For the purposes of this Part of this Act Monmouthshire shall be deemed to be in Wales and not in England.

(4) In relation to Scotland for any reference in this Part of this Act to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

. . . . . [F102]

[F103](5) . . . . . .

Extent Information

E4 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

F84 Definition of "the corporation" inserted by Gas Act 1972 (c. 60, SIF 44:2), **Sch. 6 para. 14(9)(a)** repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3)(4), Sch. 7 para. 6(1)(a), Sch. 8 para. 33, **Sch. 9 Pt. I**

F85 Definition of "Gas Authority" repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(24)(a), **Sch. 8 para. 33**

F86 Definition substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(24)(b), **Sch. 8 para. 33**

F87 Definition repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58.

F88 Words substituted by S.I. 1974/595, **art. 3(12)**

F89 Words substituted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), **Sch. 27 Pt. II para. 158**

F90 Words substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 12(2)**

F91 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

F92 Words substituted by Town and Country Planning Act (Scotland) Act 1972 (c. 52, SIF 123:2), **Sch. 21 Pt. II**

F93 Definition substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112(1), **Sch. 10 Pt. II**

F94 Paragraph (a) substituted (E.W.) for paragraphs (a) to (c) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F95 Words substituted by S.I. 1970/1681, **Sch. 3 para. 10(1)**

F96 Words substituted by virtue of S.I. 1970/1681, **arts. 2(1)**, 6(3)

F97 Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**

F98 Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

F99 Word repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**

F100 Words repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58.

F101 Definition of "statutory water undertakers" substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F102 S. 28(4) proviso repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. XVII**

F103 S. 28(5) repealed (E.W.) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3, 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

Marginal Citations

M26 1946 c. 49.**(28:1)**

M27 1947 c. 42.**(28:2)**

M28 1947 c. 41.**(50)**

M29 1972 c. 52.**(123:2)**

M30 1980 c. 45.**(130)**

M31 1857 c. 26.**(75:2)**

M32 1990 c. 8.**(123:1)**

M33 1972 c. 52.**(123:2)**

M34 1951 c. 66.**(46:4)**

M35 1980 c. 45.**(130)**

28 Interpretation of Part II. S

(1) In this Part of this Act, unless the context otherwise requires—

"compulsory purchase order" means an order confirmed under Schedule 1 to the [M67]Acquisition of Land (Authorisation Procedure) Act 1946 or under Schedule 1 to the [M68]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

"controlled operations" has the meaning given by section 5 of this Act;

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. . . . . [F216]

"danger" means danger of bodily harm or injury or danger to property, and "safe" and "safety" shall be construed accordingly;

"fire authority" means an authority which for the time being is constituted a fire authority by the [M69]Fire Services Act 1947 or any combination scheme made under that Act;

. . . . . [F217]

"Gazette" means, in relation to land in England and Wales, the London Gazette and, in relation to land in Scotland, the Edinburgh Gazette;

[[F218]"large-scale map" means a map drawn on a scale not less than 1 in 10,560;**]**

"limits of supply", in England and Wales in relation to any statutory water undertakers, means the limits within which the undertakers are for the time being authorised to supply water and, in Scotland in relation to any local water authority, has the meaning assigned to it by section **[**[F219]109(1)**]** of the [M70]Water (Scotland) Act **[**[F219]1980**]**;

"local authority" means, in England and Wales, **[**[F220]the council of a county or district**]**, the council of a London borough and the common council of the City of London, and, in Scotland a **[**[F221]regional, islands or district**]**council;

"local planning authority" in England and Wales has the meaning assigned to it by **[**[F222]section 336(1) of the Town and Country Planning Act 1990**]**, . . . [F223]and, in Scotland, the meaning assigned to it by **[**[F224]section 1 of the [M71]Town and Country Planning (Scotland) Act 1972**]**;

[[F225]"local water authority" means a water authority within the meaning of section 109(1) of the [M72]Water (Scotland) Act 1980;**]**

"Minister concerned with water resources" means—

[[F226](a) in relation to England and Wales, the Secretary of State;**]**

(d) in relation to land in Scotland, **[**[F227]the Secretary of State for Scotland**]**;

"natural gas" means any gas derived from natural strata (including gas orginating outside the United Kingdom);

"owner", in relation to any land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion and, in relation to any land in Scotland,—

(a) unless the land is held on a long lease, means, if the land if feudal property, the proprietor of the*dominium utile* or, if the land is not feudal property, the owner of the land;

(b) if the land is held on a long lease, means the lessee under that lease;

and, for the purposes of this definition, "long lease" means a lease which has been, or is capable of being, recorded in the General Register of Sasines under the [M73]Registration of Leases (Scotland) Act 1857;

"planning Minister" means, in relation to England, the **[**[F228]Secretary of State**]**and, in relation to Scotland or Wales, the Secretary of State;

"planning permission" means permission under **[**[F222]Part III of the [M74]Town and Country Planning Act 1990 (other than sections 88 and 89)**]** or under **[**[F224]Part III of the [M75]Town and Country Planning (Scotland) Act 1972**]**;

"river authority" means a river authority established under Part II of the [M76]Water Resources Act 1963, the Conservators of the River Thames, the Lee Conservancy Catchment Board and the Isle of Wight River and Water

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Authority; and for the purposes of this Part of this Act the area of the Conservators of the River Thames shall be the Thames Catchment Area and the London excluded area (as defined in section 125(5) of the Water Resources Act 1963), and the area of the Lee Conservancy Catchment Board shall be the Lee Catchment Area;

"river purification authority" has the same meaning as in section 17 of the [M77]Rivers (Prevention of Pollution) (Scotland) Act 1951;

"statutory licence to abstract water", in relation to England and Wales, means a licence under Part IV of the Water Resources Act 1963 and in relation to Scotland means a statutory right to take water;

"statutory right to take water" means a right to take water conferred by an order under section **[**[F219]17**]**of the [M78]Water (Scotland) Act **[**[F219]1980**]**or by a provisional order having effect in Scotland;

"statutory undertakers" means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of . . . [F229], . . . [F230]hydraulic power or water;

"statutory water undertakers" has the same meaning as in the provisions of the [M79]Water Act 1945, other than Part II of that Act;

"storage authorisation order" means an order under section 4 of this Act;

"underground gas storage" means a storage of gas in a stratum below the surface of the ground in accordance with a storage authorisation order or, if the context so requires, the stratum where gas is so stored.

(2) In this Part of this Act the expressions "protective area" and "storage area" have the meanings respectively assigned by section 5(1) of, and paragraph 1 of Schedule 2 to, this Act and, except where the context otherwise requires, any reference in this Part of this Act to a protective area or storage area includes all land and strata at all depths below the surface of the ground in the area.

(3) For the purposes of this Part of this Act Monmouthshire shall be deemed to be in Wales and not in England.

(4) In relation to Scotland for any reference in this Part of this Act to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

. . . . . [F231]

(5) In section 15 of this Act and in Part II of Schedule 4 to this Act the references to a protected right as defined in section 26 of the [M80]Water Resources Act 1963 include references to a protected right within the meaning of the said section 26 as extended by section 56(1)(b) of that Act (pending applications for licences),and the said section 56(1) shall have effect as if the provisions of this Part of this Act referring to a statutory licence to abstract water were mentioned in paragraphs (a) and (b) of that subsection.

Extent Information

E10 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Status: *Point in time view as at 01/03/1996.*
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Textual Amendments

F216 Definition of "the corporation" inserted by Gas Act 1972 (c. 60, SIF 44:2), **Sch. 6 para. 14(9)(a)** repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3)(4), Sch. 7 para. 6(1)(a), Sch. 8 para. 33, **Sch. 9 Pt. I**

F217 Definition of "Gas Authority" repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(24)(a), **Sch. 8 para. 33**

F218 Definition substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(24)(b), **Sch. 8 para. 33**

F219 Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**

F220 Words substituted by S.I. 1974/595, **art. 3(12)**

F221 Words substituted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), **Sch. 27 Pt. II para. 158**

F222 Words substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 12(2)**

F223 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

F224 Words substituted by Town and Country Planning Act (Scotland) Act 1972 (c. 52, SIF 123:2), **Sch. 21 Pt. II**

F225 Definition substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112(1), **Sch. 10 Pt. II**

F226 Paragraph (a) substituted (E.W.) for paragraphs (a) to (c) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F227 Words substituted by S.I. 1970/1681, **Sch. 3 para. 10(1)**

F228 Words substituted by virtue of S.I. 1970/1681, **arts. 2(1)**, 6(3)

F229 Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

F230 Word repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**

F231 S. 28(4) proviso repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. XVII**

Marginal Citations

M67 1946 c. 49.**(28:1)**
M68 1947 c. 42.**(28:2)**
M69 1947 c. 41.**(50)**
M70 1980 c. 45.**(130)**
M71 1972 c. 52.**(123:2)**
M72 1980 c. 45.**(130)**
M73 1857 c. 26.**(75:2)**
M74 1990 c. 8.**(123:1)**
M75 1972 c. 52.**(123:2)**
M76 1963 c. 38.**(130)**
M77 1951 c. 66.**(46:4)**
M78 1980 c. 45.**(130)**
M79 1945 c. 42**(130)**
M80 1963 c. 38.**(130)**

PART III

GENERAL

29, 30. . . . . . F104

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F104 Ss. 1–3, 29, 30 and Sch. 1 repealed by Gas Act 1972 (c. 60, SIF 44:2), **Sch. 8**

31 Financial provisions.

[[F105](1) Any additional sums which, in consequence of the provisions of this Act, may be required to be issued out of the consolidated fund, or paid into the Exchequer, or raised by the Treasury, under section 2 of the Electricity and Gas Act 1963 (Exchequer advances to nationalised industries) or section 45 of the principal Act (Treasury guarantees) shall be charged on and issued out of the consolidated fund, or paid into the Exchequer, or may be raised by the Treasury, as the case may be.**]**

(2) . . . . . [F106]

Textual Amendments

F105 S. 31(1) repealed, except in relation to money borrowed before 1.4.1968 or to any requirement as respect any account or statement for the year ending on 31.3.1968 or any earlier year, by National Loans Act 1968 (c. 13, SIF 99:3), **Sch. 6 Pt. I**

F106 S. 31(2) repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Part XVII**

Modifications etc. (not altering text)

C10 The text of s. 31(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

32 Short title, interpretation, extent and commencement.

(1) This act may be cited as the Gas Act 1965.

(2) In this Act "the principal Act" means **[**[F107]the [M36]Gas Act 1986, "**[**[F108]public gas transporter"**]** has the same meaning as in Part I of**]**that Act and "the Minister" means the **[**[F109]Secretary of State**]**.

(3) Except in so far as the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

(4) This Act shall not extend to Northern Ireland.

(5) Part I and this Part of this Act shall come into force on the passing of this Act, and Part II of this Act shall come into force on such date as the Minister may by order in a statutory instrument appoint, and different dates may be appointed under this subsection for different provisions of that Part or for different purposes.

Textual Amendments

F107 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(25), **Sch. 8 para. 33**

F108 Words in s. 32(2) substituted (1.3.1996) by 1995 c. 45 s. 16(1), Sch. 4 para. 7(2); S.I. 1996/218, **art. 2**

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F109 Words substituted by virtue of S.I. 1969/1498, **arts. 2(1)**, 5(6), 1970/1537, arts. 2(2), 7(4) and 1974/692, arts. 2(3), 5(3)

Modifications etc. (not altering text)

C11 1.12.1965 appointed by S.I. 1965/1983, **art. 1**

Marginal Citations

M36 1986 c. 44. (44:2)

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

[F110][F110]SCHEDULE 1

Textual Amendments

F110 Ss. 1–3, 29, 30 and Sch. 1 repealed by Gas Act 1972 (c. 60, SIF 44:2), **Sch. 8**

. . . . . [F110]

SCHEDULE 2

STORAGE AUTHORISATION ORDERS

PART I

FORM OF ORDER

1 (1) A storage authorisation order—

(a) shall state the name of the **[**[F111]public gas supplier**]**in whose favour it is made,

(b) shall specify by reference to a large-scale map attached to the order the extent and location of the stratum within which gas is to be stored, and the surface perimeter of the area within which gas may be stored, and

(c) shall state the nature of the gas authorised to be stored.

(2) In this Part of this Act the area within the said surface perimeter specified in the order is referred to as "storage area".

Textual Amendments

F111 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

2 The storage authorisation order shall also specify by reference to a large-scale map the perimeter of any protective area to be created by the order for the purposes of section 5 of this Act, and shall for the whole of the storage area, and for the whole of any protective area, specify the depth or depths below which the Minister's control under that section is exercisable.

Status: *Point in time view as at 01/03/1996.*
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PART II

PROCEDURE FOR MAKING ORDERS

Preliminary submission of proposals

3 (1) **[**[F112]The applicant**]**shall before making the application formally in accordance with paragraph 6 of this Schedule submit **[**[F113]his proposals**]**in writing to the Minister.

(2) The written proposals shall include the name and address of **[**[F112]the applicant**]**and shall—

(a) specify by reference to a large-scale map the perimeter of the storage area and of any protective area,

(b) state the depth or depths below which it is proposed that the Minister's control over workings and borings is to have effect in the various parts of the storage and protective areas,

(c) state the nature and volume of the gas which it is proposed to store, and the depths and nature of the stratum in which it is to be stored, and of the strata contiguous to that stratum,

(d) include information as to the proposed method of operating the storage, including the methods of injecting and withdrawing gas, and

(e) state what exploratory work has been carried out to prove the proposed storage, and the results obtained from the work.

(3) The Minister may require **[**[F112]the applicant**]**to furnish further information in writing concerning **[**[F113]his proposals**]**.

Textual Amendments

F112 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(a), **Sch. 8 para. 33**

F113 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(b), **Sch. 8 para. 33**

4 (1) **[**[F114]The applicant**]**shall publish in two successive weeks in the Gazette, and in one or more local newspapers circulating in the locality of the storage area, a notice of the submission of the proposals to the Minister, naming a place in the locality where copies of the proposals, and of the accompanying map, can be inspected, describing the surface area of the storage and protective areas, and stating the nature and volume of gas proposed to be stored and the minimum depth below the surface of the ground of the stratum in which it is to be stored.

(2) **[**[F114]The applicant**]**shall serve a notice containing all the particulars in the notice published under the foregoing provisions of this paragraph, and such further information as the Minister may direct,—

(a) on every local planning **[**[F115]authority, **[**[F116]every local authority who are not a local planning authority and every**]**river authority within**]**[[F115]authority and every local authority who are not a local planning authority, being, in either case, an authority within**]** whose area any part of the storage area or protective area lies, and

(b) on all statutory water undertakers within whose **[**[F117]limits of supply**]**[[F117]area**]** any part of the storage area or protective area lies, or who

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are holders of a statutory licence to abstract water within either of those areas, and

[F118(bb) on the National Rivers Authority, and]

(c) on such other bodies or individuals as the Minister may direct.

Textual Amendments

F114 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(a), **Sch. 8 para. 33**

F115 Words from "authority and every" to "within" substituted (E.W.) for the words from "authority, every" to "within" by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F116 Words substituted by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 29 Pt. II para. 20(1)**

F117 Word "area" substituted (E.W.) for words "limits of supply" by Water Act 1989 (c.15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)(b)**(with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F118 Sch. 2 paras. 4(2)(bb), 7(3)(bb), 12(1)(bb) and 16(2)(bb) inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)(c)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

5 (1) The Minister, after taking the proposals into consideration, may refuse to allow [F119the applicant]to proceed with the proposals, or may allow [F119the applicant]to proceed with the proposals in a formal application under the following provisions of this Schedule, with or without any modifications specified by the Minister.

(2) Any such modifications shall not vary the storage area so as to include any area which was not so included in [F120the applicant's]proposals submitted to the Minister.

(3) The Minister shall inform [F119the applicant]of his decision under this paragraph, and if the decision is to refuse to allow [F119the applicant]to proceed with the proposals, the Minister shall at the request in writing of [F119the applicant]furnish a written statement of the reasons for his decision.

Textual Amendments

F119 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(a), **Sch. 8 para. 33**

F120 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(e), **Sch. 8 para. 33**

Formal application for order

6 (1) The application shall be in writing and shall include—

(a) a specification of the surface works, boreholes and pipes associated with the storage, and any limits of deviation that may be required in their construction, and

(b) a large-scale map showing the perimeters of the storage area and of any protective area and the intended positions of surface works, boreholes and pipes, so far as those are known, and any limits of deviation that may be required in siting them, and

(c) sufficient particulars of any additional surface works which will be or are likely to be required, but the position of which cannot be determined at the time when the application is made, and

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(d) a statement of the depth or depths below which it is proposed that the Minister's control over workings and borings is to have effect in the various parts of the storage and protective areas, and

(e) particulars of the nature and volume of the gas which it is proposed to store and the depths and nature of the stratum in which it is to be stored and the strata contiguous to that stratum.

(2) The Minister may require **[**[F121]the applicant**]**to furnish further information in writing concerning **[**[F122]his application**]**.

Textual Amendments

F121 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(a), **Sch. 8 para. 33**

F122 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(c), **Sch. 8 para. 33**

7 (1) **[**[F123]The applicant**]**shall publish in two successive weeks in the Gazette, and in one or more local newspapers circulating in the locality of the storage area, a notice of **[**[F124]his application**]**naming a place in that locality where copies of the application and of the accompanying map, may be inspected, describing the surface area of the storage and protective areas, and stating the nature and volume of gas proposed to be stored and the minimum depth below the surface of the ground of the stratum in which it is to be stored.

(2) The notice shall state the time, being not less than twenty-eight days from the date of first publication of the notice, within which objections to the application may be made to the Minister.

(3) **[**[F123]The applicant**]**shall serve a notice containing all the particulars in the notice published under this paragraph—

(a) on every local planning **[**[F125]authority, **[**[F126]every local authority who are not a local planning authority and every**]** river authority within**][**[F125]authority and every local authority who are not a local planning authority, being, in either case, an authority within**]** whose area any part of the storage area or protective area lies, and

(b) on all statutory water undertakers within whose **[**[F127]limits of supply**][**[F127]area**]** any part of the storage area or protective area lies or who are holders of a statutory licence to abstract water within either of those areas, and

[[F128](bb) on the National Rivers Authority, and**]**

(c) on every highway authority who are not a local authority and who are responsible for any part of a highway within the storage area or protective area, and

(d) on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land within the storage area or within the protective area, and

(e) on such other bodies or individuals as the Minister may direct,

stating that representations by any of those persons may be made to the Minister within twenty-eight days of the date on which the notice is served.

(4) **[**[F123]The applicant**]**shall inform the Minister of the dates on which the notices were published or served under this paragraph.

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) A notice under this paragraph shall require any person objecting to the application to state the grounds of his objections.

Textual Amendments

F123 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(a), **Sch. 8 para. 33**

F124 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(c), **Sch. 8 para. 33**

F125 Words from "authority and every" to "within" substituted (E.W.) for the words from "authority, every" to "within" by virtue of Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F126 Words substituted by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 29 Pt. II para. 20(1)**

F127 Word "area" substituted (E.W.) for words "limits of supply" by Water Act 1989 (c.15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)(b)**(with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F128 Sch. 2 paras. 4(2)(bb), 7(3)(bb), 12(1)(bb) and 16(2)(bb) inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)(c)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

Modifications etc. (not altering text)

C12 Sch. 2, as it applies to Scotland, paras. 7(3)(c), 12(1)(c) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. X**

8 (1) Subject to this paragraph, if an objection to the application is duly made by any person on whom a notice was required to be served under paragraph 7(3) of this Schedule and the objection has not been withdrawn the Minister shall not grant the application unless he has caused a public local inquiry to be held and, without prejudice to **[**[F129]section 46 of the Gas Act 1972**]**as applied by section 22 of this Act, the Minister may if he thinks fit hold a public local inquiry in any other case.

(2) The Minister may disregard an objection for the purposes of the foregoing sub-paragraph—

(a) if, in accordance with a request in writing from the objector disclaiming the right to a public local inquiry, the Minister has afforded the objector an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, or

(b) if the objection is, in the opinion of the Minister, trivial or frivolous or can be disposed of under the next following sub-paragraph.

(3) The Minister may disregard the objection for the purposes of sub-paragraph (1) of this paragraph if he is satisfied that the objection relates exclusively to matters which can be dealt with by the Lands Tribunal on a claim for compensation.

(4) If any objector avails himself of the opportunity of being heard by a person appointed by the Minister for the purpose, the Minister shall afford to **[**[F130]the applicant**]**, and to any other person to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.

(5) In this paragraph "public local inquiry" means an inquiry held under **[**[F129]section 46 of the Gas Act 1972**]**.

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Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F129 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(d), **Sch. 8 para. 33**

F130 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(a), **Sch. 8 para. 33**

9 (1) **[**[F131]The applicant**]**shall at the time of making **[**[F132]his application**]**inform the Minister of the extent to which **[**[F133]he has been, or expects**]**to be, able to acquire by negotiation the land and rights which **[**[F133]he must**]**possess in order to develop and operate the underground gas storage.

(2) If the Minister, after consultation with **[**[F131]the applicant**]**, is satisfied that a compulsory purchase order will be required to put **[**[F131]the applicant**]**in possession of any such land or right he may, if he thinks fit, give notice to **[**[F131]the applicant**]**that he will not proceed with the application until **[**[F131]the applicant**]****[**[F134]has**]**made such a compulsory purchase order and **[**[F134]has**]**applied to the Minister for the confirmation of the order, and that he will then proceed concurrently with respect to the application under this Schedule and with respect to the application for confirmation of the compulsory purchase order.

(3) Where the Minister gives notice to **[**[F131]the applicant**]**under the last foregoing sub-paragraph, he shall give a like notice to every person on whom a notice was served under paragraph 7(3) of this Schedule and who has duly made an objection to the application which has not been withdrawn.

(4) Where the Minister has given notice to **[**[F131]the applicant**]**under sub-paragraph (2) of this pargraph he shall not (unless he otherwise determines) be required to proceed with the application under this Schedule except in accordance with the notice and the Minister may at any stage decline to proceed with the application if the compulsory purchase order is withdrawn or cannot be proceeded with.

Textual Amendments

F131 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(a), **Sch. 8 para. 33**

F132 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(c), **Sch. 8 para. 33**

F133 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(f), **Sch. 8 para. 33**

F134 Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(g), **Sch. 8 para. 33**

Making of order

10 (1) Subject to the foregoing provisions of this Schedule, the Minister shall after the expiry of the period for making objections to the application, take the application into consideration together with the report of any public local inquiry or hearing of objections, and shall determine whether to refuse the application or to make a storage authorisation order.

(2) Before making a storage authorisation order the Minister shall take reasonable steps to satisfy himself that all the proper notices have been published or served under paragraph 7 of this Schedule.

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) The Minister may make a storage authorisation order either in accordance with the terms of the application or, subject to the provisions of paragraph 12 of this Schedule, with any modifications so, however, that any such modifications shall not vary the storage area so as to include any area which was not included in the storage area in the application made to the Minister.

(4) If an objection to the application was duly made by a person on whom notice of the application is to be served under sub-paragraph (a), (b) or (c) of paragraph 7(3) of this Schedule, and the objection has not been withdrawn, the Minister shall serve notice on that person of the making of the order, and the order shall be framed so as not to have effect earlier than twenty-eight days after the date of service of the notice.

(5) If within the said twenty-eight days any of the persons on whom the notice is to be served under the last foregoing sub-paragraph gives notice in writing to the Minister objecting to the order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

(6) As soon as practicable after the order is made **[**[F135]the applicant**]**shall publish in the Gazette, and in one or more local newspapers circulating in the locality of the storage area, a notice stating that the order has been made, and describing the land to which it relates.

(7) **[**[F135]The applicant**]**shall also serve a notice containing all the particulars in the notice so published on every person on whom they were required to serve a notice under paragraph 7(3) of this Schedule, and shall deposit with every local authority within whose area any part of the storage area or of the protective area lies, a copy of the order and its accompanying map; and the said copy and the map shall be preserved in an office of each of those local authorities and shall be available for inspection by the public at all reasonable times free of charge.

Textual Amendments

F135 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(a), **Sch. 8 para. 33**

11 Part IV of Schedule 1 to the [M37]Acquisition of Land (Authorisation Procedure) Act 1946 (which relates to the validity and date of operation of compulsory purchase orders) shall with the necessary modifications (and, in particular, with the substitution for references to that Act and that Schedule, other than references to particular provisions of that Act or Schedule, of references to this Part of this Act and this Schedule) apply in relation to storage authorisation orders as it applies in relation to compulsory purchase orders.

Marginal Citations

M37 1946 c. 49.**(28:1)**

Making of order which enlarges the protective area

12 (1) Before making a storage authorisation order with any modifications which vary the protective area so as to include any additional land which was not included in either the protective area or the storage area in the application made to the Minister, the Minister shall ensure that—

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) every local planning **[**[F136]authority, **[**[F137]every local authority who are not a local planning authority and every**]** river authority within**][**[F136]authority and every local authority who are not a local planning authority, being, in either case, an authority within**]** whose area any part of the additional land is situated, and

(b) all statutory water undertakers within whose **[**[F138]limits of supply**][**[F138]area**]** any part of the additional land lies, or who are holders of a statutory licence to abstract water in an area which includes any part of the additional land, and

[[F139](bb) on the National Rivers Authority, and**]**

(c) every highway authority who are not a local authority and who are responsible for any part of a highway within the additional land, and

(d) every owner, lessee and occupier (except tenants for a month or any period of less than a month) of any part of the additional land,

have been served with a notice of the proposal giving particulars of the additional land and stating that objections by any of those persons may be made to the Minister within twenty-eight days of the date on which the notice is served.

(2) Subject to this paragraph, if an objection to the modification of the order is duly made by any person on whom the notice is to be served under this paragraph and the objection has not been withdrawn the Minister shall not make the order unless he has caused a public local inquiry to be held.

(3) The Minister may disregard an objection for the purposes of this paragraph—

(a) if, in accordance with a request in writing from the objector disclaiming the right to a public local inquiry, the Minister has afforded the objector an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, or

(b) if the Minister is satisfied that at a public local inquiry held as respects the application for the order the question of the inclusion of the relevant part of the additional land was in issue and that there was sufficient opportunity for making representations on that question, or

(c) if the objection is, in the opinion of the Minister, trivial or frivolous or can be disposed of under the next following sub-paragraph.

(4) The Minister may require an objector to state in writing the grounds of his objection, and may disregard the objection for the purposes of this paragraph if he is satisfied that the objection relates exclusively to matters which can be dealt with by the Lands Tribunal on a claim for compensation.

(5) If any objector avails himself of the opportunity of being heard by a person appointed by the Minister for the purpose, the Minister shall afford to **[**[F140]the applicant**]**for the order, and to any other person to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.

(6) If an objection was duly made by a person on whom a notice is to be served under paragraph (a) or paragraph (b) **[**[F141]or paragraph (bb)**]** or paragraph (c) of sub-paragraph (1) of this paragraph and the objection has not been withdrawn, the Minister shall, if the order is made so as to include additional land to which the objection relates, serve notice on that person of the making of the order, and the order shall be framed so as not to take effect earlier than twenty-eight days after the date of service of the notice.

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) If within the said twenty-eight days any of the persons on whom the notice is to be served under the last foregoing sub-paragraph gives notice in writing to the Minister objecting to the order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

(8) In this paragraph "public local inquiry" means an inquiry held under **[**[F142]section 46 of the [M38]Gas Act 1972**]**.

Textual Amendments

F136 Words from "authority and every" to "within" substituted (E.W.) for the words from "authority, every" to "within" by virtue of Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F137 Words substituted by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 29 Pt. II para. 20(1)**

F138 Word "area" substituted (E.W.) for words "limits of supply" by Water Act 1989 (c.15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)(b)**(with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F139 Sch. 2 paras. 4(2)(bb), 7(3)(bb), 12(1)(bb) and 16(2)(bb) inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)(c)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F140 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(a), **Sch. 8 para. 33**

F141 Words "or paragraph (bb)" inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F142 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(d), **Sch. 8 para. 33**

Modifications etc. (not altering text)

C13 Sch. 2, as it applies to Scotland, paras. 7(3)(c), 12(1)(c) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. X**

Marginal Citations

M38 1972 c. 60.**(44:2)**

Approval for planning purposes of works associated with storage

13 (1) The application under paragraph 6 of this Schedule may contain a request for the Minister to include in the storage authorisation order an approval for the purposes of section 4(6) of this Act of any of the surface works, boreholes or pipes associated with the storage the intended positions of which are shown in the map accompanying the application, and in that case every notice under paragraph 7 of this Schedule shall state that the application contains such a request.

(2) The Minister may as respects all or any of the works for which such a request is made include in the storage authorisation order his approval of those works for the purposes of section 4(6) of this Act, subject to any limits of deviation specified in the order.

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART III

CASES WHERE PROCEDURE UNDER PART II NEED NOT BE FOLLOWED

Orders transferring functions from one [F143public gas supplier]to another

Textual Amendments

F143 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

14 (1) Part II of this Schedule shall not apply to an order which varies a storage authorisation order and the sole purpose of which is the transfer of the benefit of, or functions under, the storage authorisation order from one [F144public gas supplier]to another, or to make any other change in the [F145public gas transporters]having the benefit of, or exercising functions under, the storage authorisation order.

(2) The [F145public gas supplier]in whose favour any such order is made shall, within three weeks of the date when responsibility for the underground gas storage to which the order relates is transferred in pursuance of the order, serve notice of the transfer—

(a) on the Minister,

(b) on every local planning authority, local authority and river authority within whose area any part of the storage area or of the protective area lies,

(c) on all statutory water undertakers within whose limits of supply any part of the storage area or of the protective area lies, or who are the holders of a statutory licence to abstract water within either of those areas, and

(d) on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land within the storage area or within the protective area.

Textual Amendments

F144 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

F145 Words in Sch. 2 para. 14(1) substituted (1.3.1996) by 1995 c. 45 s. 16(1), Sch. 4 para. 7(3)

Orders varying nature of gas stored

15 Part II of this Schedule shall not apply to an order which varies a storage authorisation order and the sole purpose of which is to vary the provisions of the storage authorisation order as to the nature of the gas which may be stored in the gas storage area.

16 (1) If any such order is an order the effect of which is to authorise the storage of gas of a nature which would not be authorised apart from that order, the procedure for making the order shall be that prescribed in the following provisions of this paragraph.

(2) The [F146public gas supplier]may apply to the Minister to make the order after serving notice of their application—

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) on every local planning **[**[F147]authority, **[**[F148]every local authority who are not a local planning authority and every**]** river authority within**][**[F147]authority and every local authority who are not a local planning authority, being, in either case, an authority within**]** whose area any part of the storage area or of the protective area lies,

(b) on all statutory water undertakers within whose **[**[F149]limits of supply**][**[F149]area**]** any part of the storage area or the protective area lies, or who are the holders of a statutory licence to abstract water within either of those areas, and

[[F150](bb) on the National Rivers Authority, and**]**

(c) on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land within the storage area or within the protective area,

stating that representations by any of those persons may be made to the Minister within twenty-eight days of the date on which the notice is served.

(3) **[**[F151]The applicant**]**shall inform the Minister of the dates of service of notice under this paragraph.

(4) The Minister shall take into consideration the application and all representations with respect to the application which are duly made within the period specified in the notices and may, if he thinks fit, and if he is satisfied that the proper notices have been served under the foregoing provisions of this paragraph, make the order applied for.

(5) If the order is made, the **[**[F146]public gas supplier**]**shall serve a copy of the order on every person on whom notice of the application is required to be served under this paragraph.

Textual Amendments

F146 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

F147 Words from "authority and every" to "within" substituted (E.W.) for the words from "authority, every" to "within" by virtue of Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F148 Words substituted by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 29 Pt. II para. 20(1)**

F149 Word "area" substituted (E.W.) for words "limits of supply" by Water Act 1989 (c.15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)(b)**(with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F150 Sch. 2 paras. 4(2)(bb), 7(3)(bb), 12(1)(bb) and 16(2)(bb) inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(6)(c)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F151 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(26)(a), **Sch. 8 para. 33**

PART IV

GENERAL APPLICATION OF SCHEDULE TO SCOTLAND

17 In the application of this Schedule to Scotland—

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) for any reference to a river authority and to statutory water undertakers there shall be substituted respectively references to river purification authorities and to local water authorities;

(b) for any reference to Part IV of Schedule 1 to the [M39]Acquisition of Land (Authorisation Procedure) Act 1946 there shall be substituted a reference to Part IV of Schedule 1 to the [M40]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

Marginal Citations

M39 1946 c. 49.**(28:1)**

M40 1947 c. 42.**(28:2)**

SCHEDULE 3

Certificates as Respects Planning Permission and Grant of Statutory Licences to Abstract Water

Certificates as respects planning permission

1 (1) At any time after an application has been made for the consent of **[**[F152]the Secretary of State**]**to the carrying out of any controlled operations for which planning permission is required but has not been granted any person concerned may apply to the local planning authority for a certificate under this Schedule as respects those controlled operations.

(2) Where such an application is made the local planning authority shall issue to the applicant a certificate stating that planning permission for the carrying out of the controlled operations could, or could not, reasonably have been expected to have been granted if the land had not been comprised in the storage area or protective area.

(3) Where, in the opinion of the local planning authority, planning permission might reasonably have been expected to be granted but would only have been granted subject to conditions, the certificate shall specify those conditions in addition to the other matters required to be contained in the certificate.

(4) On issuing the certificate, the local planning authority shall serve a copy of the certificate on the **[**[F153]public gas supplier**]**.

Textual Amendments

F152 Words substituted by virtue of S.I. 1969/1498, **arts. 2(1)**, 5(6), 1970/1537, arts. 2(2), 7(4) and 1974/692, arts. 2(3), 5(3)

F153 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

2 (1) Where the local planning authority have issued a certificate under this Schedule, the applicant for the certificate or the **[**[F154]public gas supplier**]**may appeal to the planning Minister against the certificate.

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) On the appeal the planning Minister shall consider the matters to which the certificate relates as if the application for the certificate had been made to him in the first instance, and shall either confirm the certificate, or vary it, or cancel it and issue a different certificate in its place, as he may consider appropriate.

(3) Before determining any such appeal the planning Minister shall, if the applicant or the **[**[F154]public gas supplier**]**so desires, afford to them and to the local planning authority an opportunity of appearing before and being heard by a person appointed by that Minister for the purpose.

(4) Where an application is made to a local planning authority for a certificate under this Schedule, and at the expiry of the time prescribed by regulations made under this Schedule for the issue of the certificate (or, if an extended period is at any time agreed upon in writing by the applicant and the local planning authority, at the end of that period) no certificate has been issued by the local planning authority in accordance with this Schedule, the foregoing provisions of this paragraph shall apply as if the local planning authority had issued a certificate under this Schedule stating that planning permission for the carrying out of the controlled operations could not reasonably have been expected to have been granted.

Textual Amendments

F154 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

[F155]3 . . . . . .

Textual Amendments

F155 Sch. 3 para. 3 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1, 2), ss. 31(4), 60(6), 84(6), Sch. 6 para. 2, Sch. 12 para. 2, **Sch. 19 Pt. II**, Pt. IV; which repeal is in force for E & W only by S.I 1991/2067, art. 3 and for S. only by S.I 1991/2092, art. 3, Sch. 1

Certificates as respects statutory licences to abstract water

4 (1) At any time after an application has been made for the consent of **[**[F156]the Secretary of State**]** to the carrying out of any controlled operations for which a statutory licence to abstract water is required but has not been granted any person concerned may **[**[F157]apply to the river authority for a certificate under this Schedule as respects those controlled operations.**][**[F157]apply to the National Rivers Authority for a certificate under this Schedule as respects those controlled operations.**]**

(2) **[**[F158]Where such an application is made the river authority shall**][**[F158]Where such an application is made, the National Rivers Authority shall**]** issue to the applicant a certificate stating that the statutory licence to abstract water required for the carrying out of the controlled operations could, or could not, reasonably have been expected to have been granted if the land had not been comprised in the storage area or protective area.

(3) **[**[F159]Where, in the opinion of the river authority, a statutory**][**[F159]Where, in the opinion of the National Rivers Authority, a statutory**]** licence to abstract water might

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reasonably have been expected to be granted but would only have been granted subject to conditions, limitations or restrictions, the certificate shall specify those conditions, limitations or restrictions in addition to the other matters required to be contained in the certificate.

(4) **[**[F160]On issuing the certificate, the river authority shall**][**[F160]On issuing the certificate, the National Rivers Authority shall**]** serve a copy of the certificate on the gas authority.

Textual Amendments

F156 Words substituted by virtue of S.I. 1969/1498, **arts. 2(1)**, 5(6), 1970/1537, arts. 2(2), 7(4) and 1974/692, arts. 2(3), 5(3)

F157 Words from "apply to the National Rivers Authority" to "operations." substituted (E.W.) for the words from "apply to the river authority" to "operations" by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(7)(a)(i)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F158 Words from "Where" to "the National Rivers Authority shall" substituted (E.W.) for words from "Where" to "the river authority shall" by Water Act 1989 (c. 15, SIF 130), **s. 190(1) Sch. 25**, para. 32(7)(a)(ii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F159 Words "Where, in the opinion of the National Rivers Authority, a statutory" substituted (E.W.) for words from "Where" to "statutory" by Water Act 1989 (c. 15, SIF 130), **s. 190(1) Sch. 25**, para. 32(7)(a)(iii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F160 Words "On issuing the certificate, the National Rivers Authority shall" substituted (E.W.) for words "On issuing the certificate, the river authority shall" by Water Act 1989 (c. 15, SIF 130), **s. 190(1) Sch. 25**, para. 32(7)(a)(iv) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

5 (1) **[**[F161]Where the river authority have issued**][**[F161]Where the National Rivers Authority has issued**]** a certificate under this Schedule, the applicant for the certificate or the gas authority may appeal to the Minister concerned with water resources against the certificate.

(2) On the appeal the said Minister shall consider the matters to which the certificate relates as if the application for the certificate had been made to him in the first instance, and shall either confirm the certificate, or vary it, or cancel it and issue a different certificate in its place, as he may consider appropriate.

(3) Before determining any such appeal the said Minister shall, if the applicant or the **[**[F162]public gas supplier**]**so desires, afford to them **[**[F163]and to the river authority an opportunity**][**[F163]and to the National Rivers Authority an opportunity**]** of appearing before and being heard by a person appointed by that Minister for the purpose.

(4) **[**[F164]Where an application is made to a river authority for a certificate under this Schedule and at the expiry of any period prescribed by regulations under this Schedule (or if an extended period is at any time agreed upon in writing by the applicant and the river authority, at the end of that period) no certificate has been issued by the river authority in accordance with this Schedule, the foregoing provisions of this paragraph shall apply as if the river authority had issued**][**[F164]Where an application is made to the National Rivers Authority for a certificate under this Schedule and at the expiry of any period prescribed by regulations under this

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Schedule (or if an extended period is at any time agreed upon in writing by the applicant and the National Rivers Authority, at the end of that period) no certificate has been issued by the National Rivers Authority in accordance with this Schedule, the foregoing provisions of this paragraph shall apply as if the National Rivers Authority had issued**]** a certificate under this Schedule stating that the statutory licence to abstract water required for the carrying out of the controlled operations could not reasonably have been expected to be granted.

Textual Amendments

F161 Words "Where the National Rivers Authority has issued" substituted (E.W.) for words "Where the river authority have issued" by Water Act 1989 (c. 15, SIF 130), **s. 190(1) Sch. 25**, para. 32(7)(b)(i) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F162 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

F163 Words "and to the National Rivers Authority an opportunity" substituted (E.W.) for words "and to the river authority an opportunity" by Water Act 1989 (c. 15, SIF 130), **s. 190(1) Sch. 25**, para. 32(7)(b)(ii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F164 Words from "Where" to "the National Rivers Authority had issued" substituted (E.W.) for the words from "Where" to "the river authority issued" by Water Act 1989 (c. 15, SIF 130), **s. 190(1) Sch. 25**, para. 32(7)(b)(iii) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

6 In entertaining an application under paragraph 4 of this Schedule, or any appeal under paragraph 5 of this **[**[F165]Schedule, the river authority or as**][**[F165]Schedule, the National Rivers Authority or as**]** the case may be the minister concerned with water resources shall, in coming to a decision, apply the principles which would have been applied if the application or the appeal had been an application for a licence under Part IV of the [M41]Water Resources Act 1963, or an appeal against a refusal of such a licence, as the case may be.

Textual Amendments

F165 Words "Schedule, the National Rivers Authority or as" substituted (E.W.) for "Schedule, the river authority or as" by Water Act 1989 (c. 15, SIF 130), **s. 190(1) Sch. 25**, para. 32(7)(c)(with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

Marginal Citations

M41 1963 c. 38.**(130)**

Procedure on application for certificate

7 (1) **[**[F166]The Secretary of State**]**and the planning Minister acting jointly may by regulations contained in a statutory instrument prescribe the manner in which applications are to be made for certificates under this Schedule, and any such regulations may contain such supplemental or incidental provisions as appear to those Ministers to be expedient.

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Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The regulations may in particular apply with or without modification any of the provisions of a development order under **[**[F167]the Town and Country Planning Act 1990**]** or under the [M42]Town and Country Planning (Scotland) Act **[**[F168]1972**]**or of regulations made under the [M43]Water Resources Act 1963.

Textual Amendments

F166 Words substituted by virtue of S.I. 1969/1498, **arts. 2(1)**, 5(6), 1970/1537, arts. 2(2), 7(4) and 1974/692, arts. 2(3), 5(3)

F167 Words substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 12(3)(b)**

F168 Words substituted by Town and Country Planning Act (Scotland) Act 1972 (c. 52, SIF 123:2), **Sch. 21 Pt. II**

Modifications etc. (not altering text)

C14 Sch. 3 para. 7 amended by S.I. 1970/1681, **Sch. 3 para. 10(2)**

Marginal Citations

M42 1972 c. 52.**(123:2)**

M43 1963 c. 38.**(130)**

Interpretation

8 References in this Schedule to cases of controlled operations for which planning permission or a statutory licence to abstract water is required but has not been granted are references to cases where the planning permission or, as the case may be, the statutory licence to abstract water has not been granted, or has not been granted in the form required for the carrying out of the controlled operations.

9 In the application of this Schedule to Scotland—

(a) for any reference to **[**[F169]section 120 of the Town and Country Planning Act 1990**]** there shall be substituted a reference to **[**[F170]section 135 of the Town and Country Planning (Scotland) Act 1972**]**; for any reference to **[**[F171]Part V of the said Act of 1990**]** there shall be substituted a reference to **[**[F172]Part VII of the said Act of 1972**]**; and for any reference to **[**[F173]sections 80 and 81 of the said Act of 1990**]** there shall be substituted references to **[**[F174]sections 35 and 36 of the said Act of 1972**]**;

(b) for paragraphs 4 to 6 there shall be substituted the following paragraphs:—

"4 (1) At any time after an application has been made for the consent of **[**[F175]the Secretary of State**]**to the carrying out of any controlled operations for which a statutory right to take water is required but has not been granted any person concerned may apply to the Secretary of State for a certificate under this Schedule as respects those controlled operations.

(2) On receiving any such application the Secretary of State shall serve a copy of the application on the gas authority.

(3) Before coming to his decision on the application the Secretary of State shall, if the applicant or the **[**[F176]public gas supplier**]**so desires,

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afford to them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

5 (1) Where the Secretary of State decides to grant an application he shall issue to the applicant a certificate stating that the statutory right to take water required for carrying out of the controlled operations could reasonably have been expected to have been granted if the land had not been comprised in the storage area or protective area.

(2) Where, in the opinion of the Secretary of State, a statutory right to take water might reasonably have been expected to have been granted but would only have been granted subject to conditions, limitations or restrictions, the certificate shall specify those conditions, limitations and restrictions in addition to the other matters required to be contained in the certificate.

(3) On issuing the certificate the Secretary of State shall serve a copy of the certificate on the gas authority.

6 In entertaining an application under paragraph 4 of this Schedule the Secretary of State shall, in coming to a decision, apply the principles which would have been applied if the application had been an application for an order approving an agreement to take water under section **[**[F177]17(1)**]**of the Water (Scotland) Act **[**[F178]1980**]**."

Textual Amendments

F169 Words substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 12(3)(c)**

F170 Words substituted by Town and Country Planning Act (Scotland) Act 1972 (c. 52, SIF 123:2), **Sch. 21 Pt. II**

F171 Words substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 12(3)(c)**

F172 Words substituted by Town and Country Planning Act (Scotland) Act 1972 (c. 52, SIF 123:2), **Sch. 21 Pt. II**

F173 Words substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 12(3)(c)**

F174 Words substituted by Town and Country Planning Act (Scotland) Act 1972 (c. 52, SIF 123:2), **Sch. 21 Pt. II**

F175 Words substituted by virtue of S.I. 1969/1498, **arts. 2(1)**, 5(6), 1970/1537, arts. 2(2), 7(4) and 1974/692, arts. 2(3), 5(3)

F176 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

F177 Word substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112(1), **Sch. 10 Pt. II**

F178 Word substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112(1), **Sch. 10 Pt. II**

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 4

PART I

APPLICATION OF ACQUISITION OF LAND ACT AND LANDS CLAUSES ACTS TO COMPULSORY PURCHASE OF CERTAIN RIGHTS

[F179 1 Subject to this Schedule, in relation to the compulsory purchase—

(a) of a right to store gas in an underground gas storage under section 12(1) of this Act, or

(b) of any right under subsection (2) or (3) of section 13 of this Act,

the M44 Acquisition of Land (Authorisation Procedure) Act 1946 and the enactments incorporated therewith shall have effect as if—

(i) references (whatever the terms used) to the land comprised in the compulsory purchase order were construed, where the context so requires, as references to the stratum of land constituting the underground gas storage or, as the case may be, the land comprising the well, borehole or shaft, and

(ii) references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the right.

Textual Amendments

F179 Sch. 4 Pt. I paras. 1, 2 repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s, 34, Sch. 6 Pt. I

Marginal Citations

M44 1946 c. 49.**(28:1)**

2 In relation to the compulsory purchase of a right to store gas in an underground gas storage under section 12(1) of this Act the said Act of 1946 shall have effect—

(a) as if in paragraphs 9 and 10 of Schedule 1 to that Act (which affords safeguards for local authorities, statutory undertakers and the National Trust when their land is subject to compulsory purchase) references to the land comprised in the compulsory purchase order included references to any land held with the stratum of land constituting the underground gas storage, and

(b) as if paragraphs 11 and 12 of the said Schedule (which make an order for the compulsory purchase of common land, or of land which is the site of an ancient monument or other object of archaeological interest, subject to special parliamentary procedure in certain cases) were omitted.

Textual Amendments

F179 Sch. 4 Pt. I paras. 1, 2 repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s, 34, Sch. 6 Pt. I

3 In the application of this Part of this Schedule to Scotland, for any reference to the M45 Acquisition of Land (Authorisation Procedure) Act 1946 there shall be substituted a reference to the M46 Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, for any reference to paragraph 9, 10, 11 or 12 of Schedule 1 to the said Act of 1946 there shall be substituted respectively a reference to paragraph 9, 10, 11 or 12 of Schedule 1 to the said Act of 1947, and for any reference to

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the National Trust there shall be substituted a reference to the National Trust for Scotland.**]**

Textual Amendments

F179 Sch. 4 Pt. I paras. 1, 2 repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s, 34, Sch. 6 Pt. I

Marginal Citations

M45 1946 c. 49.**(28:1)**
M46 1947 c. 42.**(28:2)**

PART II

COMPULSORY PURCHASES AFFECTING SUPPLIES OF WATER

4 This Part of this Schedule shall apply where the land or rights purchased under section 13 of this Act comprise, or relate to, a well, borehole or shaft which is used for the purpose of providing a supply of water which is obtained in exercise of a protected right (as defined in **[**[F180]Chapter II of Part II of the Water Resources Act 1991 or within the meaning of that Chapter so far as it applies in relation to any application for a licence which is a licence of right for the purposes of Schedule 7 to the Water Resources Act 1991)**]**.

5 (1) Where the persons entitled to exercise the right are statutory water **[**[F181]undertakers or the National Rivers Authority, the public gas supplier shall, if the statutory water undertakers or the National Rivers Authority provide**]** an alternative supply of water, pay to them the costs reasonably incurred by them in doing so:

Provided that the **[**[F182]public gas supplier**]**shall not be liable for those costs if and so far as they are attributable to the supply so provided being superior in quantity or quality to the supply which was being, or might have been, obtained in exercise of the protected right.

(2) Where the persons entitled to exercise the protected right are not statutory water **[**[F183]undertakers or the National Rivers Authority, the public gas supplier shall**]**, at the request of those persons, and if it is reasonably practicable and economical so to do, provide without charge an alternative supply of water which is in quantity and quality equivalent to the supply which was being, or might have been, obtained in exercise of the protected right.

(3) In assessing compensation under the Lands Clauses Acts for injurious affection of any interest in land held with the land purchased, or the land in which the rights purchased are exercisable, account shall be taken of any mitigation of that injurious affection attributable to the provision of the alternative supply of water; and the foregoing provisions of this paragraph shall be in lieu of compensation for the value of any interest in land so far as that value is attributable to the use of the land for the construction and use of the well, borehole or shaft.

(4) Compensation payable under the Lands Clauses Acts (whether under section 63 or section 68 of the [M47]Lands Clauses Consolidation Act 1845) for injurious affection sustained by the persons entitled to the supply of water shall include—

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(a) compensation for any loss or damage suffered by them in the period before effective action is taken under this paragraph, and

(b) where the **[**[F184]amounts payable, by virtue of **[**[F185]section 123 of the Water Resources Act 1991**]**, in respect of an alternative supply of water to which the foregoing provisions of this paragraph relate exceed the amounts payable by virtue of that section in respect of the protected right (or where amounts are payable by virtue of that section in respect of an alternative supply but no amounts**]** were so payable in respect of the protected right), a lump sum by way of compensation for the additional burden thereby imposed on the persons entitled to the protected right.

6 Where paragraph 5 of this Schedule does not apply, then without prejudice to the generality of the principles applicable in assessing compensation payable under the Lands Clauses Acts (whether under section 63 or section 68 of the [M48]Lands Clauses Consolidation Act 1845) for injurious affection sustained by the person entitled to the supply of water, compensation so payable shall include compensation for any expenditure in providing the well, borehole or shaft, or the apparatus used in connection with it, which is rendered abortive by the compulsory purchase, and for any other loss or damage which is attributable to the compulsory purchase.

Marginal Citations
M48 1845 c. 19.**(28:2)**

7 Any dispute arising under this Part of this Schedule as to whether it is reasonably practicable and economical to provide an alternative supply of water shall be referred to and determined by the Minister and the Minister concerned with water resources acting jointly.

Before determining a dispute referred to them under this paragraph, the said Ministers shall afford to the parties to the dispute an opportunity of being heard before a person appointed by the Ministers for the purpose, and shall, in determining the dispute, take the report of the hearing into consideration.

Modifications etc. (not altering text)
C15 Sch. 4 para. 7 explained by S.I. 1970/1681, **Sch. 3 para. 10(2)**

8 Without prejudice to the generality of the principles on which compensation is payable under the Lands Clauses Acts, in assessing compensation under those Acts in cases affected by this Part of this Schedule account shall be taken of the provisions of the [M49]Water Resources Act 1963 and of any other enactment restricting rights or powers of abstracting water.

Marginal Citations
M49 1963 c. 38.**(130)**

9 In the application of this Part of this Schedule to Scotland—

(a) for any reference to a protected right (as defined in section 26 of the [M50]Water Resources Act 1963) there shall be substituted a reference to a right (whether statutory or not) to take water;

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(b) for any reference to the [M51]Lands Clauses Consolidation Act 1845 and to section 63 thereof, there shall be substituted respectively references to the [M52]Lands Clauses Consolidation (Scotland) Act 1845 and to section 61 thereof, and for any reference to section 68 of the Act first named there shall be substituted a reference to section 6 of the [M53]Railway Clauses Consolidation (Scotland) Act 1845, and the enactments substituted as aforesaid shall be construed with any necessary modifications;

(c) for any reference to statutory water undertakers there shall be substituted a reference to a local water authority.

Marginal Citations

M50 1963 c. 38.**(130)**
M51 1845 c. 18.**(28:2)**
M52 1845 c. 19.**(28:2)**
M53 1845 c. 19.**(28:2)**

SCHEDULE 5

INQUIRIES INTO ACCIDENTS

1 An inquiry in pursuance of a direction under section 17 of this Act with respect to an event shall be held by a competent person appointed by the Minister, and that person may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

2 The Minister may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.

3 The person appointed to hold the inquiry (hereafter in this Schedule referred to as "the tribunal") shall hold the inquiry in such manner and under such conditions as the tribunal thinks most effectual for ascertaining the causes, circumstances and effects of the events inquired into, and for enabling the tribunal to make the report hereafter in this Schedule mentioned.

4 The tribunal shall, for the purposes of the inquiry, have power—

(a) to enter and inspect any place or building the entry or inspection of which appears to the tribunal requisite for the said purposes;

(b) by summons signed by the tribunal to require any person to attend, at such time and place as is specified in the summons, to give evidence or produce any documents in his custody or under his control which the tribunal considers it necessary for the purposes of the inquiry to examine;

(c) to require a person appearing at the inquiry to furnish to any other person appearing at the inquiry, on payment of such fee, if any, as the tribunal thinks fit, a copy of any documents offered, or proposed to be offered, in evidence by the first-mentioned person;

(d) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make a declaration of the truth of the matter respecting which he is examined;

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(e) to adjourn the inquiry from time to time; and

(f) subject to the foregoing sub-paragraphs, to regulate the procedure of the tribunal.

5 A person attending as a witness before the tribunal shall be entitled to be paid by the Minister such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the tribunal to a master of the Supreme Court who, on request signed by the tribunal, shall ascertain and certify the proper amount of the expenses.

6 The tribunal shall make a report to the Minister stating the causes, circumstances and effects of the event, adding any observations which the tribunal thinks it right to make, and the Minister shall cause copies of the report to be laid before Parliament.

7 If any person—

(a) without reasonable excuse (proof whereof shall lie on him), and after having the expenses (if any) to which he is entitled tendered to him, fails to comply with any summons or requisition of the tribunal; or

(b) does any other thing which would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

the tribunal may, by instrument signed by the tribunal, certify the offence of that person to the High Court or, in Scotland, the Court of Session, and the High Court or Court of Session may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court or, as the case may be, the Court of Session.

8 Any sums to be paid by the Minister under paragraph 2 or paragraph 5 of this Schedule shall be paid out of moneys provided by Parliament.

9 In the application of this Schedule to Scotland, for references to a master of the Supreme Court, to a witness attending on subpoena before a court of record, and to a summons there shall be respectively substituted references to the Auditor of the Court of Session, to a witness attending on citation the High Court of Justiciary, and to an order.

SCHEDULE 6

POWER TO ENTER ON LAND AND TO PROSPECT AND SURVEY LAND

Modifications etc. (not altering text)

C16 Sch. 6 extended by Post Office Act 1969 (c. 48), **Sch. 4 para. 93(1)(xxiii)**, Civil Aviation Act 1982 (c. 16, SIF 9), s. 19(2), **Sch. 2 para. 4**, and Gas Act 1986 (c. 44, SIF 44:2), s. 67(1), Sch. 7 para. 2(1)(xv), **Sch. 8 para. 33**

C17 Sch. 6 extended (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 1(2)(xii)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

C18 Sch. 6 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 1(1)(xv)**
Sch. 6 modified (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 1(1)(2)(k)** (with s. 106); S.I. 2001/869, **art. 2**

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Search for underground storage sites

1 (1) Where it appears to the Minister to be expedient that any land should be prospected for the purpose of finding or proving a site for an underground gas storage the Minister may, on the application of a **[**[F186]public gas supplier**]**give a direction designating that land as land in relation to which the powers conferred by the next following paragraph are to be exercisable, subject to such conditions, if any, as may be specified in the direction.

(2) **[**[F187]The applicant**]**shall serve on the owners and occupiers of all the land to which the application relates notice of **[**[F188]his application**]**, setting out the terms of the direction applied for and stating that representations with respect to the application may be made to the Minister within twenty-eight days from service of the notice.

(3) The Minister shall take into consideration all representations duly made within the said period of twenty-eight days and may, if he thinks fit, give the direction in the terms applied for, or in more restrictive terms.

(4) The direction shall remain in force for such period, being not more than two years, as may be specified in the direction and if within the period so specified **[**[F187]the applicant**]**, or any other **[**[F186]public gas supplier**]**, take proceedings under Schedule 2 to this Act for the making of a storage authorisation order which will include in its storage area any of the land designated in the direction, the direction shall continue in force until the Minister under paragraph 5(1) of the said Schedule refuses to allow **[**[F187]the applicant**]**to proceed with **[**[F189]his proposals**]**, or under paragraph 10(1) of that Schedule refuses the application, or until the storage authorisation order comes into force.

Textual Amendments

F186 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

F187 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(27)(a), **Sch. 8 para. 33**

F188 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(27)(b), **Sch. 8 para. 33**

F189 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(27)(c), **Sch. 8 para. 33**

2 (1) Subject to this paragraph, while a direction under the foregoing paragraph remains in force, and subject to compliance with any conditions specified in the direction, any person authorised in writing by the **[**[F190]public gas supplier**]**may, at any reasonable time, for the purpose of finding or proving a site for an underground gas storage—

(a) enter upon the land designated in the direction, or upon any other land to which entry is required for obtaining access to that land,

(b) survey the land and carry out trial borings in the land, and

(c) remove from the land any specimens, whether solid or fluid, abstracted from boreholes in the land:

Provided that nothing in this sub-paragraph shall be construed as authorising any interference with the exercise of a public right of way, or any contravention of a prohibition or restriction imposed by or under an enactment (whether contained in a public general Act or in any other Act).

(2) A person authorised under this paragraph to enter on any land shall not demand admission as of right to any land which is occupied unless twenty-eight days notice

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of the intended entry has been given to the occupier and to the owner of the land, and where it is proposed to carry out any of the operations described in paragraphs (b) and (c) of the foregoing sub-paragraph the power to carry out those operations shall not be exercisable unless twenty-eight days notice was given both of the intended entry and of intention to carry out those operations.

[[F191](3) If notice of intention to carry out any such operations is given as respects land which is held by statutory undertakers, by a sewerage authority, or by a river authority or other drainage authority, and the body object to the proposed operations on the ground that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking or, in the case of a sewerage authority or a river authority or other drainage authority, to the performance of their functions, the operations shall not be carried out except with the consent of the appropriate Minister.**]**

[[F191](3) If notice of intention to carry out any such operations is given as respects land which is held by statutory undertakers or by an internal drainage board, and the statutory undertakers or the internal drainage board object to the proposed operations on the ground that the carrying out of the operations would be seriously detrimental to the carrying on of their undertaking or, in the case of an internal drainage board, to the performance of their functions, the operations shall not be carried out except with the consent of the appropriate Minister.**]**

(4) A person shall not by virtue of this paragraph be entitled to enter or remain on land occupied by **[**[F192]statutory water undertakers unless he complies with any reasonable requirements imposed by the undertakers**][**[F192]the National Rivers Authority or by statutory water undertakers unless he complies with any reasonable requirements imposed by the National Rivers Authority or, as the case may be, by the undertakers**]** for the purpose of protecting water against pollution; and any question arising under this sub-paragraph as to what requirements are reasonable shall in case of dispute be determined by the Minister concerned with water resources whose decision shall be final.

(5) Nothing in this paragraph shall authorise entry into any building.

(6) In this paragraph the expression "the appropriate Minister"—

(a) when used in relation to statutory undertakers, has the meaning given by **[**[F193]section 290(1) of the Town and Country Planning Act 1971**]**, or, as the case may be, **[**[F193]section 275(1) of the Town and Country Planning (Scotland) Act 1972**]**and

[[F194](b) when used in relation to a sewerage authority in England, means the **[**[F195]Secretary of State**]**, and when used in relation to a sewerage authority in Scotland or Wales, means the Secretary of State, and**]**

[[F196](c) when used in relation to a river authority or other drainage authority—

(i) where the land in question is in England or Wales and is held for purposes relating to land drainage or fisheries, means the Minister of Agriculture, Fisheries and Food,

(ii) where the land in question is in Scotland and is held for purposes relating to land drainage or fisheries or to a marine work, means the Secretary of State,

(iii) where the land in question is held for purposes connected with navigation, means the **[**[F195]Secretary of State**]**,

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(iv) where the land in question is held for purposes connected with the functions of a river authority in England or Wales (not being functions mentioned in paragraphs (i) and (iii) of this sub-paragraph), the Minister concerned with water resources, and

(v) in any other case, in relation to land in England, means the **[**[F195]Secretary of State**]**and, in relation to land in Scotland or Wales, means the Secretary of State.**]**

[[F196](c) when used in relation to an internal drainage board, means the Secretary of State or the Minister of Agriculture, Fisheries and Food.**]**

Textual Amendments

F190 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

F191 Sch. 6 para. 2(3), as appears second, substituted (E.W.) for Sch. 6 para. 2(3), as appears first, by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(9)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F192 Words from "the National Rivers Authority" to "the undertakers"substituted (E.W.) for the words from "statutory" to "the undertakers" by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(9)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

F193 Words substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115:1), **s. 17(2)(a)**

F194 Sch. 6 para. 2(6)(*b*) repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58.

F195 Words substituted by virtue of S.I. 1970/1681, **arts. 2(1)**, 6(3)

F196 Sch. 6 para. 2(6)(c) beginning "when used in relation to an internal drainage board" substituted (E.W.) for Sch. 6 para. 2(6)(*c*) beginning "when used in relation to a river authority" by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(9)(c)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

Modifications etc. (not altering text)

C19 Para. 2 modified by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(9)(c), **Sch. 8 para. 33**

C20 Sch. 6 para. 2 modified (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 1(10)(iii)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

C21 Sch. 6 para. 2 modified by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 3(1)(c)**
Sch. 6 para. 2 modified (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(10)(b)**; S.I. 1996/218, **art. 2**

Entry for purposes of survey

3 (1) Subject to this paragraph, any person authorised in writing by a **[**[F197]public gas supplier**]**may at any reasonable time enter upon and survey any land—

(a) for the purpose of preparing any documents to be submitted to the Minister at any stage of the proceedings for the making of a storage authorisation order, or

(b) for the purpose of estimating value, or assessing loss, in connection with any claim for compensation under Part II of this Act.

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(2) A person authorised under this paragraph to enter on any land shall not demand admission as of right to any land which is occupied unless twenty-eight days' notice of the intended entry has been given to the occupier and to the owner of the land.

Textual Amendments

F197 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

Detection and supervision of controlled operations in storage area and protective area

4 (1) The powers conferred by this paragraph may be exercised for the purpose of supervising and inspecting any controlled operations carried out with the consent of the Minister, and for the purpose of guarding against and detecting the carrying out of any controlled operations without the consent of the Minister or the doing of anything else constituting an offence under section 5 of this Act.

(2) Any person authorised in writing by a **[**[F198]public gas supplier**]**or by the Minister may, at any reasonable time, for the said purposes enter upon—

(a) any land in the storage area or the protective area, or

(b) any land to which entry is required for the purpose of obtaining access to that land, and

(c) where that person has reason to believe that any controlled operations are being carried out from the surface of land which is not in the storage area or the protective area, that other land.

(3) A person authorised under this paragraph to enter on any land shall not demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

(4) A person having power to enter on any land under this paragraph—

(a) may on that land inspect any borehole, shaft, excavation, quarry or other works, and may for that purpose use for his entry, inspection and return any apparatus or machinery which is on the land and is for use in the works, and

(b) may employ any means for discovering the depth of any part of any works below the surface of the ground, and their location in relation to the controlled area.

Textual Amendments

F198 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

Warrants to authorise entry

5 The [M54]Rights of Entry (Gas and Electricity Boards) Act 1954 (which relates to entry to buildings under the authority of a justice's warrant) shall apply in relation to the powers of entry conferred by this Schedule as if references in that Act to premises included any land, and references to an employee of a **[**[F199]public gas supplier**]**included references to a person acting under the authority of the Minister.

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Textual Amendments

F199 Words substituted by Gas Act 1986 (c. 44,SIF 44:2),s. 67(1)(3),Sch. 7 para. 6(27)(*d*), Sch. 8 para. 33

Marginal Citations

M54 1954 c. 21.**(44:3)**

Compensation

6 Where in the exercise of any power conferred by this Schedule any damage is caused to land or to chattels, any person interested in the land or chattels shall be entitled to compensation in respect of that damage from the **[**[F200]public gas supplier**]**concerned; and where in consequence of the exercise of any such power any person is disturbed in his enjoyment of any land or of any chattels he shall be entitled to compensation from that **[**[F200]public gas supplier**]**in respect of the disturbance.

Textual Amendments

F200 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

Duty to reinstate land

7 (1) Subject to this paragraph, it shall be the duty of the **[**[F201]public gas supplier**]**to make good any damage to the surface of any land caused in the exercise of **[**[F202]his powers**]**under paragraph 2(1)(b) and (c) of this Schedule and, where the land is agricultural land, to secure, so far as practicable, that any damaged land is so restored as to be fit for use for the purpose for which it was used immediately before the damage occurred.

(2) The **[**[F201]public gas supplier**]**shall discharge **[**[F203]his duty**]**as soon as practicable and, in any case, not later than one month from the time when the direction under this Schedule ceases to be in force.

(3) Sub-paragraph (1) of this paragraph shall not apply if the direction by virtue of which the powers were exercised terminates with the min into force of a storage authorisation order and the land is purchased by the **[**[F201]public gas supplier**]**for the purpose of the underground gas storage.

(4) Any question as to compensation payable under the last foregoing paragraph in respect of any damage which a [[F201]public gas supplier] may be under a duty to make good under this paragraph shall be assessed having regard to the steps which the gas authority have taken or agreed to take to discharge that duty.

Textual Amendments

F201 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

F202 Words substituted by Gas Act 1986 (c. 44,SIF 44:2),s. 67(1)(3),Sch. 7 para. 6(27)(*e*), Sch. 8 para. 33

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F203 Words substituted by Gas Act 1986 (c. 44,SIF 44:2),s. 67(1)(3),Sch. 7 para. 6(27)(*f*), Sch. 8 para. 33

Obstruction

8 A person who wilfully obstructs a person acting in the exercise of his powers under this Schedule shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding **[**[F204]level 1 on the standard scale**]**.

Textual Amendments

F204 Words substituted by virtue of (E. W.) Criminal Justice Act 1982 (c. 48, SIF 39: 1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21. SIF 39:1), ss. 289F, 289G

Restriction on disclosure of information

9 If a person discloses (otherwise than in the performance of his duty or for the purposes of any legal proceedings, including arbitrations, or for the purposes of a report of any such proceedings as aforesaid) any information obtained by him in any premises entered by him in exercise of the powers conferred by o*'r by virtue of this Schedule, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **[**[F205]level 3 on the standard scale**]**or to imprison-ment for a term not exceeding three months, or to both.

Textual Amendments

F205 Words substituted by virtue of (E. W.) Criminal Justice Act 1982 (c. 48, SIF 39: 1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21. SIF 39:1), ss. 289F, 289G

Supplemental

10 Any power conferred on a person by virtue of this Schedule shall be exercisable by him either alone or with other persons, and shall be exercisable together with any vehicles, apparatus or materials required for the purpose for which the power is exercised.

11 In the general application of this Schedule to Scotland—

(a) any reference to a river authority includes a reference to a river purification authority;

(b) any reference to statutory water undertakers includes a reference to a local water authority;

(c) "sewerage authority" means [[F206]a regional or islands council];

(d) "marine work" has the meaning assigned to it by section 31(1) of the Harbours, Piers and Ferries *(Scotland) Act 1937;

(e) "chattels" means corporeal moveables.

Status: *Point in time view as at 01/03/1996.*
Changes to legislation: *Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F206 Words substituted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), **Sch. 27 Pt. II para. 159**

Status:
Point in time view as at 01/03/1996.

Changes to legislation:
Gas Act 1965 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.