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SCHEDULES

SCHEDULE 2

STORAGE AUTHORISATION ORDERS

PART I

FORM OF ORDER

- 1 (1) A storage authorisation order—
- (a) shall state the name of the [^{F1}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”.

Annotations:

Amendments (Textual)

- F1** 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.

PART II

PROCEDURE FOR MAKING ORDERS

Preliminary submission of proposals

- 3 (1) [^{F2}The applicant] shall before making the application formally in accordance with paragraph 6 of this Schedule submit [^{F3}his proposals] in writing to the Minister.
- (2) The written proposals shall include the name and address of [^{F2}the applicant] and shall
- (a) specify by reference to a large-scale map the perimeter of the storage area and of any protective area,

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- (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 [^{F2}the applicant]to furnish further information in writing concerning [^{F3}his proposals].

Annotations:

Amendments (Textual)

- F2** 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**
F3 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) [^{F4}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) [^{F4}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 [^{F5}authority, [^{F6}every local authority who are not a local planning authority and every]river authority within][^{F5}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 [^{F7}limits of supply][^{F7}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
- [^{F8}(bb) on the National Rivers Authority, and]
- (c) on such other bodies or individuals as the Minister may direct.

Annotations:

Amendments (Textual)

- F4** 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**
F5 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.
F6 Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 29 Pt. II para. 20(1)**

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- F7** 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.
- F8** [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 [^{F9}the applicant]to proceed with the proposals, or may allow [^{F9}the 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 [^{F10}the applicant’s]proposals submitted to the Minister.
- (3) The Minister shall inform [^{F9}the applicant]of his decision under this paragraph, and if the decision is to refuse to allow [^{F9}the applicant]to proceed with the proposals, the Minister shall at the request in writing of [^{F9}the applicant]furnish a written statement of the reasons for his decision.

Annotations:

Amendments (Textual)

- F9** 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](#)
- F10** 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
 - (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 [^{F11}the applicant]to furnish further information in writing concerning [^{F12}his application].

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Annotations:

Amendments (Textual)

- F11** 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**
F12 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) [^{F13}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 [^{F14}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) [^{F13}The applicant] shall serve a notice containing all the particulars in the notice published under this paragraph—
- (a) on every local planning [^{F15}authority, [^{F16}every local authority who are not a local planning authority and every] river authority within] [^{F15}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 [^{F17}limits of supply][^{F17}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
 - [^{F18}(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) [^{F13}The applicant] shall inform the Minister of the dates on which the notices were published or served under this paragraph.
- (5) A notice under this paragraph shall require any person objecting to the application to state the grounds of his objections.

Annotations:

Amendments (Textual)

- F13** 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**
F14 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**

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- F15** 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.
- F16** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 29 Pt. II para. 20\(1\)](#)
- F17** 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.
- F18** [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)

- C1** [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 [F19section 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 [F20the 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 [F19section 46 of the Gas Act 1972].

Annotations:

Amendments (Textual)

- F19** 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](#)
- F20** 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) [F21The applicant]shall at the time of making [F22his application]inform the Minister of the extent to which [F23he has been, or expects]to be, able to acquire by negotiation

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the land and rights which [^{F23}he must]possess in order to develop and operate the underground gas storage.

- (2) If the Minister, after consultation with [^{F21}the applicant], is satisfied that a compulsory purchase order will be required to put [^{F21}the applicant]in possession of any such land or right he may, if he thinks fit, give notice to [^{F21}the applicant]that he will not proceed with the application until [^{F21}the applicant][^{F24}has]made such a compulsory purchase order and [^{F24}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 [^{F21}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 [^{F21}the applicant]under sub-paragraph (2) of this paragraph 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.

Annotations:

Amendments (Textual)

- F21** 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**
F22 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**
F23 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**
F24 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.
- (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.

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- (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 [F25the 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) [F25The 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.

Annotations:

Amendments (Textual)

F25 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 ^{M1}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.

Annotations:

Marginal Citations

M1 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—
- (a) every local planning [F26authority, [F27every local authority who are not a local planning authority and every] river authority within][F26authority 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 [F28limits of supply][F28area] 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

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- [^{F29}(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 [^{F30}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) [^{F31}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.
- (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 [^{F32}section 46 of the ^{M2}Gas Act 1972].

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Annotations:

Amendments (Textual)

- F26** 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.
- F27** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 29 Pt. II para. 20\(1\)](#)
- F28** 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.
- F29** [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.
- F30** 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](#)
- F31** 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.
- F32** 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)

- C2** [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

- M2** [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.

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PART III

CASES WHERE PROCEDURE UNDER PART II NEED NOT BE FOLLOWED

Orders transferring functions from one [^{F33}public gas supplier]to another

Annotations:

Amendments (Textual)

F33 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 [^{F34}public gas supplier]to another, or to make any other change in the [^{F35}public gas transporters]having the benefit of, or exercising functions under, the storage authorisation order.
- (2) The [^{F35}public 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.

Annotations:

Amendments (Textual)

F34 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**

F35 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 [^{F36}public gas supplier]may apply to the Minister to make the order after serving notice of their application—

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- (a) on every local planning [^{F37}authority, [^{F38}every local authority who are not a local planning authority and every] river authority within][^{F37}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 [^{F39}limits of supply][^{F39}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
- [^{F40}(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) [^{F41}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 [^{F36}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.

Annotations:

Amendments (Textual)

- F36** 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**
- F37** 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.
- F38** Words substituted by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 29 Pt. II para. 20(1)**
- F39** 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.
- F40** 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.
- F41** 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

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Gas Act 1965. Any changes that have already been made by the team 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 [^{F42}the Scottish Environment Protection Agency] and to local water authorities;
- (b) for any reference to Part IV of Schedule 1 to the ^{M3}Acquisition of Land (Authorisation Procedure) Act 1946 there shall be substituted a reference to Part IV of Schedule 1 to the ^{M4}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

Annotations:**Amendments (Textual)**

F42 Words in [Sch. 2 Pt. IV para. 17\(a\)](#) substituted (1.4.1996) by [S.I. 1996/973, reg. 2, Sch. para. 3\(4\)](#)

Marginal Citations

M3 [1946 c. 49.\(28:1\)](#)

M4 [1947 c. 42.\(28:2\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 2 para. 7(3)(d) substituted by S.I. 2007/1519 Sch. para. 6(2)(a)
- Sch. 2 para. 12(1)(d) substituted by S.I. 2007/1519 Sch. para. 6(3)(a)
- Sch. 2 para. 14(2)(d) substituted by S.I. 2007/1519 Sch. para. 6(4)(a)
- Sch. 2 para. 16(2)(c) substituted by S.I. 2007/1519 Sch. para. 6(5)(a)
- Sch. 2 para. 4(2)(bb) substituted by S.I. 2013/755 Sch. 2 para. 37(2)
- Sch. 2 para. 7(3)(bb) substituted by S.I. 2013/755 Sch. 2 para. 37(2)
- Sch. 2 para. 12(1)(bb) substituted by S.I. 2013/755 Sch. 2 para. 37(3)
- Sch. 2 para. 16(2)(bb) substituted by S.I. 2013/755 Sch. 2 para. 37(4)
- Sch. 2 para. 17(a) words substituted by S.I. 2004/1822 Sch. para. 4(5)
- Sch. 2 para. 8(3) words substituted by S.I. 2009/1307 Sch. 1 para. 57
- Sch. 2 para. 12(4) words substituted by S.I. 2009/1307 Sch. 1 para. 57

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act words substituted by 2005 c. 4 Sch. 11 para. 4

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(2A) (2B) inserted by 2008 c. 29 Sch. 2 para. 12
- s. 5(2A) inserted by 2008 c. 29 Sch. 2 para. 13
- s. 6(9) inserted by 2008 c. 29 Sch. 2 para. 14(4)
- s. 17(5)(aza) inserted by 2012 asp 8 sch. 7 para. 46(b)
- s. 17(5)(zaa) inserted by S.I. 2004/1822 Sch. para. 4(3)(b)
- s. 17(5)(za)(zb) inserted by S.I. 2013/755 Sch. 2 para. 36(2)
- s. 25(4) inserted by S.I. 2017/524 Sch. 5 para. 11(b)
- Sch. 2 para. 7(3A) inserted by S.I. 2007/1519 Sch. para. 6(2)(b)
- Sch. 2 para. 12(1A) inserted by S.I. 2007/1519 Sch. para. 6(3)(b)
- Sch. 2 para. 14(3) inserted by S.I. 2007/1519 Sch. para. 6(4)(b)
- Sch. 2 para. 16(2A) inserted by S.I. 2007/1519 Sch. para. 6(5)(b)
- Sch. 3 para. 8A inserted by S.I. 2013/755 Sch. 2 para. 38(5)

Commencement Orders yet to be applied to the Gas Act 1965

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/1725 art. 2(1) commences (2002 c. 9)
- S.I. 2004/2202 art. 2 3 commences (2004 c. 5)
- S.I. 2004/2304 art. 2 commences (2004 c. 21)
- S.I. 2004/2917 art. 2 commences (2004 c. 21)
- S.I. 2009/1604 art. 2 commences (2005 c. 4)
- S.I. 2010/101 art. 2-5 commences (2008 c. 29)
- S.S.I. 2003/456 art. 2 commences (2000 asp 5)
- S.S.I. 2005/392 art. 2 commences (2005 asp 5)
- 2006 No. 2 Instrument made by Archbishops commences (2006 No. 1)