



Gas Act 1965

1965 CHAPTER 36

PART II

UNDERGROUND STORAGE OF GAS BY GAS AUTHORITIES

12 The right to store gas underground and related rights.

- (1) A [^{F1}public gas transporter] may be authorised under [^{F2}Schedule 3 to the principal Act] (compulsory purchase of land) to purchase compulsorily a right to store gas in an underground gas storage, [^{F3}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 [^{F4}or any other purpose, but that exclusive right does not prevent the acquisition by another person of a right to store gas in the underground gas storage (whether in accordance with section 19B of the principal Act or otherwise)].
- (3) Where, by a deed or instrument in which it is certified by a [^{F1}public gas transporter] that the instrument is made in connection with the acquisition of rights to store gas in an underground gas storage, any person having an interest in land grants, or agrees to grant, to a [^{F1}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 ^{M1}Land Charges Act 1925 and the ^{M2}[^{F5}Land Registration Act 2002] 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 [^{F1}public gas transporter] (whether created by compulsory purchase order or not), and any right to which the last foregoing subsection applies, shall —
 - [^{F6}(a) for the purposes of the Land Charges Act 1925, be deemed to be a charge affecting land falling within Class D(iii), and

*Changes to legislation: There are currently no known outstanding effects
 for the Gas Act 1965, Section 12. (See end of Document for details)*

- (b) for the purposes of the Land Registration Act 2002, be deemed to be an equitable easement.]
- (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 [^{F1}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 [^{F1}public gas transporter] or the person who would have been entitled to grant that right if it had not been acquired by [^{F7}any gas transporter, but nothing in this subsection prevents the grant to another person of a right to store gas in the underground gas storage (whether in accordance with section 19B of the principal Act or otherwise)].

Textual Amendments

- F1** 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**
- F2** 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**
- F3** Words repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**
- F4** Words in s. 12(2) substituted (26.8.2004) by The Gas (Third Party Access) Regulations 2004 (S.I. 2004/2043), reg. 1, **Sch. 1 para. 1(a)**
- F5** Words in s. 12(3) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), **Sch. 11 para. 6(2)** (with s. 129); S.I. 2003/1725, art. 2(1)
- F6** Words in s. 12(4) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), **Sch. 11 para. 6(3)** (with s. 129); S.I. 2003/1725, art. 2(1)
- F7** Words in s. 12(6) substituted (26.8.2004) by The Gas (Third Party Access) Regulations 2004 (S.I. 2004/2043), reg. 1, **Sch. 1 para. 1(b)**

Modifications etc. (not altering text)

- C1** S. 12(1) modified (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), **s. 30**

Marginal Citations

- M1** 1925 c. 22.
M2 1925 c. 21.(98:2)

Changes to legislation:

There are currently no known outstanding effects for the Gas Act 1965, Section 12.