



# Gas Act 1965

## 1965 CHAPTER 36

### PART II

#### UNDERGROUND STORAGE OF GAS BY GAS AUTHORITIES

#### **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 [<sup>F1</sup>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 [<sup>F1</sup>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 . . . <sup>F2</sup> shall not authorise the disregard by any [<sup>F1</sup>public gas transporter] of any enactment or rule of law exonerate a [<sup>F1</sup>public gas transporter] from any indictment, action or other proceedings for any nuisance caused by them.
- [<sup>F3</sup>(2A) So far as relating to development within section 17(2), (3) or (5) of the Planning Act 2008—
- (a) subsection (1) is subject to section 33(2) of that Act (exclusion of powers to authorise development for which development consent required), and
  - (b) subsection (2) is subject to section 33(1) of that Act (exclusion of requirement for other consents for development for which development consent required).
- (2B) So far as relating to the use of strata for the storage of gas, subsections (1) and (2) are subject to section 120(9) of the Planning Act 2008 (exclusion of power to include ancillary provision in orders).]
- (3) At all stages in the formulation by a [<sup>F1</sup>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 [<sup>F1</sup>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.

*Changes to legislation: There are currently no known outstanding effects for the Gas Act 1965, Section 4. (See end of Document for details)*

- (4) At all stages in the formulation by a <sup>F1</sup>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 <sup>F1</sup>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.
- <sup>F4</sup>(5) Section 72 of the <sup>M1</sup>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 <sup>F5</sup>the Town and Country Planning Act 1990], that development shall for the purposes of <sup>F6</sup>section 90 of that Act] (deemed 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 <sup>F7</sup>the Town and Country Planning (Scotland) Act 1997] that development shall for the purposes of <sup>F8</sup><sup>F7</sup>section 57] 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 <sup>F1</sup>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

- F1** Words in Pt. 2(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 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**
- F3** S. 4(2A)(2B) inserted (1.3.2010) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 2 para. 12** (with s. 226); S.I. 2010/101, **art. 2** (with art. 6)

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- 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 in s. 4(7) substituted (27.5.1997) by 1997 c. 11, **s. 4 Sch. 2 para. 10(1)**
- F8** Words substituted by Town and Country Planning Act (Scotland) Act 1972 (c. 52, SIF 123:2), **Sch. 21 Pt. II**

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**Marginal Citations**

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

**Changes to legislation:**

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