



Gas Act 1965

1965 CHAPTER 36

PART II

UNDERGROUND STORAGE OF GAS BY GAS AUTHORITIES

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

- (1) If a [^{F1}public gas transporter][^{F2}applies] in England or Wales to a magistrates court or in Scotland to the sheriff, and [^{F2}satisfies] the court that any controlled operations have been carried out [^{F3}in breach of section 5(2)], or that there has been a [^{F4}relevant failure to comply], 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 [^{F5}or in circumstances involving a relevant failure to comply], 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 [^{F1}public gas transporter] to execute those works in such manner as [^{F6}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 [^{F1}public gas transporter] to the court, and the court shall not entertain the application unless satisfied that the [^{F1}public gas transporter][^{F7}has taken] reasonable steps to give notice of the application to all such persons who are known to [^{F8}him].
- (3) The [^{F1}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 [^{F9}him] to execute the order.
- (4) Except in a case of emergency, a [^{F1}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 [^{F1}public gas transporter] in exercising [^{F10}his] powers under subsection (3) of this section [^{F10}causes] any damage to land or chattels, any person

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interested in the land or chattels shall be entitled to compensation in respect of that damage from the [F1public gas transporter].

- (5) Any expenses reasonably incurred by the [F1public gas transporter] in executing the order of a court under this section (but not including any compensation paid by the [F1public gas transporter] under this section) may be recovered by the [F1public gas transporter] from the person who carried out the controlled operations or, as the case may be, [F11was responsible for the relevant failure to comply.]
- (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 [F12level 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 [F1public gas transporter][F13applies] to the sheriff for an order under subsection (1) of this section [F13he] 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.
- [F14(9) In this section “relevant failure to comply” means—
- (a) in a case where the Minister's consent to the carrying out of controlled operations has been obtained under section 5, a failure to comply with any conditions subject to which the Minister's consent was granted;
 - (b) in a case where the carrying out of controlled operations has been authorised by an order granting development consent under the Planning Act 2008, a breach of the terms of the order or other failure to comply with the terms of the order.]

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** Word substituted by **Gas Act 1986 (c. 44)**, s. 67(1)(3), Sch. 7 para. 6(6), **Sch. 8 para. 33**
- F3** Words in s. 6(1) substituted (1.3.2010) by **Planning Act 2008 (c. 29)**, s. 241(8), **Sch. 2 para. 14(2)(a)** (with s. 226); S.I. 2010/101, **art. 2** (with art. 6)
- F4** Words in s. 6(1) substituted (1.3.2010) by **Planning Act 2008 (c. 29)**, s. 241(8), **Sch. 2 para. 14(2)(b)** (with s. 226); S.I. 2010/101, **art. 2** (with art. 6)
- F5** Words in s. 6(1) inserted (1.3.2010) by **Planning Act 2008 (c. 29)**, s. 241(8), **Sch. 2 para. 14(2)(c)** (with s. 226); S.I. 2010/101, **art. 2** (with art. 6)
- F6** Words substituted by **Gas Act 1986 (c. 44)**, s. 67(1)(3), Sch. 7 para. 6(6), **Sch. 8 para. 33**
- F7** Words substituted by **Gas Act 1986 (c. 44)**, s. 67(1)(3), Sch. 7 para. 6(7), **Sch. 8 para. 33**
- F8** Word substituted by **Gas Act 1986 (c. 44)**, s. 67(1)(3), Sch. 7 para. 6(7), **Sch. 8 para. 33**
- F9** Word substituted by **Gas Act 1986 (c. 44)**, s. 67(1)(3), Sch. 7 para. 6(8), **Sch. 8 para. 33**
- F10** Word substituted by **Gas Act 1986 (c. 44)**, s. 67(1)(3), Sch. 7 para. 6(9), **Sch. 8 para. 33**
- F11** Words in s. 6(5) substituted (1.3.2010) by **Planning Act 2008 (c. 29)**, s. 241(8), **Sch. 2 para. 14(3)** (with s. 226); S.I. 2010/101, **art. 2** (with art. 6)
- F12** 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**
- F13** Word substituted by **Gas Act 1986 (c. 44)**, s. 67(1)(3), Sch. 7 para. 6(10), **Sch. 8 para. 33**

Changes to legislation: *There are currently no known outstanding effects for the Gas Act 1965, Section 6. (See end of Document for details)*

F14 S. 6(9) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), [Sch. 2 para. 14\(4\)](#) (with s. 226); [S.I. 2010/101](#), art. 2 (with art. 6)

Changes to legislation:

There are currently no known outstanding effects for the Gas Act 1965, Section 6.