



# Gas Act 1965

## 1965 CHAPTER 36

### PART II

#### UNDERGROUND STORAGE OF GAS BY GAS AUTHORITIES

#### **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 [<sup>F1</sup>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

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*Changes to legislation: There are currently no known outstanding effects for the Gas Act 1965, Section 9. (See end of Document for details)*

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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<sup>F2</sup>, by the Environment Agency or the Natural Resources Body for Wales, 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.

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**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 in s. 9(5) substituted (1.4.2013) by **The Natural Resources Body for Wales (Functions) Order 2013** (S.I. 2013/755), **art. 1(2)**, **Sch. 2 para. 34** (with Sch. 7)

**Changes to legislation:**

There are currently no known outstanding effects for the Gas Act 1965, Section 9.