



# Utilities Act 2000

## 2000 CHAPTER 27

### PART V

#### AMENDMENT OF THE GAS ACT 1986

##### *Gas licensing*

#### **78 Construction of pipe-lines by gas transporters.**

(1) Section 22A of the 1986 Act (prohibition on execution of works for the construction of pipe-lines) is amended as follows.

(2) In subsection (1)—

- (a) for the words “A public gas transporter shall not at any time execute in an authorised area of another public gas transporter” there is substituted “ A gas transporter shall not at any time execute within 23 metres from a pipe-line of another gas transporter (the “other transporter”) ”;
- (b) in paragraph (b), the words “in that area” (in both places where they appear) shall cease to have effect;
- (c) after paragraph (c) there is inserted “; and
- (d) (subject to subsection (1C)) where the existing pipe-line is a relevant main of the other transporter, that transporter has consented in writing to the construction of the proposed pipe-line, either unconditionally or subject to conditions.”.

(3) After subsection (1) there is inserted—

“(1A) Subsection (1) does not apply if the proposed pipe-line is required to enable a gas transporter to comply with any duty imposed by section 10(2).

(1B) Conditions imposed under subsection (1)(d) may relate to matters arising after the construction of the proposed pipe-line, including the use to be made of the pipe-line.

(1C) If the other transporter—

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**Changes to legislation:** Utilities Act 2000, Section 78 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (a) refuses or fails to give consent under subsection (1)(d); or
- (b) gives such consent subject to conditions,

consent may instead be given in writing by the Authority where it considers it appropriate to do so.

(1D) Consent under subsection (1C) may only be given unconditionally or, in a case falling within subsection (1C)(b), subject to the same conditions as were imposed by the other transporter.

(1E) A condition imposed on a gas transporter under this section shall be enforceable by civil proceedings by the other transporter for an injunction or for interdict or for any other appropriate relief.”

(4) In subsection (3), after the definition of “pipe-line” there is inserted “;

“relevant main” has the meaning given by section 10(12).”

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**Commencement Information**

**II** S. 78 wholly in force at 1.10.2001; s. 78 not in force at Royal Assent see s. 110(2); s. 78 in force at 1.10.2001 by [S.I. 2001/3266](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-20](#))

**Changes to legislation:**

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

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

- s. 5(3A) inserted by [2023 c. 52 s. 197\(2\)](#)
- s. 33(1)(f) word omitted by [2018 c. 14 s. 6\(10\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). The word "or" is already omitted present (19.7.2018) by virtue of [2018 c. 21, ss. 11\(2\), 13\(2\)](#))