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SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

Enactments relating to statutory undertakers etc.

- 2 (1) A public gas transporter shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking for the purposes of the following enactments, namely—
- (i) the ^{M1}Public Health Act 1925;
 - (ii) the ^{M2}Public Health Act 1936;
 - (iii) the ^{M3}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;
 - (iv) section 4 of the ^{M4}Requisitioned Land and War Works Act 1948;
 - (v) the ^{M5}National Parks and Access to the Countryside Act 1949;
 - (vi) the ^{M6}Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951;
 - (vii) the ^{M7}Landlord and Tenant Act 1954;
 - (viii) the ^{M8}Opencast Coal Act 1958;
 - (ix) [^{F1}the ^{M9}Flood Prevention (Scotland) Act 1961;]
 - (x) section 17(10) of the ^{M10}Public Health Act 1961;
 - (xi) the ^{M11}Pipe-lines Act 1962;
 - (xii) Schedule 3 to the ^{M12}Harbours Act 1964;
 - (xiii) [^{F2}section 40 of the ^{M13}Forestry Act 1967;]
 - (xiv) section 50 of the ^{M14}Agriculture Act 1967;
 - (xv) sections 38 and 66 of the ^{M15}Countryside (Scotland) Act 1967;
 - (xvi) the ^{M16}New Towns (Scotland) Act 1968;
 - (xvii) section 11 of and paragraph 6 of Schedule 2 to the ^{M17}Countryside Act 1968;
 - (xviii) section 22 of the ^{M18}Sewerage (Scotland) Act 1968;
 - ^{F3}(xix)
 - (xx) section 51 of the ^{M19}Land Compensation Act 1973;
 - (xxi) [^{F4}section 47] of the ^{M20}Land Compensation (Scotland) Act 1973;
 - (xxii) section 73 of the ^{M21}Control of Pollution Act 1974;
 - (xxiii) the ^{M22}Welsh Development Agency Act 1975;
 - (xxiv) sections 15(3) and 26 of the ^{M23}Local Government (Miscellaneous Provisions) Act 1976;
 - ^{F5}(xxv)
 - (xxvi) section 9(3) of the ^{M24}Inner Urban Areas Act 1978;
 - (xxvii) the ^{M25}Ancient Monuments and Archaeological Areas Act 1979;

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- (xxviii) [^{F6}Part]XVI and section 120 of the ^{M26}Local Government, Planning and Land Act 1980;
- (xxix) the ^{M27}Highways Act 1980;
- (xxx) the ^{M28}New Towns Act 1981;
- (xxxi) the ^{M29}Acquisition of Land Act 1981;
- (xxxii) the ^{M30}Civil Aviation Act 1982;
- (xxxiii) section 30 of the ^{M31}Local Government (Miscellaneous Provisions) Act 1982;
- (xxxiv) the ^{M32}Roads (Scotland) Act 1984;
- (xxxv) the ^{M33}Building Act 1984;
- (xxxvi) [^{F7}section] 296 of the ^{M34}Housing Act 1985;
- (xxxvii) section 21 of the ^{M35}Road Traffic Act 1988.
- (xxxviii) section 9 of the ^{M36}Enterprise and New Towns (Scotland) Act 1990;
- (xxxix) section 7(5) of the ^{M37}Natural Heritage (Scotland) Act 1991.
- (2) References to public gas suppliers in the following enactments shall have effect as references to a public gas transporter, namely—
- (a) section 17(1)(b) of the ^{M38}Requisitioned Land and War Works Act 1945;
 - (b) the ^{M39}Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958;
 - (c) section 7A(4)(b)(ii) of the ^{M40}Mines (Working Facilities and Support) Act 1966;
 - (d) section 109(2)(d) of the ^{M41}Transport Act 1968;
 - ^{F8}(e)
 - (f) sections 73(11)(c) and 74(11)(b) of the Highways Act 1980;
 - (g) section 48(6)(c) of the Civil Aviation Act 1982;
 - (h) paragraph 3 of Schedule 5 to the ^{M42}Road Traffic Regulation Act 1984;
 - (i) section 80(3)(b) of the Building Act 1984;
 - (j) section 91 of the ^{M43}Planning (Listed Buildings and Conservation Areas) Act 1990;
 - (k) section 39 of the ^{M44}Planning (Hazardous Substances) Act 1990;
 - (l) section 52(1) of the ^{M45}Coal Mining Subsidence Act 1991;
 - (m) section 209(3)(b) of and paragraph 1(5)(e) of Schedule 13 to the ^{M46}Water Industry Act 1991;
 - (n) section 208(3)(b) of and paragraph 1(4)(e) of Schedule 22 to the ^{M47}Water Resources Act 1991;
 - (o) paragraph 1(1)(e) of Schedule 6 to the ^{M48}Land Drainage Act 1991.
- (3) The reference in Schedule 4 to the ^{M49}Public Health Act 1961 to gas undertakers shall have effect as a reference to a public gas transporter.
- (4) References in the ^{M50}Landlord and Tenant Act 1927 to a statutory company shall be deemed to include references to a public gas transporter.
- ^{F9}(5)

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- (6) References to public utility undertakers in the ^{M51}Highways Act 1980 shall be deemed to include references to a public gas transporter.
- (7) [^{F10}Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)] shall apply to a public gas transporter for the purposes of any works carried out by him.
- (8) The reference in section 82(4) of the ^{M52}Building Act 1984 (provisions with respect to demolition orders) to a person authorised by an enactment to carry on an undertaking for the supply of gas shall be construed as a reference to a public gas transporter.
- (9) References to public undertakers in section 125(7) of, and paragraphs 9 and 10 of Schedule 8 to, the ^{M53}Housing (Scotland) Act 1987 shall be deemed to include references to a public gas transporter.
- (10) In the following enactments, namely—
- (a) section 39 of the ^{M54}Opencast Coal Act 1958;
 - (b) paragraph 2 of Schedule 6 to the ^{M55}Gas Act 1965;
 - (c) the ^{M56}New Towns (Scotland) Act 1968;
 - ^{F11}(d)
 - (e) the ^{M57}Welsh Development Agency Act 1975;
 - ^{F12}(f)
 - (g) the ^{M58}New Towns Act 1981;
 - (h) section 9 of the ^{M59}Enterprise and New Towns (Scotland) Act 1990;
 - (i) section 7(5) of the ^{M60}Natural Heritage (Scotland) Act 1991,
“the appropriate Minister”, in relation to a public gas transporter, shall mean the Secretary of State for Trade and Industry.
- (11) In the following enactments, namely—
- (a) the ^{M61}Pipe-lines Act 1962;
 - (b) Schedule 3 to the ^{M62}Harbours Act 1964;
 - (c) section 121 of the Highways Act 1980; and
 - (d) the ^{M63}Acquisition of Land Act 1981,
“the appropriate Minister”, in relation to a public gas transporter, shall mean the Secretary of State.

Textual Amendments

- F1** Sch. 4 para. 2(1)(ix) repealed (S.) (24.12.2010) by [Flood Risk Management \(Scotland\) Act 2009 \(asp 6\), s. 97\(1\), Sch. 3 para. 8](#) (with s. 91); S.S.I. 2010/401, art. 3(h)
- F2** Sch. 4 para. 2(1)(xiii) repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018 \(asp 8\), s. 85\(2\), sch. 2](#) (with s. 83); S.S.I. 2019/47, reg. 2 (with regs. 3-22)
- F3** Sch. 4 para. 2(1)(xix) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), [Sch. 1 Pt. I](#) (with s. 5, Sch. 3).
- F4** Words in Sch. 4 para. 2(1)(xxi) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 61](#).
- F5** Sch. 4 para. 2(1)(xxv) repealed (1.10.1998) by 1998 c. 38, s. 152, [Sch. 18 Pt. IV](#) (with ss. 137(1), 141(1), 143(2)); S.I. 1998/2244, [art. 4](#).
- F6** Words in Sch. 4 para. 2(1)(xxviii) substituted (1.10.1998) by 1998 c. 38, [s. 135\(2\)\(c\)](#) (with ss. 141(1), 143(2)); S.I. 1998/2244, [art. 4](#).

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- F7** Word in Sch. 4 para. 2(1)(xxxvi) substituted (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5)(f), [Sch. 15 para. 39](#); S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.)
- F8** Sch. 4 para. 2(2)(e) repealed (27.5.1997) by [1997 c. 11](#), ss. 3, 6(2), [Sch. 1 Pt. I](#) (with s. 5, Sch. 3).
- F9** Sch. 4 para. 2(5) repealed (14.11.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), s. 34(1), [Sch. 3](#); S.I. 2005/2040, art. 3(r)
- F10** Words in Sch. 4 para. 2(7) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 37](#); S.I. 2017/1286, reg. 2(d)
- F11** Sch. 4 para. 2(10)(d) repealed (27.5.1997) by [1997 c. 11](#), ss. 3, 6(2), [Sch. 1 Pt. I](#) (with s. 5, Sch. 3).
- F12** Sch. 4 para. 2(10)(f) repealed (1.10.1998) by [1998 c. 38](#), s. 152, [Sch. 18 Pt. IV](#) (with ss. 137(1), 141(1), 143(2)); S.I. 1998/2244, [art. 4](#).

Modifications etc. (not altering text)

- C1** Sch. 4 para. 2(10): transfer of functions (5.3.2009) by [Secretary of State for Energy and Climate Change Order 2009 \(S.I. 2009/229\)](#), arts. 1(2), 4, [Sch. 1\(e\)](#)
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Marginal Citations

- M1** 1925 c.71.
M2 1936 c.49.
M3 1947 c.42.
M4 1948 c.17.
M5 1949 c.97.
M6 1951 c.65.
M7 1954 c.56.
M8 1958 c.69.
M9 1961 c.41.
M10 1961 c.64.
M11 1962 c.58.
M12 1964 c.40.
M13 1967 c.10.
M14 1967 c.22.
M15 1967 c.86.
M16 1968 c.16.
M17 1968 c.41.
M18 1968 c.47.
M19 1973 c.26.
M20 1973 c. 56.
M21 1974 c.40.
M22 1975 c.70.
M23 1976 c.57.
M24 1978 c.50.
M25 1979 c.46.
M26 1980 c.65.
M27 1980 c.66.
M28 1981 c.64.
M29 1981 c.67.
M30 1982 c.16.
M31 1982 c.30.
M32 1984 c.54.
M33 1984 c.55.
M34 1985 c.68.
M35 1988 c.52.
M36 1990 c.35.

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- M37** 1991 c.28.
- M38** 1945 c.43.
- M39** 1958 c.50.
- M40** 1966 c.4.
- M41** 1968 c.73.
- M42** 1984 c.27.
- M43** 1990 c.9.
- M44** 1990 c.10.
- M45** 1991 c. 45.
- M46** 1991 c.56.
- M47** 1991 c.57.
- M48** 1991 c.59.
- M49** 1961 c.64.
- M50** 1972 c.36.
- M51** 1980 c.66.
- M52** 1984 c.55.
- M53** 1987 c.26.
- M54** 1958 c.69.
- M55** 1965 c.36.
- M56** 1968 c.16.
- M57** 1975 c.70.
- M58** 1981 c.64.
- M59** 1990 c.35.
- M60** 1991 c.28.
- M61** 1962 c.58.
- M62** 1964 c.40.
- M63** 1981 c.67.

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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):

- Sch. 3 para. 42(1)(a)para. 42(2)(a) repealed by [2000 c. 27 Sch. 8](#)