



Gas Act 1965

1965 CHAPTER 36

PART II

UNDERGROUND STORAGE OF GAS BY GAS AUTHORITIES

11 Compensation under ss. 8 and 9 to be repayable in certain circumstances.

(1) If after a decision of the Minister under section 5 of this Act has given rise to a liability to pay compensation under section 8 or section 9 of this Act the Minister takes a further decision under the said section 5 with respect to the operations in respect of which the compensation was payable, and the further decision is in all or any respects more favourable than the earlier decision, any person who carries out any operations which would have been unlawful if the Minister had not taken that further decision shall, subject to this section, be liable to pay to the [^{F1}public gas supplier]concerned an amount equal to—

- (a) so much, if any, of that compensation as is in respect of abortive expenditure which, in consequence of the further decision of the Minister, is no longer abortive, and
- (b) so much of that compensation as is for any loss or damage which is nullified by the further decision,

together with interest on that amount from the date on which the operations made lawful by the Minister's further decision were begun until payment at the rate for the time being in force under section 32 of the ^{M1}Land Compensation Act 1961 or, as the case may be, section 40 of the ^{M2}Land Compensation (Scotland) Act 1963.

(2) If, on an application to the Minister, it is shown to the satisfaction of the Minister that, having regard to the probable value of any operations which will give rise to a liability under this section, the operations are not likely to be carried out unless he exercises his powers under this subsection, the Minister may remit the whole or a part of any amount otherwise recoverable under this section.

(3) Particulars of any compensation under section 8 or section 9 of this Act which has been agreed or awarded, together with particulars of the nature and location of the

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Changes to legislation: There are currently no known outstanding effects for the Gas Act 1965, Section 11. (See end of Document for details)

operations in respect of which the compensation is payable, shall be [^{F2}a local land charge.]

- (4) In Scotland, where compensation has been agreed or awarded as aforesaid it shall be the duty of the [^{F1}public gas supplier]concerned as soon as may be to cause the particulars specified in the last foregoing subsection to be recorded in the General Register of Sasines.

Textual Amendments

- F1** Words substituted by virtue of [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**
- F2** Words substituted by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\)](#), **Sch. 1**
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Marginal Citations

- M1** [1961 c. 33.\(28:1\)](#)
- M2** [1963 c. 51.\(28:2\)](#)

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