



# Gas Act 1965

## 1965 CHAPTER 36

### PART II

#### UNDERGROUND STORAGE OF GAS BY GAS AUTHORITIES

#### **13 Compulsory purchase of rights as respects wells, boreholes and shafts in storage area and protective area.**

- (1) The Minister may authorise a [<sup>F1</sup>public gas transporter] under [<sup>F2</sup>Schedule 3 to the principal Act] to purchase compulsorily any land which is in a storage area or protective area and which is the site of any well, borehole or shaft for the purpose—
  - (a) of making use of the well, borehole or shaft in connection with the development or use of the underground gas storage (and to the exclusion of its use by any other person), or
  - (b) where the well, borehole or shaft extends below the depth prescribed by the storage authorisation order, of stopping it up or preventing its use by any other person.
- (2) If the well, borehole or shaft in any such land extends below the depth prescribed by the storage authorisation order, the [<sup>F1</sup>public gas transporter] may be authorised under [<sup>F2</sup>Schedule 3 to the principal Act] to purchase compulsorily such rights as appear to the Minister expedient to enable the [<sup>F1</sup>public gas transporter] to ensure that the well, borehole or shaft is stopped up, or is prevented from being used by any other person; [<sup>F3</sup> and Part I of Schedule 4 to this Act shall apply in relation to the compulsory purchase].
- (3) For the purpose of enabling a [<sup>F1</sup>public gas transporter] to obtain access to land which is in a storage area or protective area and—
  - (a) on which the [<sup>F1</sup>public gas transporter][<sup>F4</sup>proposes] to construct a well, borehole or shaft to be connected with, or used for any of the purposes of, the underground gas storage, or
  - (b) which is the site of an existing well, borehole or shaft,the [<sup>F1</sup>public gas transporter] may be authorised under [<sup>F5</sup>the said Schedule 3] to purchase compulsorily a right of way over any land either for persons on foot or both

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- for persons on foot and vehicles; <sup>F3</sup>and Part I of Schedule 4 to this Act shall apply in relation to the compulsory purchase]. A right of way conferred under this subsection shall, subject to any express provision of the compulsory purchase order, imply—
- (i) the right to construct and maintain gates, stiles and bridges along the right of way together with all such rights as would be implied in the grant of an easement or servitude for a right of way comparable to that conferred by the compulsory purchase order, and
  - (ii) where the right of way includes a right to pass over the land with vehicles, a right to transport materials, plant and apparatus in vehicles.
- (4) Where in consequence of the exercise by a <sup>F1</sup>public gas transporter] of any right acquired under subsection (3) of this section any person suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled to compensation in respect of that loss from the <sup>F1</sup>public gas transporter].
  - (5) Part II of Schedule 4 to this Act (which relates to cases where a well, borehole or shaft is used for the purpose of providing a supply of water) shall have effect for the purposes of this section.
  - (6) A right acquired under subsection (2) or subsection (3) of this section shall—
    - <sup>F6</sup>(a) for the purposes of the Land Charges Act 1925, be deemed to be a charge affecting land falling within Class D(iii), and
    - (b) for the purposes of the Land Registration Act 2002, be deemed to be an equitable easement.]
  - (7) A right acquired as aforesaid in relation to a well, borehole or shaft situated in Scotland shall be recorded as soon as may be by the person acquiring the right in the General Register of Sasines.
  - (8) <sup>F7</sup>[Section 10(3) of the Coal Industry Act 1994] (restriction on alienation of coal and coalmines) shall not prevent the acquisition by a <sup>F1</sup>public gas transporter], whether by agreement or by compulsory purchase, for purposes connected with an underground gas storage of land which is the site of a well, borehole or shaft which forms part of a <sup>F8</sup>coal mine (as defined in section 65 of the said Act of 1994)]which is disused, or of any rights as respects such a well, borehole or shaft.
  - (9) References in this section to a storage area or protective area, or the depth prescribed by a storage authorisation order, shall, in relation to a compulsory purchase order which is made under this section after proposals for a storage authorisation order have been submitted to the Minister under paragraph 3 of Schedule 2 to this Act, but before the storage authorisation order takes effect, be taken as references to those areas, or the depth so prescribed, as set out in the proposals, or in an application under paragraph 6 of the said Schedule 2, and any variation of the areas or depth in the storage authorisation order, as compared with those proposals or the application, shall not invalidate the compulsory purchase order.
  - (10) The provisions of this section are without prejudice to the generality of the provisions of <sup>F2</sup>Schedule 3 to the principal Act].
  - (11) In the application of this section to Scotland, in subsection (4) “chattels” means corporeal moveables.

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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 substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), S. 67(1)(3), Sch. 7 para. 6(3), **Sch. 8 para. 33**
- F3** Words repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**
- F4** Word substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(11), **Sch. 8 para. 33**
- F5** Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(11), **Sch. 8 para. 33**
- F6** Words in s. 13(6) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), **Sch. 11 para. 6(3)** (with s. 129); S.I. 2003/1725, art. 2(1)
- F7** Words in s. 13(8) substituted (31.10.1994) by 1994 c. 21, s. 67, 68(2), **Sch. 9 para. 9** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F8** Words in s. 13(8) substituted (31.10.1994) by 1994 c. 21, s. 67, 68(2), **Sch. 9 para. 9** (with s. 40(7)); S.I. 1994/2553, **art. 2**

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### Modifications etc. (not altering text)

- C1** S. 13(2)(3) modified (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), **s. 30**

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