



Gas Act 1965

1965 CHAPTER 36

PART II

UNDERGROUND STORAGE OF GAS BY GAS AUTHORITIES

28 Interpretation of Part II. **E+W**

(1) In this Part of this Act, unless the context otherwise requires—

[^{F1}“the appropriate tribunal” means—

- (a) in relation to England and Wales, the Upper Tribunal;
- (b) in relation to Scotland, the Lands Tribunal for Scotland;]

“compulsory purchase order” means an order confirmed under Schedule 1 to the ^{M1}Acquisition of Land (Authorisation Procedure) Act 1946 or under Schedule 1 to the ^{M2}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

“controlled operations” has the meaning given by section 5 of this Act;
.....^{F2}

“danger” means danger of bodily harm or injury or danger to property, and “safe” and “safety” shall be construed accordingly;

[^{F3}“fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004;]
.....^{F4}

“Gazette” means, in relation to land in England and Wales, the London Gazette and, in relation to land in Scotland, the Edinburgh Gazette;

[^{F5}“large-scale map” means a map drawn on a scale not less than 1 in 10,560;]
.....^{F6}

“local authority” means, in England ^{F7}. . . [^{F8}the council of a county or district], the council of a London borough and the common council of the City of London, [^{F9}in Wales, the council of a county or county borough] and, in Scotland a [^{F10}regional, islands or district]council;

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“local planning authority” in England and Wales has the meaning assigned to it by [F11]section 336(1) of the Town and Country Planning Act 1990], . . . F12 and, in Scotland, the meaning assigned to it by [F13]section 277(1)of the Town and Country Planning (Scotland) Act 1997];

[F14]“local water authority” means a water authority within the meaning of section 109(1) of the M3Water (Scotland) Act 1980;]

“Minister concerned with water resources” means—

(a) [F15]in relation to England and Wales, the Secretary of State;]

(d) in relation to land in Scotland, [F16]the Secretary of State for Scotland];

“natural gas” means any gas derived from natural strata (including gas originating outside the United Kingdom);

“owner”, in relation to any land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion and, in relation to any land in Scotland,—

(a) unless the land is held on a long lease, means, if the land is feudal property, the proprietor of the *dominium utile* or, if the land is not feudal property, the owner of the land;

(b) if the land is held on a long lease, means the lessee under that lease;

and, for the purposes of this definition, “long lease” means a lease which has been, or is capable of being, recorded in the General Register of Sasines under the M4Registration of Leases (Scotland) Act 1857;

“planning Minister” means, in relation to England, the [F17]Secretary of State]and, in relation to Scotland or Wales, the Secretary of State;

“planning permission” means permission under [F11]Part III of the M5Town and Country Planning Act 1990 (other than sections 88 and 89)] or under [M6]Part III of the Town and Country Planning (Scotland) Act 1972];

F6

“river purification authority” has the same meaning as in section 17 of the M7Rivers (Prevention of Pollution) (Scotland) Act 1951;

“statutory licence to abstract water”, in relation to England and Wales, means a licence under Part IV of the Water Resources Act 1963 and in relation to Scotland means a statutory right to take water;

“statutory right to take water” means a right to take water conferred by an order under section [F18]17]of the M8Water (Scotland) Act [F18]1980]or by a provisional order having effect in Scotland;

“statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of . . . F19, . . . F20]hydraulic power F21. . . ;

[F22]“statutory water undertakers” means any water undertaker]

“storage authorisation order” means an order under section 4 of this Act;

“underground gas storage” means a storage of gas in a stratum below the surface of the ground in accordance with a storage authorisation order or, if the context so requires, the stratum where gas is so stored.

- (2) In this Part of this Act the expressions “protective area” and “storage area” have the meanings respectively assigned by section 5(1) of, and paragraph 1 of Schedule 2 to, this Act and, except where the context otherwise requires, any reference in this Part

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of this Act to a protective area or storage area includes all land and strata at all depths below the surface of the ground in the area.

- (3) For the purposes of this Part of this Act Monmouthshire shall be deemed to be in Wales and not in England.

F²³(4)

F²⁴(5)

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

- F1** Words in s. 28(1) inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 56(a)** (with Sch. 5)
- F2** Definition of “the corporation” inserted by [Gas Act 1972 \(c. 60, SIF 44:2\)](#), **Sch. 6 para. 14(9)(a)** repealed by virtue of [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3)(4), Sch. 7 para. 6(1)(a), Sch. 8 para. 33, **Sch. 9 Pt. I**
- F3** Words in s. 28(1) substituted (E.W.) (1.10.2004 except in relation to W. and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, **Sch. 1 para. 20(3)**; S.I. 2004/2304, **art. 2**; S.I. 2004/2917, **art. 2**
- F4** Definition of “Gas Authority” repealed by virtue of [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), Sch. 7 para. 6(24)(a), **Sch. 8 para. 33**
- F5** Definition substituted by virtue of [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), Sch. 7 para. 6(24)(b), **Sch. 8 para. 33**
- F6** Definition repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F7** Words in s. 28(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 25, **Sch. 18**; S.I. 1996/396, art. 4, **Sch. 2**
- F8** Words substituted by S.I. 1974/595, **art. 3(12)**
- F9** Words in s. 28(1) inserted (1.4.1996) by 1994 c. 19, s.66(6), **Sch. 16 para. 25**; S.I. 1996/396, **art. 4 Sch. 2**
- F10** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 27 Pt. II para. 158**
- F11** Words substituted by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 12(2)**
- F12** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F13** Words in s. 28(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch 2 para. 10(2)**
- F14** Definition substituted (S.) by [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\)](#), s. 112(1), **Sch. 10 Pt. II**
- F15** Paragraph (a) substituted (E.W.) for paragraphs (a) to (c) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1), **Sch. 25 para. 32(5)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 5)
- F16** Words substituted by S.I. 1970/1681, **Sch. 3 para. 10(1)**
- F17** Words substituted by virtue of S.I. 1970/1681, **arts. 2(1), 6(3)**
- F18** Words substituted (S.) by [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\)](#), s. 112, **Sch. 10 Pt. II**
- F19** Word repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F20** Word repealed by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(4), **Sch. 9 Pt. I**

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*Changes to legislation: There are currently no known outstanding effects
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- F21** Words repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 5)
- F22** Definition of “statutory water undertakers” substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F23** S. 28(4) omitted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 56(b)** (with Sch. 5)
- F24** S. 28(5) repealed (E.W.) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3, 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

Marginal Citations

- M1** 1946 c. 49.(28:1)
M2 1947 c. 42.(28:2)
M3 1980 c. 45.(130)
M4 1857 c. 26.(75:2)
M5 1990 c. 8.(123:1)
M6 1972 c. 52.(123:2)
M7 1951 c. 66.(46:4)
M8 1980 c. 45.(130)

28 Interpretation of Part II. **S**

(1) In this Part of this Act, unless the context otherwise requires—

“compulsory purchase order” means an order confirmed under Schedule 1 to the ^{M9}Acquisition of Land (Authorisation Procedure) Act 1946 or under Schedule 1 to the ^{M10}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

“controlled operations” has the meaning given by section 5 of this Act;

^{F25}

“danger” means danger of bodily harm or injury or danger to property, and “safe” and “safety” shall be construed accordingly;

“fire authority” means an authority which for the time being is constituted a fire authority by the ^{M11}Fire Services Act 1947 or any combination scheme made under that Act;

^{F26}

“Gazette” means, in relation to land in England and Wales, the London Gazette and, in relation to land in Scotland, the Edinburgh Gazette;

[^{F27}“large-scale map” means a map drawn on a scale not less than 1 in 10,560;]

“limits of supply”, in England and Wales in relation to any statutory water undertakers, means the limits within which the undertakers are for the time being authorised to supply water and, in Scotland in relation to [^{F28}Scottish Water], has the meaning assigned to it by section [^{F29}109(1)] of the ^{M12}Water (Scotland) Act [^{F29}1980];

“local authority” means, in England ^{F30}... [^{F31}the council of a county or district], the council of a London borough and the common council of the City of London, [^{F32}in Wales, the council of a county or county borough] and, in Scotland a [^{F33}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]council;

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“local planning authority” in England and Wales has the meaning assigned to it by [F34]section 336(1) of the Town and Country Planning Act 1990], F35 ... and, in Scotland, the meaning assigned to it by [F36]section 277(1) of the Town and Country Planning (Scotland) Act 1997];

F37
...

“Minister concerned with water resources” means—

- [F38](a) in relation to England and Wales, the Secretary of State;]
(d) in relation to land in Scotland, [F39]the Secretary of State for Scotland];
- “natural gas” means any gas derived from natural strata (including gas originating outside the United Kingdom);

“owner”, in relation to any land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion and, in relation to any land in Scotland,—

- (a) unless the land is held on a long lease, means, if the land is feudal property, the proprietor of the *dominium utile* or, if the land is not feudal property, the owner of the land;
- (b) if the land is held on a long lease, means the lessee under that lease;

and, for the purposes of this definition, “long lease” means a lease which has been, or is capable of being, recorded in the General Register of Sasines under the M13Registration of Leases (Scotland) Act 1857;

“planning Minister” means, in relation to England, the [F40]Secretary of State]and, in relation to Scotland or Wales, the Secretary of State;

“planning permission” means permission under [F34]Part III of the M14Town and Country Planning Act 1990 (other than sections 88 and 89)] or under [M15]Part III of the Town and Country Planning (Scotland) Act 1972];

F41
...

[F42]“river purification authority” has the same meaning as in section 17 of the M16Rivers (Prevention of Pollution) (Scotland) Act 1951;]

“statutory licence to abstract water”, in relation to England and Wales, means a licence under Part IV of the Water Resources Act 1963 and in relation to Scotland means a statutory right to take water;

“statutory right to take water” means a right to take water conferred by an order under section [F43]17]of the M17Water (Scotland) Act [F43]1980]or by a provisional order having effect in Scotland;

“statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of F44 ... , F45 ... hydraulic power F46 ...;

[F47]“statutory water undertakers” means any water undertaker]

“storage authorisation order” means an order under section 4 of this Act;

“underground gas storage” means a storage of gas in a stratum below the surface of the ground in accordance with a storage authorisation order or, if the context so requires, the stratum where gas is so stored.

- (2) In this Part of this Act the expressions “protective area” and “storage area” have the meanings respectively assigned by section 5(1) of, and paragraph 1 of Schedule 2 to, this Act and, except where the context otherwise requires, any reference in this Part of this Act to a protective area or storage area includes all land and strata at all depths below the surface of the ground in the area.

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(3) For the purposes of this Part of this Act Monmouthshire shall be deemed to be in Wales and not in England.

(4) In relation to Scotland for any reference in this Part of this Act to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

F48

F49(5)

Extent Information

E2 This version of this provision extends to Scotland only; a separate version has been created for England & Wales.

Textual Amendments

- F25** Definition of “the corporation” inserted by Gas Act 1972 (c. 60, SIF 44:2), **Sch. 6 para. 14(9)(a)** repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3)(4), Sch. 7 para. 6(1)(a), Sch. 8 para. 33, **Sch. 9 Pt. I**
- F26** Definition of “Gas Authority” repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(24)(a), **Sch. 8 para. 33**
- F27** Definition substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(24)(b), **Sch. 8 para. 33**
- F28** Words in s. 28(1) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 4(4)(a)**
- F29** Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**
- F30** Words in s. 28(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 25, **Sch. 18**; S.I. 1996/396, art. 4, **Sch. 2**
- F31** Words substituted by S.I. 1974/595, **art. 3(12)**
- F32** Words in s. 28(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 25**; S.I. 1996/396, **art. 4 Sch. 2**
- F33** Words in s. 28(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 66(2)**; S.I. 1996/323, **art. 4**
- F34** Words substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 12(2)**
- F35** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F36** Words in s. 28(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 10(2)**
- F37** Words in s. 28(1) repealed (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 4(4)(b)**
- F38** Paragraph (a) substituted (E.W.) for paragraphs (a) to (c) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F39** Words substituted by S.I. 1970/1681, **Sch. 3 para. 10(1)**
- F40** Words substituted by virtue of S.I. 1970/1681, **arts. 2(1), 6(3)**
- F41** Definition repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F42** Definition in s. 28(1) ceased to have effect (1.4.1996) by S.I. 1996/973, **reg. 2 Sch. para. 3(3)**
- F43** Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**
- F44** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F45** Word repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**

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- F46** Words repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F47** Definition of “statutory water undertakers” substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F48** S. 28(4) proviso repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. XVII**
- F49** S. 28(5) repealed (E.W.) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3, 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

Marginal Citations

- M9** 1946 c. 49.(28:1)
M10 1947 c. 42.(28:2)
M11 1947 c. 41.(50)
M12 1980 c. 45.(130)
M13 1857 c. 26.(75:2)
M14 1990 c. 8.(123:1)
M15 1972 c. 52.(123:2)
M16 1951 c. 66.(46:4)
M17 1980 c. 45.(130)

28 Interpretation of Part II. **S**

(1) In this Part of this Act, unless the context otherwise requires—

“compulsory purchase order” means an order confirmed under Schedule 1 to the ^{M9}Acquisition of Land (Authorisation Procedure) Act 1946 or under Schedule 1 to the ^{M10}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

“controlled operations” has the meaning given by section 5 of this Act;

^{F25}

“danger” means danger of bodily harm or injury or danger to property, and “safe” and “safety” shall be construed accordingly;

“fire authority” means an authority which for the time being is constituted a fire authority by the ^{M11}Fire Services Act 1947 or any combination scheme made under that Act;

^{F26}

“Gazette” means, in relation to land in England and Wales, the London Gazette and, in relation to land in Scotland, the Edinburgh Gazette;

[^{F27}“large-scale map” means a map drawn on a scale not less than 1 in 10,560;]

“limits of supply”, in England and Wales in relation to any statutory water undertakers, means the limits within which the undertakers are for the time being authorised to supply water and, in Scotland in relation to any local water authority, has the meaning assigned to it by section [^{F29}109(1)] of the ^{M12}Water (Scotland) Act [^{F29}1980];

“local authority” means, in England ^{F30}. . . [^{F31}the council of a county or district], the council of a London borough and the common council of the City of London, [^{F32}in Wales, the council of a county or county borough] and, in Scotland a [^{F33}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]council;

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“local planning authority” in England and Wales has the meaning assigned to it by ^{F34}section 336(1) of the Town and Country Planning Act 1990], . . . ^{F35}and, in Scotland, the meaning assigned to it by ^{F36}section 277(1) of the Town and Country Planning (Scotland) Act 1997];

^{F50}“local water authority” means a water authority within the meaning of section 109(1) of the ^{M18}Water (Scotland) Act 1980;]

“Minister concerned with water resources” means—

^{F38}(a) in relation to England and Wales, the Secretary of State;]

(d) in relation to land in Scotland, ^{F39}the Secretary of State for Scotland];

“natural gas” means any gas derived from natural strata (including gas originating outside the United Kingdom);

“owner”, in relation to any land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion and, in relation to any land in Scotland,—

(a) unless the land is held on a long lease, means, if the land is feudal property, the proprietor of the *dominium utile* or, if the land is not feudal property, the owner of the land;

(b) if the land is held on a long lease, means the lessee under that lease;

and, for the purposes of this definition, “long lease” means a lease which has been, or is capable of being, recorded in the General Register of Sasines under the ^{M13}Registration of Leases (Scotland) Act 1857;

“planning Minister” means, in relation to England, the ^{F40}Secretary of State]and, in relation to Scotland or Wales, the Secretary of State;

“planning permission” means permission under ^{F34}Part III of the ^{M14}Town and Country Planning Act 1990 (other than sections 88 and 89)] or under ^{M15}Part III of the Town and Country Planning (Scotland) Act 1972];

^{F41}. . .

^{F42}“river purification authority” has the same meaning as in section 17 of the ^{M16}Rivers (Prevention of Pollution) (Scotland) Act 1951;]

“statutory licence to abstract water”, in relation to England and Wales, means a licence under Part IV of the Water Resources Act 1963 and in relation to Scotland means a statutory right to take water;

“statutory right to take water” means a right to take water conferred by an order under section ^{F43}17]of the ^{M17}Water (Scotland) Act ^{F43}1980]or by a provisional order having effect in Scotland;

“statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of . . . ^{F44}, . . . ^{F45}hydraulic power ^{F46}. . . ;

^{F47}“statutory water undertakers” means any water undertaker]

“storage authorisation order” means an order under section 4 of this Act;

“underground gas storage” means a storage of gas in a stratum below the surface of the ground in accordance with a storage authorisation order or, if the context so requires, the stratum where gas is so stored.

(2) In this Part of this Act the expressions “protective area” and “storage area” have the meanings respectively assigned by section 5(1) of, and paragraph 1 of Schedule 2 to, this Act and, except where the context otherwise requires, any reference in this Part

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of this Act to a protective area or storage area includes all land and strata at all depths below the surface of the ground in the area.

- (3) For the purposes of this Part of this Act Monmouthshire shall be deemed to be in Wales and not in England.
- (4) In relation to Scotland for any reference in this Part of this Act to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

F48

F49 (5)

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England & wales.

Textual Amendments

- F25** Definition of “the corporation” inserted by Gas Act 1972 (c. 60, SIF 44:2), **Sch. 6 para. 14(9)(a)** repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3)(4), Sch. 7 para. 6(1)(a), Sch. 8 para. 33, **Sch. 9 Pt. I**
- F26** Definition of “Gas Authority” repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(24)(a), **Sch. 8 para. 33**
- F27** Definition substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(24)(b), **Sch. 8 para. 33**
- F29** Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**
- F30** Words in s. 28(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 25, **Sch. 18**; S.I. 1996/396, art. 4, **Sch. 2**
- F31** Words substituted by S.I. 1974/595, **art. 3(12)**
- F32** Words in s. 28(1) inserted (1.4.1996) by 1994 c. 19, s.66(6), **Sch. 16 para. 25**; S.I. 1996/396, **art. 4 Sch. 2**
- F33** Words in s. 28(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 66(2)**; S.I. 1996/323, **art. 4**
- F34** Words substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 12(2)**
- F35** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F36** Words in s. 28(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 10(2)**
- F38** Paragraph (a) substituted (E.W.) for paragraphs (a) to (c) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F39** Words substituted by S.I. 1970/1681, **Sch. 3 para. 10(1)**
- F40** Words substituted by virtue of S.I. 1970/1681, **arts. 2(1), 6(3)**
- F41** Definition repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F42** Definition in s. 28(1) ceased to have effect (1.4.1996) by S.I. 1996/973, **reg. 2 Sch. para. 3(3)**
- F43** Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**
- F44** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F45** Word repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**
- F46** Words repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

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Changes to legislation: *There are currently no known outstanding effects
 for the Gas Act 1965, Section 28. (See end of Document for details)*

- F47** Definition of “statutory water undertakers” substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F48** S. 28(4) proviso repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. XVII**
- F49** S. 28(5) repealed (E.W.) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3, 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)
- F50** Definition substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112(1), **Sch. 10 Pt. II**

Marginal Citations

- M9** 1946 c. 49.(28:1)
M10 1947 c. 42.(28:2)
M11 1947 c. 41.(50)
M12 1980 c. 45.(130)
M13 1857 c. 26.(75:2)
M14 1990 c. 8.(123:1)
M15 1972 c. 52.(123:2)
M16 1951 c. 66.(46:4)
M17 1980 c. 45.(130)
M18 1980 c. 45.(130)

28 Interpretation of Part II. **S**

(1) In this Part of this Act, unless the context otherwise requires—

“compulsory purchase order” means an order confirmed under Schedule 1 to the ^{M9}Acquisition of Land (Authorisation Procedure) Act 1946 or under Schedule 1 to the ^{M10}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

“controlled operations” has the meaning given by section 5 of this Act;
^{F25}

“danger” means danger of bodily harm or injury or danger to property, and “safe” and “safety” shall be construed accordingly;

“fire authority” means an authority which for the time being is constituted a fire authority by the ^{M11}Fire Services Act 1947 or any combination scheme made under that Act;

^{F26}

“Gazette” means, in relation to land in England and Wales, the London Gazette and, in relation to land in Scotland, the Edinburgh Gazette;

[^{F27}“large-scale map” means a map drawn on a scale not less than 1 in 10,560;]

“limits of supply”, in England and Wales in relation to any statutory water undertakers, means the limits within which the undertakers are for the time being authorised to supply water and, in Scotland in relation to [^{F28}Scottish Water], has the meaning assigned to it by section [^{F29}109(1)] of the ^{M12}Water (Scotland) Act [^{F29}1980];

“local authority” means, in England ^{F30} ... [^{F31}the council of a county or district], the council of a London borough and the common council of the City of London, [^{F32}in Wales, the council of a county or county borough] and, in Scotland a [^{F33}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]council;

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Changes to legislation: There are currently no known outstanding effects
for the Gas Act 1965, Section 28. (See end of Document for details)

“local planning authority” in England and Wales has the meaning assigned to it by [^{F34}section 336(1) of the Town and Country Planning Act 1990], ^{F35}... and, in Scotland, the meaning assigned to it by [^{F36}section 277(1) of the Town and Country Planning (Scotland) Act 1997];

^{F37}
...

“Minister concerned with water resources” means—

- [^{F38}(a) in relation to England and Wales, the Secretary of State;]
(d) in relation to land in Scotland, [^{F39}the Secretary of State for Scotland];
- “natural gas” means any gas derived from natural strata (including gas originating outside the United Kingdom);

“owner”, in relation to any land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion and, in relation to any land in Scotland,—

- (a) unless the land is held on a long lease, means, if the land is feudal property, the proprietor of the *dominium utile* or, if the land is not feudal property, the owner of the land;
- (b) if the land is held on a long lease, means the lessee under that lease;

and, for the purposes of this definition, “long lease” means a lease which has been, or is capable of being, recorded in the General Register of Sasines under the ^{M13}Registration of Leases (Scotland) Act 1857;

“planning Minister” means, in relation to England, the [^{F40}Secretary of State]and, in relation to Scotland or Wales, the Secretary of State;

“planning permission” means permission under [^{F34}Part III of the ^{M14}Town and Country Planning Act 1990 (other than sections 88 and 89)] or under [^{M15}Part III of the Town and Country Planning (Scotland) Act 1972];

^{F41}
...

[^{F42}“river purification authority” has the same meaning as in section 17 of the ^{M16}Rivers (Prevention of Pollution) (Scotland) Act 1951;]

“statutory licence to abstract water”, in relation to England and Wales, means a licence under Part IV of the Water Resources Act 1963 and in relation to Scotland means a statutory right to take water;

“statutory right to take water” means a right to take water conferred by an order under section [^{F43}17]of the ^{M17}Water (Scotland) Act [^{F43}1980]or by a provisional order having effect in Scotland;

“statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of ^{F44}... , ^{F45}... hydraulic power ^{F46}...;

[^{F47}“statutory water undertakers” means any water undertaker]

“storage authorisation order” means an order under section 4 of this Act;

“underground gas storage” means a storage of gas in a stratum below the surface of the ground in accordance with a storage authorisation order or, if the context so requires, the stratum where gas is so stored.

- (2) In this Part of this Act the expressions “protective area” and “storage area” have the meanings respectively assigned by section 5(1) of, and paragraph 1 of Schedule 2 to, this Act and, except where the context otherwise requires, any reference in this Part of this Act to a protective area or storage area includes all land and strata at all depths below the surface of the ground in the area.

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*Changes to legislation: There are currently no known outstanding effects
for the Gas Act 1965, Section 28. (See end of Document for details)*

(3) For the purposes of this Part of this Act Monmouthshire shall be deemed to be in Wales and not in England.

(4) In relation to Scotland for any reference in this Part of this Act to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

F48

F49(5)

Extent Information

E2 This version of this provision extends to Scotland only; a separate version has been created for England & Wales.

Textual Amendments

- F25** Definition of “the corporation” inserted by Gas Act 1972 (c. 60, SIF 44:2), **Sch. 6 para. 14(9)(a)** repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3)(4), Sch. 7 para. 6(1)(a), Sch. 8 para. 33, **Sch. 9 Pt. I**
- F26** Definition of “Gas Authority” repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(24)(a), **Sch. 8 para. 33**
- F27** Definition substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(24)(b), **Sch. 8 para. 33**
- F28** Words in s. 28(1) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 4(4)(a)**
- F29** Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**
- F30** Words in s. 28(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 25, **Sch. 18**; S.I. 1996/396, art. 4, **Sch. 2**
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- F32** Words in s. 28(1) inserted (1.4.1996) by 1994 c. 19, s.66(6), **Sch. 16 para. 25**; S.I. 1996/396, **art. 4 Sch. 2**
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- F34** Words substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 12(2)**
- F35** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
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- F37** Words in s. 28(1) repealed (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 4(4)(b)**
- F38** Paragraph (a) substituted (E.W.) for paragraphs (a) to (c) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
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- F40** Words substituted by virtue of S.I. 1970/1681, **arts. 2(1), 6(3)**
- F41** Definition repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F42** Definition in s. 28(1) ceased to have effect (1.4.1996) by S.I. 1996/973, **reg. 2 Sch. para. 3(3)**
- F43** Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**
- F44** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F45** Word repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**

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Changes to legislation: There are currently no known outstanding effects
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- F46** Words repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F47** Definition of “statutory water undertakers” substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F48** S. 28(4) proviso repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. XVII**
- F49** S. 28(5) repealed (E.W.) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3, 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

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M11 1947 c. 41.(50)
M12 1980 c. 45.(130)
M13 1857 c. 26.(75:2)
M14 1990 c. 8.(123:1)
M15 1972 c. 52.(123:2)
M16 1951 c. 66.(46:4)
M17 1980 c. 45.(130)

28 Interpretation of Part II. **S**

(1) In this Part of this Act, unless the context otherwise requires—

“compulsory purchase order” means an order confirmed under Schedule 1 to the ^{M9}Acquisition of Land (Authorisation Procedure) Act 1946 or under Schedule 1 to the ^{M10}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

“controlled operations” has the meaning given by section 5 of this Act;

^{F25}

“danger” means danger of bodily harm or injury or danger to property, and “safe” and “safety” shall be construed accordingly;

“fire authority” means an authority which for the time being is constituted a fire authority by the ^{M11}Fire Services Act 1947 or any combination scheme made under that Act;

^{F26}

“Gazette” means, in relation to land in England and Wales, the London Gazette and, in relation to land in Scotland, the Edinburgh Gazette;

[^{F27}“large-scale map” means a map drawn on a scale not less than 1 in 10,560;]

“limits of supply”, in England and Wales in relation to any statutory water undertakers, means the limits within which the undertakers are for the time being authorised to supply water and, in Scotland in relation to [^{F28}Scottish Water], has the meaning assigned to it by section [^{F29}109(1)] of the ^{M12}Water (Scotland) Act [^{F29}1980];

“local authority” means, in England and Wales^{F30}... [^{F31}the council of a county or district], the council of a London borough and the common council of the City of London, [^{F32}in Wales, the council of a county or county borough] and, in Scotland a [^{F33}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]council;

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“local planning authority” in England has the meaning assigned to it by [F34]section 336(1) of the Town and Country Planning Act 1990], F35... and, in Scotland, the meaning assigned to it by [F36]section 277(1) of the Town and Country Planning (Scotland) Act 1997];

F37
...

“Minister concerned with water resources” means—

- [F38](a) in relation to England and Wales, the Secretary of State;]
(d) in relation to land in Scotland, [F39]the Secretary of State for Scotland];
“natural gas” means any gas derived from natural strata (including gas originating outside the United Kingdom);

“owner”, in relation to any land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion and, in relation to any land in Scotland,—

- (a) unless the land is held on a long lease, means, if the land is feudal property, the proprietor of the *dominium utile* or, if the land is not feudal property, the owner of the land;
(b) if the land is held on a long lease, means the lessee under that lease;

and, for the purposes of this definition, “long lease” means a lease which has been, or is capable of being, recorded in the General Register of Sasines under the M13Registration of Leases (Scotland) Act 1857;

“planning Minister” means, in relation to England, the [F40]Secretary of State]and, in relation to Scotland or Wales, the Secretary of State;

“planning permission” means permission under [F34]Part III of the M14Town and Country Planning Act 1990 (other than sections 88 and 89)] or under [M15]Part III of the Town and Country Planning (Scotland) Act 1972];

F41
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[F42]“river purification authority” has the same meaning as in section 17 of the M16Rivers (Prevention of Pollution) (Scotland) Act 1951;]

“statutory licence to abstract water”, in relation to England and Wales, means a licence under Part IV of the Water Resources Act 1963 and in relation to Scotland means a statutory right to take water;

“statutory right to take water” means a right to take water conferred by an order under section [F43]17]of the M17Water (Scotland) Act [F43]1980]or by a provisional order having effect in Scotland;

“statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of F44... , F45... hydraulic power F46...;

[F47]“statutory water undertakers” means any water undertaker]

“storage authorisation order” means an order under section 4 of this Act;

“underground gas storage” means a storage of gas in a stratum below the surface of the ground in accordance with a storage authorisation order or, if the context so requires, the stratum where gas is so stored.

- (2) In this Part of this Act the expressions “protective area” and “storage area” have the meanings respectively assigned by section 5(1) of, and paragraph 1 of Schedule 2 to, this Act and, except where the context otherwise requires, any reference in this Part of this Act to a protective area or storage area includes all land and strata at all depths below the surface of the ground in the area.

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(3) For the purposes of this Part of this Act Monmouthshire shall be deemed to be in Wales and not in England.

(4) In relation to Scotland for any reference in this Part of this Act to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

F48

F49(5)

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Textual Amendments

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- F35** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
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- F37** Words in s. 28(1) repealed (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 4(4)(b)**
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- F43** Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**
- F44** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F45** Word repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**

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- F47** Definition of “statutory water undertakers” substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
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M17 1980 c. 45.(130)

28 Interpretation of Part II. **S**

(1) In this Part of this Act, unless the context otherwise requires—

“compulsory purchase order” means an order confirmed under Schedule 1 to the ^{M9}Acquisition of Land (Authorisation Procedure) Act 1946 or under Schedule 1 to the ^{M10}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

“controlled operations” has the meaning given by section 5 of this Act;

^{F25}

“danger” means danger of bodily harm or injury or danger to property, and “safe” and “safety” shall be construed accordingly;

“fire authority” means an authority which for the time being is constituted a fire authority by the ^{M11}Fire Services Act 1947 or any combination scheme made under that Act;

^{F26}

“Gazette” means, in relation to land in England and Wales, the London Gazette and, in relation to land in Scotland, the Edinburgh Gazette;

[^{F27}“large-scale map” means a map drawn on a scale not less than 1 in 10,560;]

“limits of supply”, in England and Wales in relation to any statutory water undertakers, means the limits within which the undertakers are for the time being authorised to supply water and, in Scotland in relation to [^{F28}Scottish Water], has the meaning assigned to it by section [^{F29}109(1)] of the ^{M12}Water (Scotland) Act [^{F29}1980];

“local authority” means, in England ^{F30}... [^{F31}the council of a county or district], the council of a London borough and the common council of the City of London, [^{F32}in Wales, the council of a county or county borough] and, in Scotland a [^{F33}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]council;

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“local planning authority” in England and Wales has the meaning assigned to it by [^{F34}section 336(1) of the Town and Country Planning Act 1990], ^{F35}... and, in Scotland, the meaning assigned to it by [^{F36}section 277(1) of the Town and Country Planning (Scotland) Act 1997];

^{F37}
...

“Minister concerned with water resources” means—

- [^{F38}(a) in relation to England and Wales, the Secretary of State;]
(d) in relation to land in Scotland, [^{F39}the Secretary of State for Scotland];
- “natural gas” means any gas derived from natural strata (including gas originating outside the United Kingdom);

“owner”, in relation to any land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion and, in relation to any land in Scotland,—

- (a) unless the land is held on a long lease, means, if the land is feudal property, the proprietor of the *dominium utile* or, if the land is not feudal property, the owner of the land;
- (b) if the land is held on a long lease, means the lessee under that lease;

and, for the purposes of this definition, “long lease” means a lease which has been, or is capable of being, recorded in the General Register of Sasines under the ^{M13}Registration of Leases (Scotland) Act 1857;

“planning Minister” means, in relation to England, the [^{F40}Secretary of State]and, in relation to Scotland or Wales, the Secretary of State;

“planning permission” means permission under [^{F34}Part III of the ^{M14}Town and Country Planning Act 1990 (other than sections 88 and 89)] or under [^{M15}Part III of the Town and Country Planning (Scotland) Act 1972];

^{F41}
...

[^{F42}“river purification authority” has the same meaning as in section 17 of the ^{M16}Rivers (Prevention of Pollution) (Scotland) Act 1951;]

“statutory licence to abstract water”, in relation to England and Wales, means a licence under Part IV of the Water Resources Act 1963 and in relation to Scotland means a statutory right to take water;

“statutory right to take water” means a right to take water conferred by an order under section [^{F43}17]of the ^{M17}Water (Scotland) Act [^{F43}1980]or by a provisional order having effect in Scotland;

“statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of ^{F44}... , ^{F45}... hydraulic power ^{F46}...;

[^{F47}“statutory water undertakers” means any water undertaker]

“storage authorisation order” means an order under section 4 of this Act;

“underground gas storage” means a storage of gas in a stratum below the surface of the ground in accordance with a storage authorisation order or, if the context so requires, the stratum where gas is so stored.

- (2) In this Part of this Act the expressions “protective area” and “storage area” have the meanings respectively assigned by section 5(1) of, and paragraph 1 of Schedule 2 to, this Act and, except where the context otherwise requires, any reference in this Part of this Act to a protective area or storage area includes all land and strata at all depths below the surface of the ground in the area.

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(3) For the purposes of this Part of this Act Monmouthshire shall be deemed to be in Wales and not in England.

(4) In relation to Scotland for any reference in this Part of this Act to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

F48

F49(5)

Extent Information

E2 This version of this provision extends to Scotland only; a separate version has been created for England & Wales.

Textual Amendments

- F25** Definition of “the corporation” inserted by Gas Act 1972 (c. 60, SIF 44:2), **Sch. 6 para. 14(9)(a)** repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3)(4), Sch. 7 para. 6(1)(a), Sch. 8 para. 33, **Sch. 9 Pt. I**
- F26** Definition of “Gas Authority” repealed by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(24)(a), **Sch. 8 para. 33**
- F27** Definition substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(24)(b), **Sch. 8 para. 33**
- F28** Words in s. 28(1) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 4(4)(a)**
- F29** Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**
- F30** Words in s. 28(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 25, **Sch. 18**; S.I. 1996/396, art. 4, **Sch. 2**
- F31** Words substituted by S.I. 1974/595, **art. 3(12)**
- F32** Words in s. 28(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 25**; S.I. 1996/396, **art. 4 Sch. 2**
- F33** Words in s. 28(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 66(2)**; S.I. 1996/323, **art. 4**
- F34** Words substituted by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 12(2)**
- F35** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F36** Words in s. 28(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 10(2)**
- F37** Words in s. 28(1) repealed (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 4(4)(b)**
- F38** Paragraph (a) substituted (E.W.) for paragraphs (a) to (c) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F39** Words substituted by S.I. 1970/1681, **Sch. 3 para. 10(1)**
- F40** Words substituted by virtue of S.I. 1970/1681, **arts. 2(1), 6(3)**
- F41** Definition repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F42** Definition in s. 28(1) ceased to have effect (1.4.1996) by S.I. 1996/973, **reg. 2 Sch. para. 3(3)**
- F43** Words substituted (S.) by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112, **Sch. 10 Pt. II**
- F44** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F45** Word repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**

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- F46** Words repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F47** Definition of “statutory water undertakers” substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(5)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F48** S. 28(4) proviso repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. XVII**
- F49** S. 28(5) repealed (E.W.) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60), ss. 3, 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

Marginal Citations

- M9** 1946 c. 49.(28:1)
M10 1947 c. 42.(28:2)
M11 1947 c. 41.(50)
M12 1980 c. 45.(130)
M13 1857 c. 26.(75:2)
M14 1990 c. 8.(123:1)
M15 1972 c. 52.(123:2)
M16 1951 c. 66.(46:4)
M17 1980 c. 45.(130)

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