



Gas Act 1965

1965 CHAPTER 36

PART II

UNDERGROUND STORAGE OF GAS BY GAS AUTHORITIES.

28 Interpretation of Part II.

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

" compulsory purchase order " means an order confirmed under Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 or under Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

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

" 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 Fire Services Act 1947 or any combination scheme made under that Act;

" gas authority " means the Gas Council or an Area Board, and, in relation to an underground gas storage, means the gas authority who are or are to be authorised to operate the underground gas storage ;

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

" large-scale map " means a map on a scale not less than six inches to the mile ;

" 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 5 of the Water (Scotland) Act 1946 ;

" local authority " means, in England and Wales, the council of a county, county borough, or county district, the council of a London borough and the

Status: This is the original version (as it was originally enacted).

common council of the City of London, and, in Scotland, a town or county council;

" local planning authority " in England and Wales has the meaning assigned to it by section 2 of the Town and Country Planning Act 1962, but does not include the Greater London Council and, in Scotland, the meaning assigned to it by section 2 of the Town and Country Planning (Scotland) Act 1947 ;

" local water authority " has the same meaning as in section 5 of the Water (Scotland) Act 1946 ;

" Minister concerned with water resources " means—

- (a) in relation to land in a river authority area which is wholly in England, the Minister of Housing and Local Government;
- (b) in relation to land in a river authority area which is wholly in Wales, the Secretary of State ;
- (c) in relation to land in a river authority area partly in England and partly in Wales, the Minister of Housing and Local Government and the Secretary of State acting either jointly or by one of them on behalf of both;
- (d) in relation to land in Scotland, the Secretary of State;

" 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 Registration of Leases (Scotland) Act 1857;

" planning Minister " means, in relation to England, the Minister of Housing and Local Government and, in relation to Scotland or Wales, the Secretary of State ;

" planning permission " means permission under Part III of the Town and Country Planning Act 1962 or under Part III of the Town and Country Planning (Scotland) Act 1947;

" river authority " means a river authority established under Part II of the Water Resources Act 1963, the Conservators of the River Thames, the Lee Conservancy Catchment Board and the Isle of Wight River and Water Authority ; and for the purposes of this Part of this Act the area of the Conservators of the River Thames shall be the Thames Catchment Area and the London excluded area (as defined in section 125(5) of the Water Resources Act 1963), and the area of the Lee Conservancy Catchment Board shall be the Lee Catchment Area;

" river purification authority " has the same meaning as in section 17 of the 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 21 of the Water (Scotland) Act 1946 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 electricity, gas, hydraulic power or water ;

" statutory water undertakers " has the same meaning as in the provisions of the Water Act 1945, other than Part II of that Act;

" 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.
- (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 :

Provided that until sections 1 to 3 of the Lands Tribunal Act 1949 come into force as regards Scotland, this subsection shall have effect as if for the reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under Part I of the Land Compensation (Scotland) Act 1963 ; and sections 3 and 5 of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Part of this Act by an arbiter so appointed.

- (5) In section 15 of this Act and in Part II of Schedule 4 to this Act the references to a protected right as defined in section 26 of the Water Resources Act 1963 include references to a protected right within the meaning of the said section 26 as extended by section 56(1)(b) of that Act (pending applications for licences), and the said section 56(1) shall have effect as if the provisions of this Part of this Act referring to a statutory licence to abstract water were mentioned in paragraphs (a) and (b) of that subsection.