

*Status: Point in time view as at 24/02/2014.*

*Changes to legislation: Planning Act 2008, Cross Heading: Gas Act 1965 (c. 36) is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### AMENDMENTS CONSEQUENTIAL ON DEVELOPMENT CONSENT REGIME

##### *Gas Act 1965 (c. 36)*

11 The Gas Act 1965 is amended as follows.

#### Commencement Information

**II** Sch. 2 para. 11 in force at 1.3.2010 by S.I. 2010/101, art. 2 (with art. 6)

12 In section 4 (storage authorisation orders) after subsection (2) insert—

“(2A) So far as relating to development within section 17(2), (3) or (5) of the Planning Act 2008—

- (a) subsection (1) is subject to section 33(2) of that Act (exclusion of powers to authorise development for which development consent required), and
- (b) subsection (2) is subject to section 33(1) of that Act (exclusion of requirement for other consents for development for which development consent required).

(2B) So far as relating to the use of strata for the storage of gas, subsections (1) and (2) are subject to section 120(9) of the Planning Act 2008 (exclusion of power to include ancillary provision in orders).”

#### Commencement Information

**I2** Sch. 2 para. 12 in force at 1.3.2010 by S.I. 2010/101, art. 2 (with art. 6)

13 In section 5 (control of mining and other operations in gas storage area and protective area) after subsection (2) insert—

“(2A) Subsection (2) does not apply so far as the controlled operations are authorised by an order granting development consent under the Planning Act 2008.”

#### Commencement Information

**I3** Sch. 2 para. 13 in force at 1.3.2010 by S.I. 2010/101, art. 2 (with art. 6)

14 (1) Section 6 (controlled operations: carrying out of works to remedy a default) is amended as follows.

(2) In subsection (1)—

*Status: Point in time view as at 24/02/2014.*

**Changes to legislation:** *Planning Act 2008, Cross Heading: Gas Act 1965 (c. 36) is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) for “without the consent of the Minister” substitute “ in breach of section 5(2) ”,
  - (b) for “failure to comply with any conditions subject to which the Minister's consent to the carrying out of any controlled operations has been granted” substitute “ relevant failure to comply ”, and
  - (c) after “foregoing section” insert “ or in circumstances involving a relevant failure to comply ”.
- (3) In subsection (5) for the words from “failed” to the end substitute “ was responsible for the relevant failure to comply. ”
- (4) After subsection (8) insert—
- “(9) In this section “relevant failure to comply” means—
- (a) in a case where the Minister's consent to the carrying out of controlled operations has been obtained under section 5, a failure to comply with any conditions subject to which the Minister's consent was granted;
  - (b) in a case where the carrying out of controlled operations has been authorised by an order granting development consent under the Planning Act 2008, a breach of the terms of the order or other failure to comply with the terms of the order.”

**Commencement Information**

**I4** Sch. 2 para. 14 in force at 1.3.2010 by S.I. 2010/101, art. 2 (with art. 6)

**Status:**

Point in time view as at 24/02/2014.

**Changes to legislation:**

Planning Act 2008, Cross Heading: Gas Act 1965 (c. 36) is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.