
 STATUTORY INSTRUMENTS

1967 No. 1167

GAS

**The Gas (Underground Storage) (Certificates) (England and Wales)
Regulations 1967**

Made - - - - - 26th July 1967

Coming into Operation 1st September 1967

The Minister of Power, the Minister of Housing and Local Government and the Secretary of State acting jointly in exercise of their powers under paragraph 7 of Schedule 3 to the Gas Act 1965(a) and of all other powers enabling them in that behalf hereby make the following regulations:—

PART I
GENERAL

Citation and Commencement

1. These regulations may be cited as the Gas (Underground Storage) (Certificates) (England and Wales) Regulations 1967 and shall come into operation on 1st September 1967

Interpretation

2.—(1) In these regulations—

“the Act” means the Gas Act 1965;

“certificate” means a certificate issued under the provisions of Schedule 3 to the Act;

“controlled operations” has the meaning given to that expression by section 5 of the Act;

“gas authority” and “river authority” have the meanings assigned to them by section 28 of the Act;

“local planning authority” has the meaning assigned to it by section 2 of the Town and Country Planning Act 1962(b), but does not include the Greater London Council;

“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 one of them acting on behalf of both;

“the parties concerned” means the gas authority and the applicant for a certificate;

“planning Minister” means, in relation to England, the Minister of Housing and Local Government and, in relation to Wales, the Secretary of State;

“statutory licence to abstract water” means a licence under Part IV of the Water Resources Act 1963(c).

 (a) 1965 c. 36.

(b) 1962 c. 38.

(c) 1963 c. 38.

(2) For the purposes of these regulations Monmouthshire shall be deemed to be in Wales and not in England.

(3) The Interpretation Act 1889^(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Extent

3. These regulations shall extend only to England and Wales.

PART II

CERTIFICATES AS RESPECTS PLANNING PERMISSION

Application for and issue of certificates

4.—(1) An application to the local planning authority for a certificate under paragraph 1 of Schedule 3 to the Act shall be in writing, and shall include a plan or map sufficient to identify the land to which the application relates.

(2) On submitting such an application the applicant shall serve a copy thereof on the gas authority.

(3) The time within which a certificate is to be issued by the local planning authority shall be two months of the receipt of such an application by them.

(4) Where the local planning authority is a London borough council or the Common Council of the City of London that council shall consult with the Greater London Council before issuing a certificate in any case where an application for planning permission for the controlled operations would have fallen to be dealt with by the Greater London Council.

(5) The local planning authority shall include in the certificate a statement in writing of the reasons for their decision, including the reasons for any conditions specified therein, and shall give particulars of the manner in which, and the time within which, an appeal may be made to the planning Minister under paragraph 2 of Schedule 3 to the Act.

(6) The local planning authority shall send a copy of every certificate issued by them to the council of every county district in which is situated any part of the land to which the certificate relates and, where the local planning authority is a London borough council or the Common Council of the City of London, to the Greater London Council.

Appeals

5.—(1) The time for giving notice of an appeal under paragraph 2 of Schedule 3 to the Act shall be within one month of the receipt of the certificate or of the expiry of the time or extended period mentioned in sub-paragraph (4) of that paragraph, as the case may be.

(2) Notice of appeal shall be given in writing to the planning Minister, and a copy of the notice shall be sent by the appellant to (a) the local planning authority, and (b) the other of the parties concerned.

(3) The appellant shall within one month of giving notice of appeal, or such longer period as the planning Minister may at any time in any particular case allow, furnish to that Minister (a) a statement of the grounds of appeal, (b) one copy of the application to the local planning authority and (c) one copy of the certificate, if any, issued by the local planning authority.

(4) If an appellant does not within the time limited under the last preceding paragraph furnish to the Minister the documents thereby required, the appeal shall be treated as withdrawn.

Information as to certificates, etc.

6. A local planning authority shall, on a request in writing by any person appearing to them to have an interest in land which is the subject of a certificate under paragraph 1 of Schedule 3 to the Act or of an application for such a certificate, furnish to that person (a) the name and address of the applicant for the certificate and the date of the application, and (b) a copy of the certificate, if any.

PART III

CERTIFICATES AS RESPECTS THE GRANT OF STATUTORY LICENSES TO ABSTRACT WATER

Application for and issue of certificates

7.—(1) An application to the river authority for a certificate under paragraph 4 of Schedule 3 to the Act in respect of any controlled operations shall be in writing, and shall include such particulars, and shall be accompanied by such maps and documents, other than documents relating to the publication or service of notices, as would be required to be submitted to the said river authority if the application were an application, pursuant to regulations made under the Water Resources Act 1963, for a statutory licence to abstract water in respect of the said controlled operations.

(2) On submitting such an application the applicant shall serve a copy thereof on the gas authority together with a copy of any accompanying map or document.

(3) The time within which a certificate is to be issued by the river authority shall be three months of the receipt of such an application by them.

(4) The river authority issuing a certificate shall include in the certificate a statement in writing of the reasons for their decision, including the reasons for any conditions, limitations or restrictions specified therein, and shall give particulars of the manner in which, and the time within which, an appeal may be made to the Minister concerned with water resources under paragraph 5 of the said Schedule 3.

Appeals

8.—(1) The time for giving notice of an appeal under paragraph 5 of Schedule 3 to the Act shall be within one month of the receipt of the certificate or of the expiry of the time or extended period mentioned in sub-paragraph (4) of that paragraph, as the case may be.

(2) Notice of appeal shall be given in writing to the Minister concerned with water resources and a copy of the notice shall be sent by the appellant to (a) the river authority and (b) the other of the parties concerned.

(3) The appellant shall within one month of giving notice of appeal, or such longer period as the Minister concerned with water resources may at any time in any particular case allow, furnish to that Minister (a) a statement of the grounds of appeal, (b) one copy of the application to the river authority and (c) one copy of the certificate, if any, issued by the river authority.

(4) If an appellant does not within the time limited under the last preceding paragraph furnish to the Minister the documents thereby required, the appeal shall be treated as withdrawn.

Information as to certificates, etc.

9. The river authority shall, on a request in writing by any person appearing to them to have an interest in land which is the subject of a certificate under paragraph 4 of Schedule 3 to the Act or of an application for such a certificate, furnish to that person (a) the name and address of the applicant for the certificate and the date of the application, and (b) a copy of the certificate, if any.

Dated 24th July 1967.

Richard Marsh,
Minister of Power.

Dated 25th July 1967.

Anthony Greenwood,
Minister of Housing
and Local Government.

Dated 26th July 1967.

Cledwyn Hughes,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Under section 5 of the Gas Act 1965 the consent of the Minister of Power is required to the carrying out of mining, boring and other operations below prescribed depths in the area used for the underground storage of gas by a gas authority and in a surrounding protective area. Section 8 provides that if the Minister refuses his consent, or grants consent subject to conditions, compensation is to be paid by the gas authority for expenditure rendered abortive or loss or damage caused by that decision. Section 9 makes similar provision for compensation in cases where the Minister subsequently withdraws his consent, or imposes new or different conditions. But compensation is not payable under either section unless the claimant can show that he has obtained or could reasonably have expected to obtain the necessary planning permission or statutory licence to abstract water. Under Schedule 3 application may be made to the local planning authority or the appropriate river authority, as the case may be, for a certificate stating that planning permission or a licence to abstract water could reasonably have been expected to be granted if the land had not been within the prescribed areas.

These regulations prescribe the procedure for obtaining, and for appealing against, such certificates and for obtaining information concerning them.