

Changes to legislation: Gas Act 1965, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 April 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) View outstanding changes

SCHEDULES

SCHEDULE 6 **E+W+S**

POWER TO ENTER ON LAND AND TO PROSPECT AND SURVEY LAND

Modifications etc. (not altering text)

- C1** Sch. 6 extended by Post Office Act 1969 (c. 48), **Sch. 4 para. 93(1)(xxiii)**, Civil Aviation Act 1982 (c. 16, SIF 9), s. 19(2), **Sch. 2 para. 4**, and Gas Act 1986 (c. 44, SIF 44:2), s. 67(1), Sch. 7 para. 2(1) (xv), **Sch. 8 para. 33**
- C2** Sch. 6 extended (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 1(2)(xii)** (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.
- C3** Sch. 6 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 1(1)(xv)**
Sch. 6 modified (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 1(1)(2)(k)** (with s. 106); S.I. 2001/869, **art. 2**

Search for underground storage sites

- 1 (1) Where it appears to the Minister to be expedient that any land should be prospected for the purpose of finding or proving a site for an underground gas storage the Minister may, on the application of a [^{F1}public gas supplier] give a direction designating that land as land in relation to which the powers conferred by the next following paragraph are to be exercisable, subject to such conditions, if any, as may be specified in the direction.
- (2) [^{F2}The applicant] shall serve on the owners and occupiers of all the land to which the application relates notice of [^{F3}his application], setting out the terms of the direction applied for and stating that representations with respect to the application may be made to the Minister within twenty-eight days from service of the notice.
- (3) The Minister shall take into consideration all representations duly made within the said period of twenty-eight days and may, if he thinks fit, give the direction in the terms applied for, or in more restrictive terms.
- (4) The direction shall remain in force for such period, being not more than two years, as may be specified in the direction and if within the period so specified [^{F2}the applicant], or any other [^{F1}public gas supplier], take proceedings under Schedule 2 to this Act for the making of a storage authorisation order which will include in its storage area any of the land designated in the direction, the direction shall continue in force until the Minister under paragraph 5(1) of the said Schedule refuses to allow [^{F2}the applicant] to proceed with [^{F4}his proposals], or under paragraph 10(1) of that Schedule refuses the application, or until the storage authorisation order comes into force.

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Textual Amendments

- F1** Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**
- F2** Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(27)(a), **Sch. 8 para. 33**
- F3** Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(27)(b), **Sch. 8 para. 33**
- F4** Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(27)(c), **Sch. 8 para. 33**

- 2 (1) Subject to this paragraph, while a direction under the foregoing paragraph remains in force, and subject to compliance with any conditions specified in the direction, any person authorised in writing by the ^{F5}public gas supplier] may, at any reasonable time, for the purpose of finding or proving a site for an underground gas storage—
- (a) enter upon the land designated in the direction, or upon any other land to which entry is required for obtaining access to that land,
 - (b) survey the land and carry out trial borings in the land, and
 - (c) remove from the land any specimens, whether solid or fluid, abstracted from boreholes in the land:

Provided that nothing in this sub-paragraph shall be construed as authorising any interference with the exercise of a public right of way, or any contravention of a prohibition or restriction imposed by or under an enactment (whether contained in a public general Act or in any other Act).

- (2) A person authorised under this paragraph to enter on any land shall not demand admission as of right to any land which is occupied unless twenty-eight days notice of the intended entry has been given to the occupier and to the owner of the land, and where it is proposed to carry out any of the operations described in paragraphs (b) and (c) of the foregoing sub-paragraph the power to carry out those operations shall not be exercisable unless twenty-eight days notice was given both of the intended entry and of intention to carry out those operations.

^{F6}(3) If notice of intention to carry out any such operations is given as respects land which is held by statutory undertakers, by ^{F7}[^{F7}a sewerage authority]^{F7}Scottish Water]]^{F7}Scottish Water] , or by a river authority or other drainage authority, and the body object to the proposed operations on the ground that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking or, in the case of a sewerage authority or a river authority or other drainage authority, to the performance of their ^{F8}functions]]^{F8}core functions (within the meaning of section 70(2) of the Water Industry (Scotland) Act 2002) (asp 3)] , the operations shall not be carried out except with the consent of the appropriate Minister.]

^{F6}(3) If notice of intention to carry out any such operations is given as respects land which is held by statutory undertakers or by an internal drainage board, and the statutory undertakers or the internal drainage board object to the proposed operations on the ground that the carrying out of the operations would be seriously detrimental to the carrying on of their undertaking or, in the case of an internal drainage board, to the performance of their ^{F8}functions]]^{F8}core functions (within the meaning of section 70(2) of the Water Industry (Scotland) Act 2002) (asp 3)], the operations shall not be carried out except with the consent of the appropriate Minister.]

- (4) A person shall not by virtue of this paragraph be entitled to enter or remain on land ^{F9}occupied by the Environment Agency, the Natural Resources Body for Wales or

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by^[F10]^[F11]statutory water undertakers^[F11]Scottish Water] unless he complies with any reasonable requirements ^[F12]imposed by the Environment Agency, by the Natural Resources Body for Wales or, as the case may be, by ^[F13]the undertakers^[F13]Scottish Water]] for the purpose of protecting water against pollution; and any question arising under this sub-paragraph as to what requirements are reasonable shall in case of dispute be determined by the Minister concerned with water resources whose decision shall be final.

- (5) Nothing in this paragraph shall authorise entry into any building.
- (6) In this paragraph the expression “the appropriate Minister”—
- (a) when used in relation to statutory undertakers, has the meaning given by ^[F14]section 290(1) of the Town and Country Planning Act 1971], or, as the case may be, ^[F14]section 275(1) of the Town and Country Planning (Scotland) Act 1972]and
 - ^[F15](b) when used in relation to a sewerage authority in England, means the ^[F16]Secretary of State], and when used in relation to a sewerage authority in Scotland or Wales, means the Secretary of State, and]
 - ^[F17](c) when used in relation to a river authority or other drainage authority—
 - (i) where the land in question is in England or Wales and is held for purposes relating to land drainage or fisheries, means the Minister of Agriculture, Fisheries and Food,
 - (ii) where the land in question is in Scotland and is held for purposes relating to land drainage or fisheries or to a marine work, means the Secretary of State,
 - (iii) where the land in question is held for purposes connected with navigation, means the ^[F16]Secretary of State],
 - (iv) where the land in question is held for purposes connected with the functions of a river authority in England or Wales (not being functions mentioned in paragraphs (i) and (iii) of this sub-paragraph), the Minister concerned with water resources, and
 - (v) in any other case, in relation to land in England, means the ^[F16]Secretary of State]and, in relation to land in Scotland or Wales, means the Secretary of State.]
 - ^[F17](c) when used in relation to an internal drainage board, means the Secretary of State or the Minister of Agriculture, Fisheries and Food.]

Textual Amendments

- F5** Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**
- F6** Sch. 6 para. 2(3), as appears second, substituted (E.W.) for Sch. 6 para. 2(3), as appears first, by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 32(9)(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.
- F7** Words in Sch. 6 para. 2(3) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), **Sch. para. 4(7)(a)(i)**
- F8** Words in Sch. 6 para. 2(3) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), **Sch. para. 4(7)(a)(ii)**
- F9** Words in Sch. 6 para. 2(4) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 40(2)** (with Sch. 7)

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- F10** Words from “the National Rivers Authority” to “the undertakers” substituted (E.W.) for the words from “statutory” to “the undertakers” by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1), [Sch. 25 para. 32\(9\)\(b\)](#) (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.
- F11** Words in Sch. 6 para. 2(4) substituted (S.) (14.7.2004) by [The Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\)](#), [Sch. para. 4\(7\)\(b\)\(i\)](#)
- F12** Words in Sch. 6 para. 2(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 40\(3\)](#) (with Sch. 7)
- F13** Words in Sch. 6 para. 2(4) substituted (S.) (14.7.2004) by [The Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\)](#), [Sch. para. 4\(7\)\(b\)\(ii\)](#)
- F14** Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), s. 17(2)(a)
- F15** Sch. 6 para. 2(6)(b) repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), [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.
- F16** Words substituted by virtue of [S.I. 1970/1681](#), [arts. 2\(1\), 6\(3\)](#)
- F17** Sch. 6 para. 2(6)(c) beginning “when used in relation to an internal drainage board” substituted (E.W.) for Sch. 6 para. 2(6)(c) beginning “when used in relation to a river authority” by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1), [Sch. 25 para. 32\(9\)\(c\)](#) (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.

Modifications etc. (not altering text)

- C4** Para. 2 modified by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), Sch. 7 para. 2(9)(c), [Sch. 8 para. 33](#)
- C5** Sch. 6 para. 2 modified (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1), [Sch. 25 para. 1\(10\)\(iii\)](#) (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.
- C6** Sch. 6 para. 2 modified by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1), [Sch. 16 para. 3\(1\)\(c\)](#)
 Sch. 6 para. 2 modified (1.3.1996) by 1995 c. 45, s. 16(1), [Sch. 4 para. 2\(10\)\(b\)](#); [S.I. 1996/218](#), [art. 2](#)

Entry for purposes of survey

- 3 (1) Subject to this paragraph, any person authorised in writing by a [^{F18}public gas supplier] may at any reasonable time enter upon and survey any land—
- (a) for the purpose of preparing any documents to be submitted to the Minister at any stage of the proceedings for the making of a storage authorisation order, or
- (b) for the purpose of estimating value, or assessing loss, in connection with any claim for compensation under Part II of this Act.
- (2) A person authorised under this paragraph to enter on any land shall not demand admission as of right to any land which is occupied unless twenty-eight days’ notice of the intended entry has been given to the occupier and to the owner of the land.

Textual Amendments

- F18** Words substituted by virtue of [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), Sch. 7 para. 6(2), [Sch. 8 para. 33](#)

Detection and supervision of controlled operations in storage area and protective area

- 4 (1) The powers conferred by this paragraph may be exercised for the purpose of supervising and inspecting any controlled operations carried out with the consent

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of the Minister, and for the purpose of guarding against and detecting the carrying out of any controlled operations without the consent of the Minister or the doing of anything else constituting an offence under section 5 of this Act.

- (2) Any person authorised in writing by a [^{F19}public gas supplier] or by the Minister may, at any reasonable time, for the said purposes enter upon—
- (a) any land in the storage area or the protective area, or
 - (b) any land to which entry is required for the purpose of obtaining access to that land, and
 - (c) where that person has reason to believe that any controlled operations are being carried out from the surface of land which is not in the storage area or the protective area, that other land.
- (3) A person authorised under this paragraph to enter on any land shall not demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.
- (4) A person having power to enter on any land under this paragraph—
- (a) may on that land inspect any borehole, shaft, excavation, quarry or other works, and may for that purpose use for his entry, inspection and return any apparatus or machinery which is on the land and is for use in the works, and
 - (b) may employ any means for discovering the depth of any part of any works below the surface of the ground, and their location in relation to the controlled area.

Textual Amendments

F19 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

Warrants to authorise entry

- 5 The ^{M1}Rights of Entry (Gas and Electricity Boards) Act 1954 (which relates to entry to buildings under the authority of a justice's warrant) shall apply in relation to the powers of entry conferred by this Schedule as if references in that Act to premises included any land, and references to an employee of a [^{F20}public gas supplier] included references to a person acting under the authority of the Minister.

Textual Amendments

F20 Words substituted by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(27)(d), Sch. 8 para. 33

Marginal Citations

M1 1954 c. 21.(44:3)

Compensation

- 6 Where in the exercise of any power conferred by this Schedule any damage is caused to land or to chattels, any person interested in the land or chattels shall be entitled to compensation in respect of that damage from the [^{F21}public gas supplier] concerned; and where in consequence of the exercise of any such power

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any person is disturbed in his enjoyment of any land or of any chattels he shall be entitled to compensation from that [F21public gas supplier]in respect of the disturbance.

Textual Amendments

F21 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

Duty to reinstate land

- 7 (1) Subject to this paragraph, it shall be the duty of the [F22public gas supplier]to make good any damage to the surface of any land caused in the exercise of [F23his powers]under paragraph 2(1)(b) and (c) of this Schedule and, where the land is agricultural land, to secure, so far as practicable, that any damaged land is so restored as to be fit for use for the purpose for which it was used immediately before the damage occurred.
- (2) The [F22public gas supplier]shall discharge [F24his duty]as soon as practicable and, in any case, not later than one month from the time when the direction under this Schedule ceases to be in force.
- (3) Sub-paragraph (1) of this paragraph shall not apply if the direction by virtue of which the powers were exercised terminates with the min into force of a storage authorisation order and the land is purchased by the [F22public gas supplier]for the purpose of the underground gas storage.
- (4) Any question as to compensation payable under the last foregoing paragraph in respect of any damage which a [F22public gas supplier] may be under a duty to make good under this paragraph shall be assessed having regard to the steps which the gas authority have taken or agreed to take to discharge that duty.

Textual Amendments

F22 Words substituted by virtue of Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 6(2), **Sch. 8 para. 33**

F23 Words substituted by Gas Act 1986 (c. 44,SIF 44:2),s. 67(1)(3),Sch. 7 para. 6(27)(e), Sch. 8 para. 33

F24 Words substituted by Gas Act 1986 (c. 44,SIF 44:2),s. 67(1)(3),Sch. 7 para. 6(27)(f), Sch. 8 para. 33

Obstruction

- 8 A person who wilfully obstructs a person acting in the exercise of his powers under this Schedule shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [F25level 1 on the standard scale].

Textual Amendments

F25 Words substituted by virtue of (E. W.) Criminal Justice Act 1982 (c. 48, SIF 39: 1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21. SIF 39:1), ss. 289F, 289G

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Restriction on disclosure of information

- 9 If a person discloses (otherwise than in the performance of his duty or for the purposes of any legal proceedings, including arbitrations, or for the purposes of a report of any such proceedings as aforesaid) any information obtained by him in any premises entered by him in exercise of the powers conferred by or by virtue of this Schedule, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F26level 3 on the standard scale] or to imprisonment for a term not exceeding three months, or to both.

Textual Amendments

- F26** Words substituted by virtue of (E. W.) Criminal Justice Act 1982 (c. 48, SIF 39: 1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21. SIF 39:1), ss. 289F, 289G

Supplemental

- 10 Any power conferred on a person by virtue of this Schedule shall be exercisable by him either alone or with other persons, and shall be exercisable together with any vehicles, apparatus or materials required for the purpose for which the power is exercised.
- 11 In the general application of this Schedule to Scotland—
- (a) any reference to a river authority includes a reference to [F27the Scottish Environment Protection Agency];
 - F28(b)
 - F29(c)
 - (d) "marine work" has the meaning assigned to it by section 31(1) of the Harbours, Piers and Ferries (Scotland) Act 1937;
 - (e) "chattels" means corporeal moveables.

Textual Amendments

- F27** Words in Sch. 6 para. 11(a) substituted (S.) (1.4.1996) by S.I. 1996/973, reg. 2, Sch. para. 3(5)
- F28** Sch. 6 para. 11(b) repealed (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), Sch. para. 4(7)(c)
- F29** Sch. 6 para. 11(c) repealed (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), Sch. para. 4(7)(c)

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Changes and effects yet to be applied to :

- Sch. 6 para. 9 words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)