

*Changes to legislation: There are currently no known outstanding effects for the Gas Act 1965, Paragraph 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 6

#### 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](#)
- C1** 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.
- C1** 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*

- 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 <sup>[F1]</sup>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.
- <sup>[F2]</sup>(3) If notice of intention to carry out any such operations is given as respects land which is held by statutory undertakers, by <sup>[F3]</sup><sup>[F3]</sup>a sewerage authority]<sup>[F3]</sup>Scottish Water]]<sup>[F3]</sup>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,

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in the case of a sewerage authority or a river authority or other drainage authority, to the performance of their [<sup>F4</sup>functions][<sup>F4</sup>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.]

- [<sup>F2</sup>(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 [<sup>F4</sup>functions][<sup>F4</sup>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 [<sup>F5</sup>occupied by the Environment Agency, the Natural Resources Body for Wales or by][<sup>F6</sup>[<sup>F7</sup>statutory water undertakers][<sup>F7</sup>Scottish Water] unless he complies with any reasonable requirements [<sup>F8</sup>imposed by the Environment Agency, by the Natural Resources Body for Wales or, as] the case may be, by [<sup>F9</sup>the undertakers][<sup>F9</sup>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 [<sup>F10</sup>section 290(1) of the Town and Country Planning Act 1971], or, as the case may be, [<sup>F10</sup>section 275(1) of the Town and Country Planning (Scotland) Act 1972]and
  - [<sup>F11</sup>(b) when used in relation to a sewerage authority in England, means the [<sup>F12</sup>Secretary of State], and when used in relation to a sewerage authority in Scotland or Wales, means the Secretary of State, and]
  - [<sup>F13</sup>(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 [<sup>F12</sup>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 [<sup>F12</sup>Secretary of State]and, in relation to land in Scotland or Wales, means the Secretary of State.]

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[<sup>F13</sup>(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

- 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** 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.
- F3** 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)**
- F4** 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)**
- F5** 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)
- F6** 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.
- F7** 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)**
- F8** 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)
- F9** 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)**
- F10** Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), s. 17(2)(a)
- F11** 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.
- F12** Words substituted by virtue of [S.I. 1970/1681](#), **arts. 2(1), 6(3)**
- F13** 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)

- C1** 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**
- C2** 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.
- C3** 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**

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