



Pipe-lines Act 1962

1962 CHAPTER 58

Avoidance of Construction of superfluous Pipe-lines

9 Provisions for securing that a pipe-line is so constructed as to reduce necessity for construction of others

(1) Where—

- (a) application is made to the Minister for the grant of a pipe-line construction authorisation for the construction of a pipe-line to be designed for the conveyance of a particular kind of thing or of things of a particular class, and
- (b) the Minister is satisfied that there is evidence of demand existing or likely to arise for the grant of such authorisations for the construction of further pipe-lines to be designed for the conveyance of that kind of thing or, as the case may be, things of that class, and
- (c) the Minister is also satisfied that the routes to be taken by the further lines will severally be, as to the whole or any part thereof, the same or substantially the same as the route or any part of the route to be taken by the line to which the application relates,

he may, if he grants the application, grant it subject to the condition that the line to be constructed pursuant to the application or any length of that line specified in the authorisation shall be so constructed as to be capable of conveying, during such period as may be so specified, not less than such quantity as may be so specified of the kind of thing in question or, as the case may be, things of the class in question.

(2) The Minister may at any time, by notice served on the owner of a pipe-line constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of the foregoing subsection, impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely.—

- (a) securing to persons other than the owner of the line the right to have conveyed by the line or, as the case may be, by any length of it specified in the authorisation by virtue of that subsection, the kind of thing specified in the authorisation or, as the case may be, things of the class so specified;

- (b) regulating the charges to be made for the conveyance by the line or, as the case may be, by that length thereof, on behalf of persons other than the owner of the line of that kind of thing or, as the case may be, things of that class;
- (c) securing that the exercise of a right secured by virtue of paragraph (a) of this subsection is not prevented or impeded;

but requirements imposed for the purpose specified in paragraph (a) of this subsection shall be so framed as, in the Minister's opinion, to secure that compliance therewith will not prejudice the proper and efficient operation of the line for the purpose of the conveyance on behalf of the owner thereof, in the quantity required by him, of the kind of thing, or things of the class, which it is designed to convey.

- (3) A notice served under the last foregoing subsection with reference to a pipe-line may authorise the owner thereof to recover, from persons to whom a right is secured by the notice by virtue of paragraph (a) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf contained in the notice, being payments in consideration of that right's being secured to them.
- (4) Where a pipe-line constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of subsection (1) of this section is constructed without conformity to that condition, the works for the construction of the line shall be deemed, for the purposes of the foregoing provisions of this Act, to have been executed in contravention of subsection (1) of section one of this Act.
- (5) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under subsection (2) of this section with reference to the line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five hundred pounds; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.

10 Provisions for securing that a pipe-line is so used as to reduce necessity for construction of others

- (1) An application with respect to a pipe-line constructed pursuant to a pipe-line construction authorisation may be made to the Minister by any person other than the owner of the line who seeks the right to have conveyed by the line on his behalf a particular kind of thing or things of a particular class, being, as the case may be, the kind of thing or things of the class which the line is designed to convey.
- (2) Where an application with respect to a pipe-line is made under the foregoing subsection to the Minister he shall serve on the owner of the line and the applicant notice of the time (being some time not less than twenty-one days from the date of the service of the notice) at which the question of conferring on the applicant the right sought by him will be considered by the Minister, and the owner and the applicant shall be entitled to be heard when that question is so considered.
- (3) If after taking the question aforesaid into consideration the Minister is satisfied that the line could, without prejudice to the proper and efficient operation thereof for the purpose of the conveyance on behalf of the owner thereof, in the quantity required by him, of the kind of thing, or things of the class, which it is designed to convey, be so operated as to permit of the conveyance thereby on behalf of the applicant of the kind of thing, or things of the class, the right to the conveyance of which is sought by the applicant, he shall declare that he is so satisfied.

- (4) Where the Minister makes under the last foregoing subsection a declaration with respect to a pipe-line he may by notice served on the owner of the line impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely.—
- (a) securing to the person whose application resulted in the making of the declaration the right to have conveyed by the line the kind of thing to which the application related or, as the case may be, things of the class to which it related;
 - (b) regulating the charges to be made for the conveyance by the line on behalf of that person of that kind of thing or, as the case may be, things of that class ;
 - (c) securing that the exercise of a right secured by virtue of paragraph (a) of this subsection is not prevented or impeded;
- but requirements imposed for the purpose specified in paragraph (a) of this subsection shall be so framed as, in the Minister's opinion, to secure that compliance therewith will not prejudice the proper and efficient operation of the line for the purpose mentioned in subsection (3) of this section.
- (5) A notice served under the last foregoing subsection with reference to a pipe-line may authorise the owner thereof to recover, from the person to whom a right is secured by the notice by virtue of paragraph (a) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf contained in the notice, being payments in consideration of the right's being secured to him.
- (6) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under subsection (4) of this section with reference to the line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five hundred pounds; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.