



# Pipe-Lines Act 1962

1962 CHAPTER 58 10 and 11 Eliz 2

## *Control of Construction of Pipe-lines*

- 1 Cross-country pipe-lines not to be constructed without the Minister's authority.**
- (1) It shall not be lawful for works to be executed in land for the construction of a cross-country pipe-line except under an authorisation in that behalf (in this Act referred to as a "pipe-line construction authorisation") granted by the Minister, or otherwise than along the route delineated on the map annexed to the authorisation or within such limits of lateral deviation from that route as may be specified in the authorisation, or (except with the consent of the Minister) by a person other than the one named in the application for the authorisation as he who will be the owner of the line; and if works are executed in contravention of this subsection, the person executing them shall be liable, on summary conviction, to a fine not exceeding [<sup>F1</sup>level 3 on the standard scale].
  - (2) The Minister, on an application for a pipe-line construction authorisation, shall have power in his discretion to grant the application or to refuse it.
  - (3) The provisions of Part I of the First Schedule to this Act shall have effect with respect to the making of applications for pipe-line construction authorisations, for the purpose of securing that opportunities are afforded for the making of objections to such applications and to any modifications subject to which they may be granted and with respect to other related matters therein mentioned.
  - (4) If, after a pipe-line construction authorisation has been granted, the execution of the works whose execution is authorised thereby has not been substantially begun at the expiration of twelve months from the date on which it was granted, or at the expiration of any extension of that period which the Minister may allow, the authorisation shall become of no effect, except as regards works previously executed.
  - (5) The Minister shall not allow any extension under the last foregoing subsection of the time within which the execution in any land of the works whose execution is authorised by a pipe-line construction authorisation must be begun unless he is satisfied that notice of the making of the application for the extension has been given to every owner, lessee and occupier (other than tenants for a month or any period less than a month) of the land and that sufficient time has elapsed to allow every person to whom the

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notice was given an opportunity of making to the Minister written objection to the application.

#### Textual Amendments

- F1** 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**

## 2 Local pipe-lines not to be constructed without notice to the Minister.

- (1) It shall not be lawful for works to be executed in land for the construction of a local pipe-line unless, not less than sixteen weeks (or such shorter period as the Minister may in a particular case allow) before the date on which the execution of the works is begun, there has been given to the Minister a notice of intention to execute them, being a notice complying with the requirements of the next following subsection, nor shall it be lawful for works to be so executed for the construction of such a line otherwise than along the route delineated on the map which, by virtue of that subsection, must accompany the notice or within such limits of lateral deviation from that route as may be prescribed for the purposes of this subsection; and if works are executed in contravention of this subsection, the person executing them shall be liable, on summary conviction, to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale].
- (2) A notice for the purposes of the foregoing subsection must—
  - (a) state the name and address of the person who will be the owner of the proposed pipe-line;
  - (b) specify the points between which the proposed pipe-line is to run and be accompanied by three copies of a map (whereof the scale shall be not less than that of [<sup>F3</sup>1 in 10,560]) on which is delineated the route between those points which the proposed pipe-line is to take;
  - (c) state whether or not the grant of any rights or the giving of any street or river works consents is requisite to enable the proposed pipe-line to be constructed and to be, during the period during which it may reasonably be expected to remain, inspected, maintained, adjusted, repaired and renewed and, if it be the case that the grant of any rights or the giving of any such consents is requisite for that purpose, specify the rights and consents the grant or giving of which is so requisite and state, with respect to each of them, whether the grant or giving thereof has been, or can be, obtained;
  - (d) state what is proposed to be conveyed in the proposed pipe-line;
  - (e) contain such other (if any) particulars as may be prescribed.
- (3) If, after a notice for the purposes of subsection (1) of this section has been given to the Minister, the execution of the works to which the notice relates has not been substantially begun at the expiration of twelve months from the date on which it was given to him, or at the expiration of any extension of that period which he may allow, the notice shall be treated as invalid for those purposes except as regards works previously executed.
- (4) The Minister shall not allow any extension under the last foregoing subsection of the time within which the execution in any land of the works to which a notice given for the purposes of subsection (1) of this section relates must be begun unless he is satisfied that notice of the making of the application for the extension has been given to every owner, lessee or occupier (other than tenants for a month or any period less

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than a month) of the land and that sufficient time has elapsed to allow every person to whom the notice was given an opportunity of making to the Minister written objection to the application.

- (5) The Minister may by order direct that subsection (1) of this section shall, in relation to pipe-lines of a class specified in the order, have effect with the substitution, for the reference to sixteen weeks, of a reference to such shorter period as may be specified in the order.

An order under this subsection may be varied or revoked by a subsequent order and any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F2** 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](#)
- F3** Words in [s. 2\(2\)\(b\)](#) substituted (1.1.1995) by [S.I. 1992/449](#), [reg. 2\(2\)\(a\)\(i\)](#)

### 3 Diversion of pipe-lines.

- (1) A length of a pipe-line placed in any land under a pipe-line construction authorisation or in accordance with a notice given to the Minister for the purposes of subsection (1) of section two of this Act or, after the grant of such an authorisation in relation thereto or the giving for the purposes of the said subsection (1) of a notice in relation thereto, proposed to be placed in any land under the authorisation or in accordance with the notice, may be diverted laterally from the route delineated on the map annexed to the authorisation or, as the case may be, accompanying the notice, to an extent greater than that permissible apart from this subsection if—
- (a) in a case where the length of the line as a whole after the diversion exceeds or is intended to exceed [<sup>F4</sup>16.093 kilometres] (whether or not its length before the diversion exceeded [<sup>F4</sup>16.093 kilometres]) or a case where its length after diversion neither exceeds nor is intended to exceed [<sup>F4</sup> 16. 093 kilometers]but before diversion exceeded or was intended to exceed [<sup>F4</sup>16.093 kilometres], the diversion is effected pursuant to an authorisation in that behalf (in this Act referred to as a “pipe-line diversion authorisation”) granted by the Minister and so much of the line as is diverted is placed along the route delineated on the map annexed to the authorisation or within such limits of lateral deviation therefrom as may be specified in the authorisation;
- (b) in a case where the length of the line as a whole before diversion neither exceeded nor was intended to exceed [<sup>F4</sup>16.093 kilometres] and its length thereafter neither exceeds nor is intended to exceed [<sup>F4</sup>16.093 kilometres], notice of intention to divert it is given to the Minister and so much of the line as is diverted is placed along the route delineated on the map which, by virtue of the following provisions of this section, must accompany the notice or within such limits of lateral deviation from that route as may be prescribed for the purposes of subsection (1) of the said section two.
- (2) The foregoing subsection shall have effect for the purpose of authorising the further lateral diversion of a length of a pipe-line previously diverted pursuant thereto as it has effect for the purpose of authorising the original diversion of that length.

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- (3) Where a length of a pipe-line is diverted in pursuance of subsection (1) of this section, no offence in respect of the construction of the line shall be taken to be committed under section one or two of this Act.
- (4) Subsections (2) to (5) of section one of this Act shall, with the substitution, for references to a pipe-line construction authorisation and the execution of the works whose execution is authorised thereby, of references respectively to a pipe-line diversion authorisation and the execution of the works necessary to effect the diversion to be effected pursuant to such an authorisation, have effect for the purposes of paragraph (a) of subsection (1) of this section, and Part I of the First Schedule to this Act shall, as applied by this subsection, have effect subject to the modifications specified in Part II thereof.
- (5) Subsections (2) to (4) of section two of this Act shall apply to a notice for the purposes of paragraph (b) of subsection (1) of this section as they apply to a notice for the purposes of subsection (1) of that section with the following modifications:—
- (a) the name and address required by paragraph (a) of subsection (2) shall, instead of being that therein specified, be that of the person who (according to the circumstances of the case) is or will be the owner of the pipe-line in question;
  - (b) paragraphs (b) and (c) of subsection (2) shall have effect with the substitution, for references to the proposed pipe-line, of references to the portion of pipe-line to be diverted and paragraph (d) of that subsection shall be omitted;
  - (c) subsections (3) and (4) shall have effect with the substitution, for references to the execution of the works to which the notice relates, of references to the execution of the works necessary to effect the diversion to which the notice relates.

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#### Textual Amendments

**F4** Words in s. 3(1) substituted (1.1.1995) by S.I. 1992/449, reg. 2(2)(b)(i)

#### 4 Power of the Minister to secure the removal of works executed in contravention of section 1 or 2.

- (1) If works are executed in land in contravention of subsection (1) of section one of this Act or subsection (1) of section two thereof, the Minister may serve on the person who executed them a notice requiring him to remove them.
- (2) If a person on whom a notice is served under the foregoing subsection fails, before the expiration of six weeks from the date on which the notice was served, or such longer period (not exceeding twelve months from that date) as the Minister may on his application allow, to comply with the requirement imposed by the notice, the Minister may enter and remove the works in question and may recover from the person in default, in any court of competent jurisdiction, the expenses reasonably incurred by the Minister in so doing.
- (3) A person shall not begin to remove any works in any land in compliance with a notice under subsection (1) of this section, and the Minister shall not enter, or begin to remove any works in, any land in exercise of the power conferred on him by the last foregoing subsection, except after seeking consultation with every owner, lessee and occupier of the land (except tenants for a month or any period less than a month).

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- (4) Where, in consequence of compliance with a requirement to remove any works imposed by a notice under subsection (1) of this section or of the exercise of the power to enter and remove any works conferred by subsection (2) thereof, a person, other than the person who executed the works, suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled, where the loss was suffered in consequence of such compliance, to compensation in respect of that loss from the person who executed the works, or, where the loss was suffered in consequence of the exercise of that power, to compensation in respect of that loss from the Minister; and the Minister may recover from the person who executed the works, in any court of competent jurisdiction, the amount of any compensation paid by the Minister under this subsection.
- (5) The service of a notice under subsection (1) of this section in consequence of a contravention of either of the subsections therein mentioned shall be without prejudice to the taking of proceedings under the subsection in question in respect of the contravention.

## 5 Provisions with respect to planning permission concerning pipe-lines.

- (1) Upon granting a pipe-line construction or diversion authorisation or serving a notice under the last foregoing section the Minister may direct that, in so far as the execution of the works whose execution is authorised by, or by virtue of, the authorisation, or any change in the use of land which is involved in the execution of those works, constitutes development within the meaning of [<sup>F5</sup>the <sup>M1</sup>Town and Country Planning Act 1971], or, as the case may be, in so far as the removal of the works required by the notice to be removed, or any change in the use of land which is involved in the removal, constitutes such development, permission for that development shall be deemed to be granted under Part III of that Act, subject to such (if any) conditions as may be specified in the directions, being conditions of a kind that could have been imposed by [<sup>F6</sup>the Secretary of State] had the permission been granted by him on an application referred to him under section fifteen of that Act.
- (2) For the purposes of the said [<sup>F5</sup>Act of 1971], the execution of works for the purpose of inspecting, maintaining, adjusting, repairing, altering or renewing a pipe-line (including the breaking open of any street or other land for that purpose) shall be deemed not to involve the development of land.
- (3) In the application of this section to Scotland, for references to the said [<sup>F5</sup>Act of 1971], to Part III of that Act and to [<sup>F5</sup>section 35] thereof there shall be substituted respectively references to [<sup>F7</sup>the <sup>M2</sup>Town and Country Planning (Scotland) Act 1972, to Part III of that Act and to section 32 thereof] , and for the references to the Minister of Housing and Local Government there shall be substituted references to the Secretary of State.

### Textual Amendments

- F5** Words substituted by virtue of [Town and Country Planning Act 1971 \(c. 78\)](#), [Sch. 24](#), para. 2
- F6** Words substituted by virtue of [S.I. 1970/1681](#), [arts. 2\(1\)](#), 6(3)
- F7** Words substituted by virtue of [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), [Sch. 22 para. 2](#)

### Marginal Citations

- M1** [1971 c. 78](#).

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M2 1972 c. 52.

**6 Power of the Minister to direct that section 1, instead of section 2, shall apply to local pipe-lines.**

- (1) The Minister shall have power (exercisable by statutory instrument) by order to direct—
- (a) that section one of this Act shall, to the exclusion of section two thereof, apply to works for the construction of local pipe-lines of a class specified in the order (other than pipe-lines for whose construction works have lawfully been begun, or might lawfully have been begun, before the date on which the order comes into operation) as it applies to works for the construction of cross-country pipe-lines; or
  - (b) that section one of this Act shall, to the exclusion of section two thereof, apply to works for the construction of local pipe-lines any part of the route taken by which lies within an area specified in the order or within an area of such class as is so specified (other than pipe-lines for whose construction works have lawfully been begun, or might lawfully have been begun, before the date on which the order comes into operation) as it applies to works for the construction of cross-country pipe-lines.
- (2) No order shall be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

**7 Provisions supplementary to sections 1 to 6.**

- (1) The construction of a pipe-line of a length not exceeding [<sup>F8</sup>16.093 kilometres] which is to form an addition to another shall, if the aggregate of the lengths of both exceeds [<sup>F8</sup>16.093 kilometres], be deemed for the purposes of the foregoing provisions of this Act to constitute the construction of a cross-country pipe-line and not to constitute the construction of a local pipe-line and s60 shall the construction of a pipe-line of a length not exceeding [<sup>F8</sup>16.093 kilometres] so as to connect two or more others, if the aggregate of the lengths of the line and of those connected thereby exceeds [<sup>F8</sup>16.093 kilometres].
- (2) The Minister, on an application in that behalf being made to him, and after causing if he thinks fit a public inquiry to be held, may by order (made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament) direct that the foregoing subsection shall not apply to the construction of pipe-lines situate wholly within an area specified in or described by the order, being pipe-lines of a class so specified.

**Textual Amendments**

F8 Words in s. 7(1) substituted (1.1.1995) by S.I. 1992/449, reg. 2(2)(b)(ii)

**Modifications etc. (not altering text)**

C1 S. 7(1) excluded (19.10.1993) by S.I. 1993/2347, art.3.

C2 S. 7(1) excluded (1.9.1994) by S.I. 1994/1994, art. 3

S. 7(1) excluded (16.5.1995) by S.I. 1995/1091, art. 3

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## 8 Exception for emergency works.

- (1) In the case of any works for the construction of a pipe-line or the diversion of a length of a pipe-line, being emergency works,—
- (a) the execution thereof may be effected without any authorisation of, or notice to, the Minister; but
  - (b) as soon as is reasonably practicable after the works have been executed the person who executed them shall send to the Minister three copies of a map (whereof the scale shall not be less than that of [F9] 1 in 10,560) on which is delineated the route taken by the line constructed or, as the case may be, the route taken by the portion of the line diverted; and
  - (c) where the works were for the construction of a line, section three of this Act shall, with the substitution, for the reference in subsection (1) to the map there described, of a reference to the map referred to in the last foregoing paragraph, have effect for the purpose of authorising the diversion of a length of the line as if it had been placed as mentioned in that subsection and, where the works were for the diversion of a length of line, the length shall for the purposes of that section be deemed to have been diverted in pursuance of subsection (1) thereof.
- (2) If a person fails to send copies of a map in accordance with an obligation to which he is subject by virtue of paragraph (b) of the foregoing subsection, he shall, in respect of that failure, be liable on summary conviction to a fine not exceeding [F10] level 3 on the standard scale].

### Textual Amendments

**F9** Words in s. 8(1)(b) substituted (1.1.1995) by S.I. 1992/449, reg. 2(2)(a)(i)

**F10** 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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