



# Pipe-Lines Act 1962

1962 CHAPTER 58 10 and 11 Eliz 2

## *Pipe-lines in Streets*

### **15 Power to place pipe-lines in streets.**

- (1) Subject to the provisions of this section, any person may place a pipe-line in a [<sup>F1</sup>street or, in Scotland, road] with the consent of the appropriate authority for that [<sup>F1</sup>street or, in Scotland, road] and for that purpose and the purpose of works of the following kinds, that is to say,—
  - (a) inspecting, maintaining, adjusting, repairing, altering or renewing a pipe-line placed in a [<sup>F1</sup>street or, in Scotland, road] in pursuance of this subsection;
  - (b) changing the position of a pipe-line so placed or removing it,may open and break up the [<sup>F1</sup>street or, in Scotland, road] and may remove or use earth or other materials in the [<sup>F1</sup>street or, in Scotland, road].
- (2) Where it is proposed that, in exercise in relation to a [<sup>F1</sup>street or, in Scotland, road] of the power conferred by the foregoing subsection, a pipe-line shall be placed along a line crossing the [<sup>F1</sup>street or, in Scotland, road] the appropriate authority for that [<sup>F1</sup>street or, in Scotland, road] shall not withhold their consent under this section unless there are special reasons for doing so.
- (3) Where it is proposed that, in exercise in relation to a [<sup>F1</sup>street or, in Scotland, road] of the power conferred by subsection (1) of this section, a pipe-line shall be placed otherwise than along a line crossing the [<sup>F1</sup>street or, in Scotland, road] the consent of the appropriate authority for the [<sup>F1</sup>street or, in Scotland, road] shall not be unreasonably withheld, and, for the purposes of this subsection, the withholding of consent shall be treated as reasonable if the owner of the pipe-line fails to show that there is no reasonably practicable alternative to the placing of the pipe-line in accordance with the proposals.
- (4) The consent under this section of an appropriate authority may be given subject to reasonable conditions, including, without prejudice to the generality of the foregoing words, any one or more of the following conditions, that is to say,—

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- (a) a condition requiring payments to be made to that authority in respect of the placing of the pipe-line in the [<sup>F1</sup>street or, in Scotland, road] and of its being kept there;
- (b) where the [<sup>F1</sup>street or, in Scotland, road] is a [<sup>F2</sup>main road]—
  - (i) if it is reasonably practicable for the placing of the pipe-line to be carried out by a method which does not involve the opening or breaking up of the [<sup>F1</sup>street or, in Scotland, road] a condition that the placing of the pipe-line shall be carried out by such a method;
  - (ii) if it is reasonably practicable for any such works as are mentioned in paragraph (a) or (b) of subsection (1) of this section to be carried out by such a method as aforesaid, a condition that any such works shall be carried out by such a method;
- (c) where the [<sup>F1</sup>street or, in Scotland, road] is a highway, not being a [<sup>F2</sup>main road], and constitutes or comprises a carriageway and it is proposed that the pipe-line shall be placed along a line crossing the [<sup>F1</sup>street or, in Scotland, road] if it is reasonably practicable for any such works as are mentioned in paragraph (a) of subsection (1) of this section to be carried out by a method which does not involve the opening or breaking up of the carriageway, a condition that any such works shall be carried out by such a method;
- (d) where the [<sup>F1</sup>street or, in Scotland, road] is a highway, not being a [<sup>F2</sup>main road], and constitutes or comprises a carriageway and it is proposed that the pipe-line shall be placed otherwise than along a line crossing the [<sup>F1</sup>street or, in Scotland, road]—
  - (i) if it is reasonably practicable for the placing of the pipe-line to be carried out by a method which does not involve the opening or breaking up of the carriageway, a condition that the placing of the pipe-line shall be carried out by such a method;
  - (ii) if it is reasonably practicable for any such works as are mentioned in paragraph (a) or (b) of subsection (1) of this section to be carried out by such a method as last aforesaid, a condition that any such works shall be carried out by such a method;

and, for the purposes of paragraph (b) of this subsection, the placing of a pipe-line or the carrying out of works by a method which does not involve the opening or breaking up of a [<sup>F1</sup>street or, in Scotland, road] shall be taken to be reasonably practicable unless the owner of the pipe-line shows that such is not the case.

- (5) The consent of an authority under this section shall not be required for the placing of a pipe-line by way of renewal of an existing pipe-line.
- (6) Any dispute between the appropriate authority for a [<sup>F1</sup>street or, in Scotland, road] and a person proposing to place a pipe-line in the [<sup>F1</sup>street or, in Scotland, road] in respect of—
  - (a) the withholding of a consent under this section to the placing of the pipe-line in the [<sup>F1</sup>street or, in Scotland, road] otherwise than along a line crossing the [<sup>F1</sup>street or, in Scotland, road]; or
  - (b) the imposition of a condition under this section on the placing of the pipe-line in the [<sup>F1</sup>street or, in Scotland, road] otherwise than as aforesaid,
 shall be determined by the Minister [<sup>F3</sup>with [<sup>F4</sup>[<sup>F5</sup>the Secretary of State for Transport](as regards England)], with the Secretary of State for Wales (as regards Wales) or with the Secretary of State for Scotland (as regards Scotland)] acting jointly,

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and the determination of the said Ministers shall not be impugned on the ground that either of them is himself a party to the dispute.

- (7) Any dispute between the appropriate authority for a [<sup>F1</sup>street or, in Scotland, road] and a person proposing to place a pipe-line in the [<sup>F1</sup>street or, in Scotland, road] in respect of—
- (a) the withholding of a consent under this section to the placing of the pipe-line in the [<sup>F1</sup>street or, in Scotland, road] along a line crossing the [<sup>F1</sup>street or, in Scotland, road]; or
  - (b) the imposition of a condition under this section on the placing of the pipe-line in the [<sup>F1</sup>street or, in Scotland, road] along a line crossing the [<sup>F1</sup>street or, in Scotland, road],

shall be determined by arbitration and, where the Minister of Transport is the appropriate authority, the arbitrator shall be a single arbitrator appointed, in default of agreement between the parties concerned, by the President of the Institution of Civil Engineers.

- (8) Where a [<sup>F1</sup>street or, in Scotland, road] is carried by or goes under a bridge, subsection (1) of this section shall not authorise the placing of a pipe-line in, under, over, across, along or upon the bridge except in accordance with an agreement to which the authority, body or person in whom the bridge is vested is a party.
- (9) For the purposes of this section a pipe-line shall be treated as placed along a line crossing a [<sup>F1</sup>street or, in Scotland, road] if it is so placed that at either side of the [<sup>F1</sup>street or, in Scotland, road] an angle, on a horizontal plane, of not more than forty-five degrees is formed between the line of the pipe-line inside the [<sup>F1</sup>street or, in Scotland, road] and a line joining the point at which the line of the pipe-line crosses the side of the [<sup>F1</sup>street or, in Scotland, road] with the point nearest to that point on the opposite side of the [<sup>F1</sup>street or, in Scotland, road].

<sup>F6</sup>[(10) In this section—

“appropriate authority” means—

- (a) in England and Wales, the street authority within the meaning of Part III of the New Roads and Street Works Act 1991, and
- (b) in Scotland, the road works authority within the meaning of Part IV of that Act;

“carriageway” has the same meaning—

- (a) in England and Wales, as in the Highways Act 1980, and
- (b) in Scotland, as in the Roads (Scotland) Act 1984;

“main road” means a special road, trunk road or a road classified as a principal road within the meaning of the Highways Act 1980 or the Roads (Scotland) Act 1984;

“road”, in Scotland, has the same meaning as in Part IV of the New Roads and Street Works Act 1991; and

“street”, in England, has the same meaning as in Part III of that Act.]

(11) In the application of this section to Scotland—

- (a) references to a street which is a highway shall be construed as references to a street over which there is a public right of way;
- (b) the expression “carriageway” means a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

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- (c) the reference in subsection (6) to the Minister of Transport shall be construed as a reference to the Secretary of State;
- (d) in subsection (7), for the words from “shall be determined” to the end of the subsection there shall be substituted the words “shall be referred to the arbitration of a single arbiter appointed by agreement between the parties concerned or, in default of agreement, by the sheriff; and in any such arbitration the arbiter may, and, if so directed by the Court of Session, shall, state a case for the decision of that court on any question of law arising in the arbitration”;
- (e) the reference in subsection (10) to the Minister of Transport shall be construed as including a reference to the Secretary of State.

#### Textual Amendments

- F1** Words in s. 15(1)-(9) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 Pt. IV para. 101\(2\)\(a\)](#); S.I. 1992/2984, art. 2(2), [Sch.2](#) for E.W. and S.I. 1992/2990, art. 2(2), [Sch. 2](#) for S.
- F2** Words in s. 15(1)-(9) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c.22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 Pt. IV para. 101\(2\)\(b\)](#); S.I. 1992/2984, art. 2(2), [Sch.2](#) for E.W and S.I. 1992/2990, art. 2(2), [Sch.2](#) for S.
- F3** Words substituted by virtue of S.I. 1970/1681, [Sch. 3 para. 21](#)
- F4** Words substituted by virtue of S.I. 1976/1775, arts. 2(1), 7(3), [Sch. 1](#) and 1979/571, arts. 2 (1), 3(5)
- F5** Words substituted by virtue of S.I. 1981/238, [art. 2\(1\)](#)
- F6** S. 15(10) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 Pt. IV para. 101\(3\)](#); S.I. 1992/2984, art. 2(2), [Sch.2](#) for E.W. and S.I. 1992/2990, art. 2(2), [Sch.2](#) for S.

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

- C1** S. 15 excluded (E.W.) by [Dartford-Thurrock Crossing Act 1988 \(c. 20, SIF 59\)](#), [ss. 19, 38\(3\)](#)
- C2** S. 15: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, [Sch. 1](#)
- C3** S. 15: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, [Sch. 1](#) (with art. 7)  
S. 15: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, [Sch. para. 1](#) (with art. 8)
- C4** Reference to Minister of Transport in s. 15(7) to be construed (W.) as reference to Secretary of State: [S.I. 1965/319](#), arts. 2(1), 10(1)(a), [Sch. 1 Pt. I](#)
- C5** The text of the last part of s. 5(3), s. 15(11)(c) and the proviso to s. 67(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### [<sup>F7</sup>16] Modification of street works or road works provisions.

- (1) In relation to undertakers’ works in exercise of a power conferred by section 15(1) of this Act, the provisions of Part III or IV of the New Roads and Street Works Act 1991 (street works in England and Wales or road works in Scotland) have effect subject to the provisions of this section.
- (2) The provisions of Schedule 4 or 6 of that Act (settlement of plan and section for works in streets or roads with special engineering difficulties) have effect subject as follows—
  - (a) the period under paragraph 7(2)(b) (period for responding to plan and section as submitted) shall be two months instead of one month;

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- (b) no modification of a plan and section shall be made which would involve [<sup>F8</sup>a diversion]; and
  - (c) a plan and section shall not be disapproved on the ground that there should be such a diversion.
- (3) An arbitrator or arbiter appointed in pursuance of—
- (a) paragraph 8(2) of Schedule 4 or 6 of that Act (settlement of plan and section in case of works in street or road with special engineering difficulties), or
  - (b) section 84(3) or 143(3) of that Act (settlement of necessary measures in case of apparatus affected by certain major works),
- shall not provide for [<sup>F8</sup>a diversion].
- <sup>F9</sup>(4) .....
- (5) No person shall be entitled to payment under section 85 or 144 of the New Roads and Street Works Act 1991 (sharing of costs in case of apparatus affected by certain major works) in respect of measures of his taken in connection with a pipe-line.]

**Textual Amendments**

- F7** S. 16 substituted (1.1.1993) for ss. 16 and 17 by [New Road and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), [s. 168\(1\)](#), Sch. 8 Pt. IV para. 101(3); [S.I. 1992/2984, art. 2\(2\)](#), Sch. 2 for E.W. and S.I. 1992/2990, art. 2(2), [Sch. 2](#) for S.
- F8** Words in s. 16(2)(b) and (3) substituted (3.4.1999) by [S.I. 1999/742, arts. 1, 2, Sch. para. 11](#)
- F9** S. 16(4) repealed (3.4.1999) by [S.I. 1999/742, art. 2, Sch. para. 11](#)

**18 Restriction on breaking up, for execution of pipe-line works, highways in London Traffic Area recently closed for repair.**

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**Textual Amendments**

- F10** S. 18 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

**19** ..... <sup>F11</sup>

**Textual Amendments**

- F11** S. 19 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), s. 343(3), [Sch. 25](#)

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