



Pipe-Lines Act 1962

1962 CHAPTER 58 10 and 11 Eliz 2

*Provisions for avoiding Obstructions to Navigation
and Interference with telegraphic, &c., Lines*

39 Avoidance of obstruction or danger to navigation by pipe-lines over or under harbour waters.

- (1) No person shall place a length of pipe-line above or beneath the surface of waters over which a harbour authority have jurisdiction except with the consent of the authority and subject to such (if any) reasonable conditions as they may impose for securing that the length does not constitute an obstruction or danger to navigation.
- (2) Consent, for the purposes of this section, of a harbour authority shall not be unreasonably withheld, and if a dispute arises—
 - (a) whether consent, for those purposes, of such an authority is unreasonably withheld, or
 - (b) whether conditions imposed under this section by such an authority are reasonable,it shall be referred to and determined by [^{F1}the Secretary of State].
- (3) A person who contravenes subsection (1) of this section shall be liable, on summary conviction, to a fine not exceeding [^{F2}level 3 on the standard scale].
- (4) In this section “harbour authority” has the same meaning as in [^{F3}section 151 of the Merchant Shipping Act 1995].

Textual Amendments

- F1** Words substituted by virtue of S.I. 1970/1537, **Sch. 2 para. 6**
- 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. 39(4) substituted (1.1.1996) by virtue of 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 32** (with s. 312(1))

Changes to legislation: There are currently no known outstanding effects for the Pipe-Lines Act 1962, Cross Heading: Provisions for avoiding Obstructions to Navigation and Interference with telegraphic, &c., Lines. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 39(2): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)
S. 39(2): certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)

40 Avoidance of interference with telegraphic, &c., lines.

(1) Electrical apparatus forming part of a pipe-line shall be so constructed, installed and used as to prevent interference with any [^{F4}[^{F5}electronic communications apparatus] kept installed for the purposes of [^{F6}an electronic communications code network] or with the service provided by any [^{F7}such network]] or with any apparatus used by railway undertakers for the purpose of signalling, or of controlling, directing or securing the safety of, traffic on their railway or the proper functioning of such apparatus.

[^{F8}(2) [^{F9}Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)] (which provides a procedure for certain cases where works involve the alteration of [^{F5}electronic communications apparatus]) shall apply, for the purposes of works in pursuance of a compulsory rights order, to the person authorised to execute those works.]

Textual Amendments

- F4** Words substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 41\(a\)](#), **Sch. 5 para. 45**
- F5** Words in s. 40 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 28(a)** (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F6** Words in s. 40 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 28(b)** (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F7** Words in s. 40 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 28(c)** (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F8** S. 40(2) substituted for s. 40(2)(3) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 41\(b\)](#), **Sch. 5 para. 45**
- F9** Words in s. 40(2) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), **Sch. 3 para. 7**; [S.I. 2017/1286](#), reg. 2(d)

Modifications etc. (not altering text)

- C2** S. 40(2) applied (30.4.2015) by [Energy Act 2013 \(c. 32\)](#), **ss. 126(4)**, 156(1) (with s. 130); [S.I. 2015/817](#), art. 2(a)

Changes to legislation: *There are currently no known outstanding effects for the Pipe-Lines Act 1962, Cross Heading: Provisions for avoiding Obstructions to Navigation and Interference with telegraphic, &c., Lines. (See end of Document for details)*

Textual Amendments

F10 S. 41 repealed by General Rate Act 1967(c. 9), s. 117(11), Sch. 14

Changes to legislation:

There are currently no known outstanding effects for the Pipe-Lines Act 1962, Cross Heading:
Provisions for avoiding Obstructions to Navigation and Interference with telegraphic, &c., Lines.