SCHEDULES

FIRST SCHEDULE

APPLICATIONS FOR GRANT OF PIPE-LINE CONSTRUCTION AND DIVERSION AUTHORISATIONS

Modifications etc. (not altering text)

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

PART I

APPLICATIONS FOR GRANT OF PIPE-LINE CONSTRUCTION AUTHORISATIONS

1 An application for the grant of a pipe-line construction authorisation must be made to the Minister in writing and 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 **[**[F1]1 in 10,560**]**) on which is delineated the route between those points which, subject to lateral deviation therefrom within such limits (if any) as may be specified in the authorisation, it 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.

Textual Amendments

F1 Words in Sch. 1 para. 1(b) substituted (1.1.1995) by S.I. 1992/449, **reg. 2(2)(a)(ii)**

2 Where an application for the grant of a pipe-line construction authorisation is duly made to the Minister, he shall take it into consideration and shall give notice to the applicant of his decision either that he refuses to grant the application or that the application is (without prejudice, however, to subsequent refusal thereof in the exercise of his discretion) to be allowed to proceed.

3 (1) Where an applicant for the grant of a pipe-line construction authorisation is given notice under the last foregoing paragraph that his application is to be allowed to proceed, compliance with the following requirements shall be a condition precedent to the taking by the Minister of further steps in the matter of the application, namely, —

(a) there must be published by the applicant in the Gazette and thereafter also in such other manner as the Minister may direct (being the manner appearing to him to be best calculated for informing persons inhabiting land in the vicinity of the route to be taken by the proposed pipe-line) a notice stating that application has been made to the Minister for the grant of the authorisation, naming a place where a copy of the map that accompanied the application can be inspected and stating the time (not being less than twenty-eight days from the date of the happening of the relevant event) within which, and the manner in which, objections to the application can be sent to the Minister;

(b) a like notice must be served by the applicant on every local planning authority in whose area any part of the route of the proposed pipe-line will lie and on such (if any) other persons as may be specified by the Minister.

(2) In the foregoing sub-paragraph "relevant event" means, in relation to a notice published in compliance with the requirement of head (a), the publication or first publication of the notice in the manner directed by the Minister, and, in relation to a notice served in compliance with the requirement of head (b), the service of the notice, and "the Gazette" means—

(a) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying wholly in England and Wales, the London Gazette;

(b) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying wholly in Scotland, the Edinburgh Gazette;

(c) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying partly in England and Wales and partly in Scotland, the London Gazette and the Edinburgh Gazette.

Modifications etc. (not altering text)

C1 Sch. 1 para. 3 extended by S.I. 1990/442, **art. 7(2)**

[F2 4 (1) Where the proper notices concerning an application for the grant of a pipe-line construction authorisation have been published and served under paragraph 3 of this Schedule and an objection is duly made by a local planning authority in accordance with a notice under that paragraph and is not withdrawn, the Secretary of State shall before granting the application either–

(a) cause a public inquiry to be held with respect to the objection and consider the report of the person who held the inquiry; or

(b) consider the objection by the written representations procedure in accordance with the provisions of paragraph 8A of this Schedule.

(2) Where the proper notices concerning an application for the grant of a pipe-line construction authorisation have been published and served under paragraph 3 of this Schedule and an objection is duly made by a person other than a local planning

authority in accordance with a notice under that paragraph and is not withdrawn, the Secretary of State shall before granting the application–

(a) cause a public inquiry to be held with respect to the objection and consider the report of the person who held the inquiry;

(b) afford to the person making the objection an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose and consider the report of the person so appointed; or

(c) consider the objection by the written representations procedure in accordance with the provisions of paragraph 8A of this Schedule.**]**

Textual Amendments

F2 Paras. 4, 4A substituted (3.4.1999) for para. 4 of the First Schedule by S.I. 1999/742, arts. 1, 2, **Sch. para. 4(1)** (with art. 3)

F3 4A (1) Where the Secretary of State decides under paragraph 4 above to consider an objection to an application under the written representations procedure, he shall give notice to the applicant and to every person who has made an objection to the application that, unless he receives a notice under sub-paragraph (2) below, the objection will be considered by written representations.

(2) The written representations procedure shall not apply to an objection to an application if either the applicant or any person who has made an objection to that application gives the Secretary of State notice, no later than 28 days from the date on which the notice under sub-paragraph (1) above is served on him, that he does not wish to proceed by way of written representations.

(3) On receiving a notice under sub-paragraph (2) above, the Secretary of State shall give notice to the applicant and to every person who has made an objection to the application that the written representations procedure will not be used and–

(a) where a local planning authority is one of the objectors, that he will cause a public inquiry to be held in accordance with paragraph 4(1)(a) above;

(b) in any other case, that he will either cause a public inquiry to be held, or afford the objectors a hearing in accordance with paragraph 4(2) above.

(4) The Secretary of State shall cease considering an objection to an application under the written representations procedure if, at any time before he has determined whether to grant the application–

(a) the Secretary of State receives notice from the applicant or any person who has made an objection to the application to the effect that he does not wish to proceed by way of written representations; or

(b) the Secretary of State decides to cause a public inquiry to be held, or to afford the objectors a hearing, instead of proceeding by way of written representations.

(5) Where an objection to an application ceases to be considered under the written representations procedure by virtue of sub-paragraph (4) above, the Secretary of State shall give notice to the applicant and to every person who has made an objection to the application that that procedure has ceased and–

(a) where a local planning authority is one of the objectors, that he will cause a public inquiry to be held in accordance with paragraph 4(1)(a) above;

(b) in any other case, that he will either cause a public inquiry to be held, or afford the objectors a hearing in accordance with paragraph 4(2) above.

(6) The Secretary of State may at any time before he has determined whether to grant the application direct that the written representations procedure shall apply to an objection to an application from the date of the direction, but only if the applicant and every objector to the application consents to the use of that procedure.

(7) If a notice under sub-paragraph (5) above or a direction under sub-paragraph (6) above is given, the Secretary of State may direct that any step already taken in satisfaction of any requirement under any one of the three procedures (that is to say the public inquiry, hearing or written representations procedure) shall be deemed to any extent he thinks fit to be a step taken in satisfaction of any similar requirement under another of the procedures.

Textual Amendments

F3 Paras. 4, 4A in the First Schedule substituted (3.4.1999) for para. 4 by S.I. 1999/742, **arts. 1**, 4(1) (with art. 3)

5 Where the Minister refuses an application for the grant of a pipe-line construction authorisation, he shall give to the applicant a written statement of his reasons for so doing.

6 (1) A pipe-line construction authorisation may authorise the execution of works for the placing of the proposed pipe-line along the route delineated on the map whereof copies accompanied the application for the grant of the authorisation **[**[F4]or, subject to paragraph 6A below, along a modified route**]**.

(2) A pipe-line construction authorisation may specify limits within which lateral deviation from the route to be taken by the proposed pipe-line is permissible.

Textual Amendments

F4 Words substituted by Petroleum Act 1987 (c. 12, SIF 86), **s. 25(2)**

[[F5]6A (1) A pipe-line construction authorisation shall not authorise the execution of works for the placing of the proposed pipe-line along a modified route unless the applicant has given a notice relating to the modified route to—

(a) every local planning authority within whose area any modification of the route occurs, and

(b) any person specified by the Minister.

(2) A notice under sub-paragraph (1) shall state the time within which objections to the modification can be sent to the Minister and shall contain such other particulars as the Minister may direct.

(3) The time stated in accordance with sub-paragraph (2) shall not be less than 28 days from the date on which the notice is served or such shorter time (being not less than 14 days) as the Minister may direct.

[[F6](4) Where a local planning authority makes an objection in accordance with a notice under sub-paragraph (1) and does not withdraw it, the Secretary of State shall before granting the application either–

(a) cause a public inquiry to be held with respect to the objection and consider the report of the person who held the inquiry; or

(b) consider the objection by the written representations procedure in accordance with the provisions of paragraph 8A of this Schedule.

(5) Where a person other than a local planning authority makes an objection in accordance with a notice under sub-paragraph (1) and does not withdraw it, the Secretary of State shall before granting the application–

(a) cause a public inquiry to be held with respect to the objection and consider the report of the person who held the inquiry;

(b) afford to the person making the objection an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose and consider the report of the person so appointed; or

(c) consider the objection by the written representations procedure in accordance with the provisions of paragraph 8A of this Schedule.

(6) The provisions of paragraph 4A of this Schedule shall apply to objections to a modification as they apply to objections to an application with the necessary modifications.**]]**

Textual Amendments

F5 Sch. 1 paras. 6A, 6B inserted by Petroleum Act 1987 (c. 12, SIF 86), **s. 25(3)**

F6 Sch. 1 para. 6A(4)(5)(6) substituted (3.4.1999) for para. 6A(4) and (5) by S.I. 1999/742, art. 2, **Sch**, para. 4(2)

6B The Minister may if he thinks fit cause a public inquiry to be held with respect to an application for the grant of a pipe-line construction authorisation whether or not any objection to the application, or to any modification of the route proposed in it, is made or maintained.

7 There shall be annexed to every pipe-line construction authorisation a map (whereof the scale shall be not less than that of **[**[F7]1 in 10,560**]**) on which is delineated the route along which the proposed pipe-line is authorised to be placed by means of the execution of works whose execution is authorised by the authorisation.

Textual Amendments

F7 Words in Sch. 1 para. 7 substituted (1.1.1995) by S.I. 1992/449, **reg. 2(2)(a)(ii)**

8 In this Part of this Schedule "local planning authority" means an authority which for the purposes of **[**[F8]the [M1]Town and Country Planning Act 1971 or the [M2]Town and Country Planning (Scotland) Act 1972**]**, is a local planning authority.

Textual Amendments

F8 Words substituted by virtue of Interpretation Act 1978 (c. 30), **s. 17** (2)(a)

Marginal Citations

M1 1971 c. 78.

M2 1972 c. 52.

Changes to legislation:
There are currently no known outstanding effects for the Pipe-Lines Act 1962, Part I.