



# Pipe-lines Act 1962

## 1962 CHAPTER 58

### *Avoidance of Damage to Pipe-lines by Buildings, &c*

#### **28 Time of operation and effect of demolition order**

- (1) A demolition order made under subsection (3) of the last foregoing section in respect of any building or structure shall become operative upon the service of a copy thereof on the owner of the building or structure.
- (2) The owner of any building in respect of which a demolition order is made as aforesaid shall carry out the demolition provided for by the order before the expiration of six weeks from the date on which the order becomes operative or, if the building, or such part thereof as is required to be vacated, is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Minister deems reasonable, and if the demolition is not so carried out the Minister may enter and carry out the demolition and, where he does so, he shall sell the materials rendered available thereby.
- (3) The owner of any structure in respect of which a demolition order is made as aforesaid shall carry out the demolition provided for by the order before the expiration of six weeks from the date on which the order becomes operative or before the expiration of such longer period as in the circumstances the Minister deems reasonable, and if the demolition is not so carried out the Minister may enter and carry out the demolition and, where he does so, he shall sell the materials rendered available thereby.
- (4) Subsections (2) to (5) of section twenty-three of the Housing Act, 1957 (which provide for the recovery by a local authority of expenses incurred by them in demolishing premises in pursuance of a demolition order made under Part II of that Act and for the disposal of any surplus remaining in the hands of such an authority in consequence of demolishing premises in pursuance of such an order), shall apply in relation to any expenses incurred by the Minister under subsection (2) or (3) of this section and to any surplus remaining in his hands as they apply in relation to any expenses or surplus in a case where premises are demolished by a local authority in pursuance of such a demolition order as aforesaid, with the substitution, for references to the authority, of

references to the Minister and, for references to the premises demolished under the said Part II, of references to the building or structure demolished under this section.

- (5) The last foregoing subsection shall not apply to Scotland, but in Scotland—
- (a) any expenses incurred by the Minister under subsection (2) or (3) of this section, after giving credit for any amount realised by the sale of materials, may be recovered by him from the owner of the building or structure demolished or, if there is more than one owner, from the owners thereof in such shares as the sheriff may determine to be just and equitable; and any owner who pays to the Minister the full amount of his claim may recover from any other owner such contribution, if any, as the sheriff may determine to be just and equitable;
  - (b) any surplus in the hands of the Minister shall be paid by him to the owner of the building or structure demolished, or, if there is more than one owner, shall be paid as those owners may agree or, in default of agreement, as the sheriff may determine to be just and equitable;
  - (c) the sheriff within whose jurisdiction the building or structure demolished is situated shall have jurisdiction to hear and determine any proceedings under paragraph (a) or (b) of this subsection ; and in determining for the purposes of this section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of any building or structure, the sheriff shall have regard to their respective interests in the building or structure, their respective obligations and liabilities in respect of maintenance and repair under any agreement, whether express or implied, and all the other circumstances of the case.