



Petroleum Act 1987

1987 CHAPTER 12

PART III

MISCELLANEOUS

Pipe-lines

25 Construction authorisations.

- (1) Schedule 1 to the Pipe-lines Act 1962 (applications for construction authorisations) shall have effect with the following amendments in relation to applications made after the coming into force of this section.
- (2) In paragraph 6(1) (which provides for the modification of the proposed route of a pipe-line), for the words from “or along a modified route” onwards there shall be substituted the words “ or, subject to paragraph 6A below, along a modified route. ”
- (3) After paragraph 6 there shall be inserted—

- “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.

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- (4) Where a local planning authority makes an objection in accordance with a notice under sub-paragraph (1) and does not withdraw it, the Minister shall cause a public inquiry to be held with respect to the objection and shall before granting the application consider the report of the person who held the inquiry.
- (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 Minister shall either—
 - (a) cause a public inquiry to be held with respect to the objection, or
 - (b) afford to the person making the objection an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose;
 and shall in either case consider the resulting report.

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.”

- (4) Paragraph 4(2) (which is superseded by paragraph 6B) shall be omitted.

26 Availability of funds.

- (1) After section 26 of the Pipe-lines Act 1962 there shall be inserted—

“26A Availability of funds.

- (1) The Secretary of State may at any time by notice served on the owner of a pipe-line prohibit the use or testing of the pipe-line, or of any length of the pipe-line, unless there are satisfied such requirements as may be specified in the notice for the purpose mentioned in subsection (2).
- (2) The purpose referred to in subsection (1) is that of ensuring that funds are available to discharge any liability that may arise in respect of damage attributable to the release or escape of anything from the pipe-line or length.
- (3) If, before the expiration of twelve weeks from the date on which a notice is served on any person under subsection (1), he serves a counter-notice on the Secretary of State objecting to the notice, the Secretary of State shall afford him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) Before the expiration of twelve weeks from the date on which any hearing under subsection (3) is concluded, the Secretary of State shall consider the objection and the report of the person appointed to hear the objector and, by notice served on the objector,—
 - (a) quash the notice objected to, or
 - (b) confirm it without modification, or
 - (c) confirm it with such modification as appears to the Secretary of State to meet the objection.

Changes to legislation: There are currently no known outstanding effects for the Petroleum Act 1987, Cross Heading: Pipe-lines. (See end of Document for details)

- (5) The quashing of a notice served under subsection (1) shall not affect the previous operation of the notice or be taken to prevent the service of a fresh notice.
 - (6) If a pipe-line is used or tested in contravention of a prohibition imposed by a notice under this section then, unless he shows that he used due diligence to avoid contravention, the owner shall be guilty of an offence.
 - (7) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.”
- (2) In sections 58(4) and 59(5) of the Pipe-lines Act 1962, ^{M1} at the appropriate places in the lists of provisions of that Act, there shall be inserted the words “ section 26A ”.

Marginal Citations

M1 1962 c. 58.

27 Compulsory acquisition of rights.

In section 2 of the Mines (Working Facilities and Support) Act 1966 (which enables a court to grant certain rights ancillary to mining)—

- (a) in subsection (1)(b) (under which the rights that may be granted for the purpose of the conveyance of minerals are limited to the extent provided by subsection (1A)), for the words from “minerals” to “purpose of the” there shall be substituted the words “ or conveyance of minerals or the ”; and
- (b) subsection (1A) shall cease to have effect.

Changes to legislation:

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