



Pipe-Lines Act 1962

1962 CHAPTER 58 10 and 11 Eliz 2

An Act to regulate and facilitate the construction, and secure the safe operation, of pipe-lines and make provision for matters arising thereout; and to provide that certain pipe-lines shall be plant or machinery for the purposes of the enactments relating to rating in England and Wales. [1st August 1962]

Modifications etc. (not altering text)

- C1** Act extended by *Post Office Act 1969* (c. 48), **Sch. 4 para. 93(1)**; amended by *Post Office Act 1969* (c. 48), **Sch. 4 para. 93(2)**; excluded by *Control of Pollution Act 1974* (c. 40), **ss. 12(7)(10)(b)**, 109(2) which 1974 Act repealed (*1.4.1992 with specified savings*) by *Environmental Protection Act 1990* (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. II**; S.I. 1992/266, **art.3**
- C2** References to “appropriate Minister” explained by S.I. 1970/1681, **Sch. 3 para. 21(a)**
- C3** Functions of Minister of Transport, except as mentioned for section 15(6) below, now exercisable by Secretary of State: S.I. 1981/238, **arts. 2(2)**, 3(2)(3)
- C4** Act extended by *British Telecommunications Act 1981* (c. 38, SIF 96), s. 87, **Sch. 3 para. 10(1)(l)** and reference to the appropriate Minister explained by *British Telecommunications Act 1981* (c. 38, SIF 96), s. 87, **Sch. 3 para. 11(1)(d)**
- C5** Act extended by *Civil Aviation Act 1982* (c. 16, SIF 9), s. 19, **Sch. 2 para. 4**, by *Gas Act 1986* (c. 44, SIF 44:2), s. 67(1), **Sch. 7 para. 2(1)(xiii)**, by *Electricity Act 1989* (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 1(1)**, (xiii), Sch. 17 paras. 33, 35(1), and extended (E.W.) by *Water Act 1989* (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 1(2)(x)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- C6** Act modified by *Gas Act 1986* (c. 44, SIF 44:2), s. 67(1), **Sch. 7 para. 2(10)(a)** and *Electricity Act 1989* (c. 29, SIF 44:1), s. 112(1), Sch. 16 para. 3(2)(b), Sch. 17 paras. 33, **35(1)**
- C7** Act excluded (1.4.1992) by *Environmental Protection Act 1990* (c. 43, SIF 46:4), s. **45(10)**; S.I. 1992/266, **art.3**
- C8** Act extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xi)**; S.I. 1996/218, **art. 2**
Act modified (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(11)(a)**; S.I. 1996/218, **art. 2**
Act amended (1.4.1996) by S.I. 1996/593, **reg. 2**, **Sch. 1**
Act modified (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 4(1)** (with s. 106); S.I. 2001/869, **art. 2**

Commencement Information

- I1** Act partly in force at Royal Assent see s.70 (3), wholly in force at 1.1.1963 by S.I. 1962/2790

Status: Point in time view as at 01/10/2004.

Changes to legislation: Pipe-Lines Act 1962 is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Control of Construction of Pipe-lines

1 Cross-country pipe-lines not to be constructed without the Minister's authority.

- (1) It shall not be lawful for works to be executed in land for the construction of a cross-country pipe-line except under an authorisation in that behalf (in this Act referred to as a "pipe-line construction authorisation") granted by the Minister, or otherwise than along the route delineated on the map annexed to the authorisation or within such limits of lateral deviation from that route as may be specified in the authorisation, or (except with the consent of the Minister) by a person other than the one named in the application for the authorisation as he who will be the owner of the line; and if works are executed in contravention of this subsection, the person executing them shall be liable, on summary conviction, to a fine not exceeding [^{F1}level 3 on the standard scale].

^{F2}[(1A) For the purposes of this section—

- (a) the construction of a diversion to a pipe-line shall be treated as the construction of a separate pipe-line, and
 - (b) if the diversion is to a pipe-line which is the subject of a pipe-line construction authorisation but the length of that pipe-line which is being diverted has not been constructed, the construction of the diversion shall be treated as the construction of a cross-country pipe-line whatever the length of the diversion.]
- (2) The Minister, on an application for a pipe-line construction authorisation, shall have power in his discretion to grant the application or to refuse it.
- (3) The provisions of Part I of the First Schedule to this Act shall have effect with respect to the making of applications for pipe-line construction authorisations, for the purpose of securing that opportunities are afforded for the making of objections to such applications and to any modifications subject to which they may be granted and with respect to other related matters therein mentioned.
- (4) If, after a pipe-line construction authorisation has been granted, the execution of the works whose execution is authorised thereby has not been substantially begun at the expiration of twelve months from the date on which it was granted, or at the expiration of any extension of that period which the Minister may allow, the authorisation shall become of no effect, except as regards works previously executed.
- (5) The Minister shall not allow any extension under the last foregoing subsection of the time within which the execution in any land of the works whose execution is authorised by a pipe-line construction authorisation must be begun unless he is satisfied that notice of the making of the application for the extension has been given to every owner, lessee and occupier (other than tenants for a month or any period less than a month) of the land and that sufficient time has elapsed to allow every person to whom the notice was given an opportunity of making to the Minister written objection to the application.

Textual Amendments

- F1** 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
- F2** S. 1(1A) inserted (3.4.1999) by S.I. 1999/742, art. 2, Sch. para. 2(2)

Modifications etc. (not altering text)

- C9** S. 1: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1 (with art. 7)

Status: Point in time view as at 01/10/2004.

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

F3²

Textual Amendments

F3 S. 2 repealed (3.4.1999) by S.I. 1999/742, arts. 1, 2, **Sch. para. 1(1)** (with art. 3)

F4³

Textual Amendments

F4 S. 3 repealed (3.4.1999) by S.I. 1999/742, art. 2, **Sch. para. 2(1)**

4 Power of the Minister to secure the removal of works executed in contravention of section 1.

- (1) If works are executed in land in contravention of subsection (1) of section one of this Act ^{F5} . . . , the Minister may serve on the person who executed them a notice requiring him to remove them.
- (2) If a person on whom a notice is served under the foregoing subsection fails, before the expiration of six weeks from the date on which the notice was served, or such longer period (not exceeding twelve months from that date) as the Minister may on his application allow, to comply with the requirement imposed by the notice, the Minister may enter and remove the works in question and may recover from the person in default, in any court of competent jurisdiction, the expenses reasonably incurred by the Minister in so doing.
- (3) A person shall not begin to remove any works in any land in compliance with a notice under subsection (1) of this section, and the Minister shall not enter, or begin to remove any works in, any land in exercise of the power conferred on him by the last foregoing subsection, except after seeking consultation with every owner, lessee and occupier of the land (except tenants for a month or any period less than a month).
- (4) Where, in consequence of compliance with a requirement to remove any works imposed by a notice under subsection (1) of this section or of the exercise of the power to enter and remove any works conferred by subsection (2) thereof, a person, other than the person who executed the works, suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled, where the loss was suffered in consequence of such compliance, to compensation in respect of that loss from the person who executed the works, or, where the loss was suffered in consequence of the exercise of that power, to compensation in respect of that loss from the Minister; and the Minister may recover from the person who executed the works, in any court of competent jurisdiction, the amount of any compensation paid by the Minister under this subsection.

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- (5) The service of a notice under subsection (1) of this section in consequence of a contravention of [F⁶subsection (1) of section one of this Act] shall be without prejudice to the taking of proceedings under [F⁶that subsection] in respect of the contravention.

Textual Amendments

- F5** Words in s. 4(1) omitted (3.4.1999) by virtue of S.I. 1999/742, art. 2, **Sch. para. 1(2)**
F6 Words in s. 4(5) substituted (3.4.1999) by S.I. 1999/742, arts. 1, 2, **Sch. para. 1(3)** (with art. 3)

Modifications etc. (not altering text)

- C10** S. 4: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)
 S. 4: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)

5 Provisions with respect to planning permission concerning pipe-lines.

- (1) Upon granting a pipe-line construction ^{F7}. . . authorisation or serving a notice under the last foregoing section the Minister may direct that, in so far as the execution of the works whose execution is authorised by, or by virtue of, the authorisation, or any change in the use of land which is involved in the execution of those works, constitutes development within the meaning of [F⁸the ^{M1}Town and Country Planning Act 1971], or, as the case may be, in so far as the removal of the works required by the notice to be removed, or any change in the use of land which is involved in the removal, constitutes such development, permission for that development shall be deemed to be granted under Part III of that Act, subject to such (if any) conditions as may be specified in the directions, being conditions of a kind that could have been imposed by [F⁹the Secretary of State] had the permission been granted by him on an application referred to him under section fifteen of that Act.
- (2) For the purposes of the said [F⁸Act of 1971], the execution of works for the purpose of inspecting, maintaining, adjusting, repairing, altering or renewing a pipe-line (including the breaking open of any street or other land for that purpose) shall be deemed not to involve the development of land.
- (3) In the application of this section to Scotland, for references to the said [F⁸Act of 1971], to Part III of that Act and to [F⁸section 35] thereof there shall be substituted respectively references to [F¹⁰the ^{M2}Town and Country Planning (Scotland) Act 1972, to Part III of that Act and to section 32 thereof] , and for the references to the Minister of Housing and Local Government there shall be substituted references to the Secretary of State.

Textual Amendments

- F7** Words in s. 5(1) omitted (3.4.1999) by S.I. 1999/742, art. 2, **Sch. para. 2(3)**
F8 Words substituted by virtue of **Town and Country Planning Act 1971 (c. 78)**, **Sch. 24** para. 2
F9 Words substituted by virtue of S.I. 1970/1681, **arts. 2(1), 6(3)**
F10 Words substituted by virtue of **Town and Country Planning (Scotland) Act 1972 (c. 52)**, **Sch. 22 para. 2**

Modifications etc. (not altering text)

- C11** S. 5: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)
 S. 5: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)

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Marginal Citations

- M1** 1971 c. 78.
- M2** 1972 c. 52.

6 Power of the Minister to direct that section 1, instead of section 2, shall apply to local pipe-lines.

- (1) The Minister shall have power (exercisable by statutory instrument) by order to direct—
- (a) that section one of this Act shall, ^{F11} . . . apply to works for the construction of local pipe-lines of a class specified in the order (other than pipe-lines for whose construction works have lawfully been begun, or might lawfully have been begun, before the date on which the order comes into operation) as it applies to works for the construction of cross-country pipe-lines; or
 - (b) that section one of this Act shall, ^{F11} . . . apply to works for the construction of local pipe-lines any part of the route taken by which lies within an area specified in the order or within an area of such class as is so specified (other than pipe-lines for whose construction works have lawfully been begun, or might lawfully have been begun, before the date on which the order comes into operation) as it applies to works for the construction of cross-country pipe-lines.
- (2) No order shall be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

Textual Amendments

F11 Words in s. 6(1)(a)(b) omitted (3.4.1999) by virtue of S.I. 1999/742, art. 2, Sch. para. 1(4)

^{F12}₇

Textual Amendments

F12 S. 7 repealed (3.4.1999) by S.I. 1999/742, arts. 1, 2, Sch. para. 3 (with para. 3)

^{F13}₈

Textual Amendments

F13 S. 8 repealed (3.4.1999) by S.I. 1999/742, arts. 1, 2, Sch. para. 5

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Avoidance of Construction of superfluous Pipe-lines

9 Provisions for securing that a pipe-line is so constructed as to reduce necessity for construction of others.

(1) Where—

- (a) application is made to the Minister for the grant of a pipe-line construction authorisation for the construction of a pipe-line to be designed for the conveyance of a particular kind of thing or of things of a particular class, and
- (b) the Minister is satisfied that there is evidence of demand existing or likely to arise for the grant of such authorisations for the construction of further pipe-lines to be designed for the conveyance of that kind of thing or, as the case may be, things of that class, and
- (c) the Minister is also satisfied that the routes to be taken by the further lines will severally be, as to the whole or any part thereof, the same or substantially the same as the route or any part of the route to be taken by the line to which the application relates,

he may, if he grants the application, grant it subject to the condition that the line to be constructed pursuant to the application or any length of that line specified in the authorisation shall be so constructed as to be capable of conveying, during such period as may be so specified, not less than such quantity as may be so specified of the kind of thing in question or, as the case may be, things of the class in question.

[^{F14}(1A) Subsections (2), (3) and (5) of this section apply only to pipe-lines constructed pursuant to a pipe-line construction authorisation which are neither upstream petroleum pipe-lines nor gas pipe-lines, and references in those subsections to “pipe-line” and “line” shall be construed accordingly.]

- (2) The Minister may at any time, by notice served on the owner of a pipe-line constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of [^{F15}subsection (1)], impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely,—
 - (a) securing to persons other than the owner of the line the right to have conveyed by the line or, as the case may be, by any length of it specified in the authorisation by virtue of that subsection, the kind of thing specified in the authorisation or, as the case may be, things of the class so specified;
 - (b) regulating the charges to be made for the conveyance by the line or, as the case may be, by that length thereof, on behalf of persons other than the owner of the line of that kind of thing or, as the case may be, things of that class;
 - (c) securing that the exercise of a right secured by virtue of paragraph (a) of this subsection is not prevented or impeded;

but requirements imposed for the purpose specified in paragraph (a) of this subsection shall be so framed as, in the Minister’s opinion, to secure that compliance therewith will not prejudice the proper and efficient operation of the line for the purpose of the conveyance on behalf of the owner thereof, in the quantity required by him, of the kind of thing, or things of the class, which it is designed to convey.

- (3) A notice served under the last foregoing subsection with reference to a pipe-line may authorise the owner thereof to recover, from persons to whom a right is secured by the notice by virtue of paragraph (a) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf contained in the notice, being payments in consideration of that right’s being secured to them.

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- (4) Where a pipe-line constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of subsection (1) of this section is constructed without conformity to that condition, the works for the construction of the line shall be deemed, for the purposes of the foregoing provisions of this Act, to have been executed in contravention of subsection (1) of section one of this Act.
- (5) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under subsection (2) of this section with reference to the line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F16}level 5 on the standard scale]; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.
- ^{F17}(6) This section does not apply where the application for the grant of a pipe-line construction authorisation relates to the construction of a diversion.]
- [^{F18}(7) Where a gas pipe-line is proposed to be constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of subsection (1), any person other than the applicant for the pipe-line construction authorisation may make applications under section 10 and, if applicable, section 10C in respect of the proposed pipe-line, and those sections and section 10B shall have effect as if references to a pipe-line were references to the pipe-line as it would be once constructed in accordance with the condition, and as if references to the owner of the pipe-line were references to the proposed owner of it.
- ^{F18}(8) Where an upstream petroleum pipe-line is proposed to be constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of subsection (1), any person other than the applicant for the pipe-line construction authorisation may make applications under section 10E in respect of the proposed pipe-line, and sections 10E and 10F shall have effect as if references to a pipe-line were references to the pipe-line as it would be once constructed in accordance with the condition, and as if references to the owner of the pipe-line were references to the proposed owner of it.]

Textual Amendments

- F14** S. 9(1A) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 1(1)**
- F15** Words in s. 9(2) substituted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 1(2)**
- F16** 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**
- F17** S. 9(6) inserted (3.4.1999) by S.I. 1999/742, arts. 1, 2, **Sch. para. 6**
- F18** S. 9(7)(8) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 1(3)**

Modifications etc. (not altering text)

- C12** S. 9: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)
S. 9: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)

[9A ^{F19} Provisions for securing that an additional pipe-line is so constructed as to reduce necessity for construction of other pipe-lines—.

- (1) Where—

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- (a) application is made for the grant of planning permission for the construction of an additional pipe-line to be designed for the conveyance of a particular kind of thing or of things of a particular class, and
- (b) the Secretary of State is satisfied that there is evidence of demand existing or likely to arise for the grant of planning permission or pipe-line construction authorisations for the construction of further pipe-lines to be designed for the conveyance of that kind of thing or, as the case may be, things of that class, and
- (c) the Secretary of State is also satisfied that the routes to be taken by the further lines will severally be, as to the whole or any part thereof, the same or substantially the same as the route or any part of the route to be taken by the line to which the application relates,

he may, at any time before planning permission for the construction of the additional pipe-line is granted, by notice served on the person who made the application for planning permission, direct that the line to be constructed pursuant to the application or any length of that line specified in the notice shall be so constructed as to be capable of conveying, during such period as may be so specified, not less than such quantity as may be so specified of the kind of thing in question or, as the case may be, things of the class in question.

[Subsections (2), (3) and (5) apply only to additional pipe-lines which are neither
^{F20}(1A) upstream petroleum pipe-lines nor gas pipe-lines, and references in those subsections to “pipe-line” and “line” shall be construed accordingly.]]

- (2) The Secretary of State may at any time, by notice served on the owner of an additional pipe-line in respect of which a notice under subsection (1) of this section was served, impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely,—
 - (a) securing to persons other than the owner of the line the right to have conveyed by the line or, as the case may be, by any length of it specified in the notice by virtue of that subsection, the kind of thing specified in the notice or, as the case may be, things of the class so specified;
 - (b) regulating the charges to be made for the conveyance by the line or, as the case may be, by that length thereof, on behalf of persons other than the owner of the line of that kind of thing or, as the case may be, things of that class;
 - (c) securing that the exercise of a right secured by virtue of paragraph (a) of this subsection is not prevented or impeded; but requirements imposed for the purpose specified in paragraph (a) of this subsection shall be so framed as, in the Secretary of State’s opinion, to secure that compliance therewith will not prejudice the proper and efficient operation of the line for the purpose of the conveyance on behalf of the owner thereof, in the quantity required by him, of the kind of thing, or things of the class, which it is designed to convey.
- (3) A notice served under subsection (2) of this section with reference to an additional pipe-line may authorise the owner thereof to recover, from persons to whom a right is secured by the notice by virtue of paragraph (a) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf contained in the notice, being payments in consideration of that right’s being secured to them.
- (4) Where an additional pipe-line in respect of which a notice is served under subsection (1) of this section is constructed without conformity to that notice, the works for the construction of the line shall be deemed, for the purposes of the foregoing provisions of this Act, to have been executed in contravention of subsection (1) of section one of this Act.

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- (5) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under subsection (2) of this section with reference to the line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.
- (6) In this section “planning permission” means permission under Part III of the Town and Country Planning Act 1990 or under Part III of the Town and Country Planning (Scotland) Act 1997.
- [^{F21}(7) Where a gas pipe-line which is an additional pipe-line is proposed to be constructed, and the Secretary of State has served a notice in respect of the pipe-line under subsection (1) on the person who made the application for planning permission, any other person may make applications under section 10 and, if applicable, section 10C in respect of the proposed pipe-line, and those sections and section 10B shall have effect as if references to a pipe-line were references to the pipe-line as it would be once constructed in accordance with the condition, and as if references to the owner of the pipe-line were references to the proposed owner of it.
- ^{F21}(8) Where an upstream petroleum pipe-line which is an additional pipe-line is proposed to be constructed, and the Secretary of State has served a notice in respect of the pipe-line under subsection (1) on the person who made the application for planning permission, any other person may make applications under section 10E in respect of the pipe-line; and sections 10E and 10F shall have effect as if references to a pipe-line were references to the pipe-line as it would be once constructed in accordance with the notice, and as if references to the owner of the pipe-line were references to the proposed owner of it.]

Textual Amendments

- F19** S. 9A inserted (3.4.1999) by S.I. 1999/742, art. 2, Sch. para. 7
F20 S. 9A(1A) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), Sch. 1 para. 2(1)
F21 S. 9A(7)(8) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), Sch. 1 para. 2(2)

Modifications etc. (not altering text)

- C13** S. 9A: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1 (with art. 7)
S. 9A: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, Sch. para. 1 (with art. 8)

10 Provisions for securing that a pipe-line is so used as to reduce necessity for construction of others.

- (1) An application with respect to
- [^{F22}(a) a gas pipe-line; or
(b) any pipe-line other than a gas pipe-line which—
(i) is constructed pursuant to a pipe-line construction authorisation; and
(ii) is not an upstream petroleum pipe-line;
- may, subject in the case of a gas pipe-line to which section 10C applies to the provisions of that section,] be made to the Minister by any person other than the owner of the line who seeks the right to have conveyed by the line on his behalf a particular kind of thing or things of a particular class, being,

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as the case may be, the kind of thing or things of the class which the line is designed to convey.

- (2) Where an application with respect to a pipe-line is made under the foregoing subsection to the Minister he shall serve on the owner of the line and the applicant notice of the time (being some time not less than twenty-one days from the date of the service of the notice) at which the question of conferring on the applicant the right sought by him will be considered by the Minister, and the owner and the applicant shall be entitled to be heard when that question is so considered.
- (3) If after taking the question aforesaid into consideration the Minister is satisfied that the line could, without prejudice to the proper and efficient operation thereof for the purpose of the conveyance on behalf of the owner thereof, in the quantity required by him, of the kind of thing, or things of the class, which it is designed to convey, be so operated as to permit of the conveyance thereby on behalf of the applicant of the kind of thing, or things of the class, the right to the conveyance of which is sought by the applicant, he shall declare that he is so satisfied.
- (4) Where the Minister makes under the last foregoing subsection a declaration with respect to a pipe-line he may by notice served on the owner of the line impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely,—
 - (a) securing to the person whose application resulted in the making of the declaration the right to have conveyed by the line the kind of thing to which the application related or, as the case may be, things of the class to which it related;
 - (b) regulating the charges to be made for the conveyance by the line on behalf of that person of that kind of thing or, as the case may be, things of that class;
 - (c) securing that the exercise of a right secured by virtue of paragraph (a) of this subsection is not prevented or impeded;
 but requirements imposed for the purpose specified in paragraph (a) of this subsection shall be so framed as, in the Minister's opinion, to secure that compliance therewith will not prejudice the proper and efficient operation of the line for the purpose mentioned in subsection (3) of this section.
- (5) A notice served under the last foregoing subsection with reference to a pipe-line may authorise the owner thereof to recover, from the person to whom a right is secured by the notice by virtue of paragraph (a) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf contained in the notice, being payments in consideration of the right's being secured to him.
- (6) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under subsection (4) of this section with reference to the line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F23}level 5 on the standard scale]; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.
- ^{F24}(7) An additional pipe-line [^{F25}other than a gas pipe-line] shall be treated as a pipe-line constructed pursuant to a pipe-line construction authorisation for the purposes of this section.

Status: Point in time view as at 01/10/2004.

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- (8) Any diversion to a pipe-line constructed pursuant to a pipe-line construction authorisation (or treated as so constructed) shall be treated as part of that pipe-line for the purposes of this section.

Accordingly, a diversion which required such an authorisation shall be treated for those purposes as constructed pursuant to the pipe-line construction authorisation of the pipe-line it is diverting.

Textual Amendments

- F22** Words and s. 10(1)(a)(b) substituted for words in s. 10(1) (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 3**
- F23** 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
- F24** S. 10(7)(8) inserted (3.4.1999) by S.I. 1999/742, arts. 1, 2, **Sch. para. 8**
- F25** Words in s. 10(7) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 4**

Modifications etc. (not altering text)

- C14** S. 10: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)
S. 10: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)

[10A] ^{F26} Diversions of pipe-lines subject to requirements under section 9 or 10

- (1) A length of pipe-line—
- in respect of which any condition has been imposed under section 9(1) or a notice has been served under section 9A(1); and
 - which is to be diverted,
- shall continue for the purposes of and after the diversion to be subject to any condition or any direction contained in any such notice.
- (2) A pipe-line in respect of which any requirements have been imposed by virtue of a [^{F27}notice served under section 9(2), 9A(2) or 10(4) or 10E(9)] which is subsequently diverted, shall continue to be subject to such requirements after the diversion.
- (3) This section applies to a diversion which exceeds 16.093 kilometres as well as to a diversion which does not exceed that length.

Textual Amendments

- F26** S. 10A inserted (3.4.1999) by S.I. 1999/742, arts. 1, 2, **Sch. para. 9** (with art. 3)
- F27** Words in s. 10A(2) substituted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 5**

[^{F28}10B] Application of section 10C to certain gas pipe-lines.

- Section 10C applies to gas pipe-lines other than exempt interconnectors.
- An owner of an interconnector may apply in writing to the Secretary of State for an exemption for the interconnector.
- An exemption shall be given in writing and may be given—

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- (a) so as to have effect for an indefinite period or for a period specified in, or determined under, the exemption;
 - (b) unconditionally or subject to such conditions as the Secretary of State considers appropriate.
- (4) An exemption may be revoked in accordance with its provisions and, in any event, may be revoked by giving a notice of revocation to the owner of the interconnector concerned not less than four months before the coming into force of the revocation.
- (5) The Secretary of State shall give an exemption with respect to an interconnector where he is satisfied that the requirements of section 10C(1), (3) and (6) are already met with respect to the interconnector concerned by existing market arrangements which promote competition.]

Textual Amendments

F28 Ss. 10B-10F inserted (10.8.2000) by *S.I. 2000/1937*, reg. 2(1), **Sch. 1 para. 6**

^{F29}10C Additional provisions relating to certain gas pipe-lines.

- (1) The owner of a gas pipe-line to which this section applies (a “relevant gas pipe-line”)
- (a) shall publish at least once in every year the main commercial conditions relating to the grant to another person of a right to have gas conveyed in the pipe-line on that person’s behalf; and
 - (b) shall publish any changes to the published conditions as soon as they become effective.
- (2) In subsection (1) “year” means any year ending with 9 August.
- (3) The owner of a relevant gas pipe-line shall ensure that the conditions which he is required to publish under subsection (1) do not discriminate against any applicants or descriptions of applicants, or any potential applicants or descriptions of potential applicants, for a right to have gas conveyed in the pipe-line.
- (4) Any person who seeks a right to have gas conveyed on his behalf in a relevant gas pipe-line (“the applicant”) shall, before making an application to the Secretary of State under section 10, apply to the owner of the pipe-line by giving him notice of what is being sought.
- (5) Such a notice shall, in particular, specify—
- (a) the kind of gas to be conveyed (which must be of the kind the pipe-line is designed to convey); and
 - (b) the quantities of gas to be conveyed.
- (6) Where an applicant gives notice under subsection (4), he and the owner of the pipe-line shall negotiate in good faith and endeavour to reach agreement on the application.
- (7) If the owner and the applicant do not reach any such agreement, the applicant may make an application to the Secretary of State under section 10 with respect to the pipe-line.

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- (8) The Secretary of State shall not entertain such an application under section 10 unless he is satisfied that the parties have had a reasonable time in which to fulfil their duties under subsection (6).
- (9) For the purpose of considering an application under section 10 with respect to a relevant gas pipe-line, the Secretary of State may by notice require the owner or the applicant to provide him with such financial information relating to the owner's or applicant's activities with respect to relevant gas pipe-lines as he may specify or describe in the notice.
- (10) The Secretary of State shall not disclose to any person information obtained under subsection (9) without the consent of the person by or on behalf of whom it was provided, unless he is required to do so by virtue of any obligation imposed on him by or under any enactment.
- (11) In this section "main commercial conditions" means—
 - (a) such information as would enable a potential applicant for a right to have gas conveyed in a relevant gas pipe-line to make a reasonable assessment of the cost of, or the method of calculating the cost of, acquiring that right;
 - (b) the other significant terms on which such a right would be granted; and
 - (c) such other information as the Secretary of State may from time to time specify by notice.

Textual Amendments

F29 Ss. 10B-10F inserted (10.8.2000) by [S.I. 2000/1937](#), reg. 2(1), [Sch. 1 para. 6](#)

^{F30}**10D Enforcement of certain duties in section 10C.**

- (1) The duty in section 10C(6) shall be a duty owed to any person who may be affected by a failure to comply with it.
- (2) Where a duty is owned by virtue of subsection (1) to any person, any breach of the duty which causes that person to sustain loss or damage shall be actionable at the suit or instance of that person.
- (3) In any proceedings brought against a person in pursuance of subsection (2), it shall be a defence for him to prove that he took all reasonable steps and exercised all due diligence to avoid contravening the duty.
- (4) Compliance with the duties in section 10C(1) and (3) shall be enforceable by civil proceedings by the Secretary of State for an injunction or interdict or other appropriate relief or remedy.

Textual Amendments

F30 Ss. 10B-10F inserted (10.8.2000) by [S.I. 2000/1937](#), reg. 2(1), [Sch. 1 para. 6](#)

^{F31}**10E Provisions for securing that upstream petroleum pipe-lines are so used as to reduce necessity for construction of others.**

- (1) This section applies to upstream petroleum pipe-lines.

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- (2) Any person who seeks a right to have things conveyed by an upstream petroleum pipe-line of which he is not the owner (“the applicant”) shall, before making an application to the Secretary of State under subsection (5), apply to the owner of the pipe-line for the right.
- (3) An application under subsection (2) shall be made by giving notice to the owner specifying what is being sought.
- (4) Such a notice shall, in particular, specify—
 - (a) the kind of things to be conveyed (which must be of a kind the pipe-line is designed to convey); and
 - (b) the quantities to be conveyed.
- (5) If the owner and the applicant do not reach agreement on the application, the applicant may apply to the Secretary of State for a notice under subsection (9) securing to the applicant the right to have conveyed by the pipe-line in respect of which he has made an application to the owner under subsection (2) the quantities specified in the notice under subsection (3) of things of a kind so specified.
- (6) The Secretary of State shall not entertain an application under subsection (5) unless he is satisfied that the parties have had a reasonable time in which to reach agreement between themselves on the application under subsection (2).
- (7) Where a person applies to the Secretary of State under subsection (5) and the Secretary of State is satisfied as mentioned in subsection (6), the Secretary of State shall serve on the owner of the pipe-line and the applicant notice of the time (being some time not less than twenty-one days from the date of the service of the notice) at which the question of conferring on the applicant the right sought by him will be considered by the Secretary of State, and the owner and the applicant shall be entitled to be heard when that question is so considered.
- (8) When considering the application, the Secretary of State shall (so far as relevant) take into account—
 - (a) capacity which is or can reasonably be made available in the pipe-line in question;
 - (b) any incompatibilities of technical specification which cannot reasonably be overcome;
 - (c) difficulties which cannot reasonably be overcome and which could prejudice the efficient, current and planned future production of petroleum;
 - (d) the owner’s reasonable needs for the transport and processing of petroleum;
 - (e) the interests of all users and operators of the pipe-line;
 - (f) the need to maintain security and regularity of supplies of petroleum; and
 - (g) the number of parties involved in the dispute.
- (9) Where the Secretary of State is satisfied that, if he served a notice under this subsection, the pipe-line in question could be operated in accordance with the notice without prejudicing its efficient operation for the purpose of conveying, on behalf of its owner, the quantities of things which the owner requires or may reasonably be expected to require, the Secretary of State may serve such a notice on the owner and the applicant.
- (10) A notice under subsection (9) may contain such provisions as the Secretary of State considers appropriate for any of the following purposes—

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- (a) to secure to the applicant the right to have conveyed by the pipe-line the quantities specified in the notice under subsection (3) of the things of a kind so specified;
 - (b) to secure that the exercise of the right is not prevented or impeded;
 - (c) to regulate the charges which may be made for the conveyance of things by virtue of the right; and
 - (d) to secure to the applicant the right to have a pipe-line of his connected to the pipe-line by the applicant or owner.
- (11) A notice under subsection (9) may also authorise the owner to recover from the applicant payments by way of consideration for any right mentioned in subsection (10) (a) or (d) of amounts specified in the notice or determined in accordance with the notice.

Textual Amendments

F31 Ss. 10B-10F inserted (10.8.2000) by [S.I. 2000/1937, reg. 2\(1\), Sch. 1 para. 6](#)

^{F32}10F Section 10E: supplemental.

- (1) For the purpose of considering an application under section 10E(5), the Secretary of State may by notice require the owner or the applicant to provide him with such information relevant to the application as may be specified or described in the notice.
- (2) The information mentioned in subsection (1) may, in particular, include financial information relevant to the owner's or the applicant's activities with respect to petroleum production projects and upstream petroleum pipe-lines.
- (3) The Secretary of State shall not disclose to any person any information obtained under subsection (1) without the consent of the person by or on behalf of whom it was provided, unless he is required to do so by virtue of any obligation imposed on him by or under any enactment.
- (4) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under section 10E(9) with reference to the pipe-line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.

Textual Amendments

F32 Ss. 10B-10F inserted (10.8.2000) by [S.I. 2000/1937, reg. 2\(1\), Sch. 1 para. 6](#)

Compulsory Acquisition of Land for Construction of Pipe-lines

11 Orders for compulsory acquisition of land for pipe-line construction.

- (1) A person proposing to execute works in land for the placing therein of a pipe-line or a length of a pipe-line may, by means of an order made by the Minister (in this Act

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referred to as a “compulsory purchase order”), be authorised to purchase compulsorily land described in the order which is required by him as the site of any of the works.

- (2) The Minister, on an application for a compulsory purchase order, shall have power in his discretion to grant the application or to refuse it.
- (3) The provisions of Part I of the Second Schedule to this Act shall have effect with respect to the making of applications for compulsory purchase orders, for the purpose of securing that opportunities are afforded for the making of objections to such applications, with respect to any modifications subject to which such orders may be made, for limiting the rights of persons to question the validity of such orders, and with respect to other related matters therein mentioned.
- (4) The provisions of the Third Schedule to this Act shall apply to a compulsory purchase order for the purpose of rendering it effectual and of modifying the ^{M3}Land Compensation Act 1961, in relation to the assessment of compensation payable in consequence of the purchase, by virtue of such an order, of any land.
- (5) A compulsory purchase order shall be subject to special parliamentary procedure.
- (6) In the application of this section to Scotland, for the reference to the Land Compensation Act 1961, there shall be substituted a reference to [^{F33}the ^{M4}Land Compensation (Scotland) Act 1963].

Textual Amendments

F33 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17 \(2\)\(a\)](#)

Modifications etc. (not altering text)

C15 S. 11 amended by [Compulsory Purchase Act 1965 \(c. 56\), s. 37](#).

C16 S. 11: transfer of certain functions (1.7.1999) by [S.I. 1999/1750, arts. 1, 2, Sch. 1](#) (with [art. 7](#))

S. 11: certain functions exercisable (30.6.1999) by [S.I. 1999/1756, arts. 1, 2, Sch. para. 1](#) (with [art. 8](#))

Marginal Citations

M3 1961 c. 33.

M4 1963 c. 51.

Compulsory Acquisition of Rights over Land for Construction of Pipe-lines

12 Orders for compulsory acquisition of rights over land for pipe-line construction.

- (1) A person proposing to execute works in land for the placing therein of a pipe-line or a length of a pipe-line may, by means of an order made by the Minister (in this Act referred to as a “compulsory rights order”), be authorised, subject to any conditions attached thereto under the next following section, to place the line or length in land described in the order, to use the line or length, to execute in that land any other pipe-line works becoming necessary for the purpose of placing the line or length in that land or in consequence of its being placed there, and to exercise in relation to the line or length such of the rights mentioned in the Fourth Schedule to this Act as may be specified in the order.
- (2) The Minister, on an application for a compulsory rights order, shall have power in his discretion to grant the application or to refuse it.

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(3) The provisions of Part I of the Second Schedule to this Act shall, subject to the modifications specified in Part II of that Schedule, have effect with respect to the making of applications for compulsory rights orders, for the purpose of securing that opportunities are afforded for the making of objections to such applications, with respect to any modifications subject to which such orders may be made, for limiting the rights of persons to question the validity of such orders, and with respect to other related matters therein mentioned.

(4) A compulsory rights order shall, after the placing of the line or length thereby authorised to be placed, enure for the benefit of the owner for the time being of the line.

[^{F34}(5) If—

- (a) any such pipe-line or length of a pipe-line as has been placed in land by virtue of a compulsory rights order is diverted from the land comprised in the order or is abandoned; or
- (b) a pipe-line construction authorisation relating to a pipe-line or length of a pipe-line to be placed in land in pursuance of a compulsory rights order becomes of no effect by virtue of subsection (4) of section one of this Act,

the Secretary of State may by order revoke the compulsory rights order to the extent to which it appears to him to have become unnecessary in consequence of the diversion or abandonment or of the authorisation's so becoming of no effect.

(5A) The Secretary of State may]also, at any time, by order revoke a compulsory rights order in whole or in part in pursuance of an application in that behalf made to him by the person for whose benefit the compulsory rights order for the time being enures; but the revocation of a compulsory rights order shall not affect the previous operation thereof.

(6) A compulsory rights order shall not affect any right over the land comprised in the order which would not have been affected had that land been compulsorily purchased by virtue of a compulsory purchase order, nor shall it authorise disregard of any enactment or of any instrument having effect by virtue of any enactment or be taken to confer a right of support for the pipe-line or length of pipe-line placed, by virtue of the order, in the said land.

(7) A compulsory rights order shall be subject to special parliamentary procedure.

Textual Amendments

F34 Words in s. 12 substituted (3.4.1999) for words in s.12(5) by S.I. 1999/742, arts. 1, 2, Sch. para. 10

Modifications etc. (not altering text)

C17 S. 12: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1 (with art. 7)

S. 12: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, Sch. para. 1 (with art. 8)

13 Power of Minister to attach conditions to compulsory rights orders.

(1) The Minister may, if he grants an application for a compulsory rights order, attach to it such conditions as he thinks fit (other than a condition for securing a matter that may be secured under the provisions of this Act [^{F35}or the ^{M5}Health and Safety at Work etc. Act 1974] relating to the safety of pipe-lines) with respect to—

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- (a) the manner, method or timing of the execution of pipe-line works authorised by the order;
- (b) the execution, and the manner, method or timing of the execution, of works which it appears to him are or will be requisite or desirable prior to or in consequence of the execution of pipe-line works authorised by the order, or in consequence of a failure to comply with any such condition as has effect by virtue of the foregoing paragraph;
- (c) in a case where the order authorises a pipe-line or length thereof to be placed in land of which the owners are statutory undertakers, being operational land, the execution and the manner, method or timing of the execution, of works which it appears to him are or will be requisite or desirable in consequence of the pipe-line's or length's being situated in such land;
- (d) without prejudice to the generality of the foregoing paragraphs, the execution of works referred to in any of those paragraphs by or under the supervision of the owners of land comprised in the order;
- (e) the payment of costs of the execution of any works or carrying out any other requirements to which a condition having effect by virtue of this section relates;
- (f) the settlement of any dispute arising in consequence of any such condition as aforesaid;

and any conditions attached to a compulsory rights order under this section shall be set out in a schedule to the order.

- (2) Subject to the next following subsection, the Minister may at any time on the application of an owner, lessee or occupier (except a tenant for a month or any period less than a month) of land comprised in a compulsory rights order, or of the person for whose benefit such an order for the time being enures, or of his own motion, by order vary the first-mentioned order—
 - (a) where the first-mentioned order has effect without conditions, by attaching thereto a condition with respect to any of the matters referred to in the foregoing subsection;
 - (b) where the first-mentioned order has effect subject to conditions, by revoking or varying any of them or by attaching thereto further such conditions as aforesaid.
- (3) It shall be a condition precedent to the making of an order under the last foregoing subsection that, in the case of an order for which an application is made, the applicant, or, in any other case, the Minister, shall have served on every person concerned (other than the applicant in such a case as is first above mentioned) notice, in the prescribed form, stating the effect of the order and specifying the time (not being less than twenty-one days from the date of service of the notice) within which and the manner in which objection to the making of the order may be made to the Minister; and where an objection is duly made by a person on whom the notice has been served, and is not withdrawn, the Minister shall not make the order without affording to the objector an opportunity of being heard by him, and if the objector avails himself of that opportunity, the Minister shall afford to the applicant (in the case of an order for which an application is made under the last foregoing subsection) and any other person to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.
- (4) Upon the making of an order under subsection (2) of this section, in the case of an order made on an application, the applicant, or, in any other case, the Minister, shall

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take such steps for notifying the persons concerned as the Minister may direct, or, as the case may be, shall think fit.

- (5) If any works are executed in contravention of a condition attached to a compulsory rights order under this section, the person executing them, or, in the event of a failure by a person to comply with a requirement to carry out any works imposed on him by such a condition, that person, shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both a fine and such imprisonment.
- (6) In this section the following expressions have the meanings hereby assigned to them respectively,—
- “operational land”, in the application of this section to England and Wales, has the same meaning as in [^{F36}the ^{M6}Town and Country Planning Act 1971], and, in the application of this section to Scotland, has the same meaning as in [^{F37}the ^{M7}Town and Country Planning (Scotland) Act 1972];
- “persons concerned” means, in relation to a variation of a compulsory rights order, the person for whose benefit the order for the time being enures, and every owner, lessee and occupier (other than a tenant for a month or a period less than a month) of any land appearing to the Minister to be affected by the variation.
- (7) If any question arises, in relation to this section, whether land of statutory undertakers is operational land as defined by this section, that question shall be determined by the appropriate Minister.
- (8) The power conferred by subsection (2) of this section to make orders shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F35** Words inserted by [S.I. 1974/1986, Sch. 2 para. 1](#)
- F36** Words substituted by virtue of [Town and Country Planning Act 1971 \(c. 78\), Sch. 24. para. 2](#)
- F37** Words substituted by virtue of [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\), Sch. 22 para. 2](#)

Modifications etc. (not altering text)

- C18** S. 13 amended by [Post Office Act 1969 \(c. 48\), Sch. 4 para. 93\(4\)](#)
- C19** S. 13 modified by [British Telecommunications Act 1981 \(c. 38, SIF 96\), s. 87, Sch. 3 para. 12\(a\)](#) and [Civil Aviation Act 1982 \(c. 16, SIF 9\), s. 19, Sch. 2 para. 5](#)
- C20** S. 13(except subsection (7): transfer of certain functions (1.7.1999) by [S.I. 1999/1750, arts. 1, 2, Sch. 1 \(with art. 7\)](#)
S. 13 (except subsection (7): certain functions exercisable (30.6.1999) by [S.I. 1999/1756, arts. 1, 2, Sch. para. 1 \(with art. 8\)](#)
S. 13 modified (1.4.2001) by [2000 c. 38, s. 37, Sch. 5 para. 4\(2\) \(with s. 106\); S.I. 2001/869, art. 2](#)

Marginal Citations

- M5** 1974 c. 37.
- M6** 1971 c. 78.
- M7** 1972 c. 52.

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14 Compensation in respect of compulsory rights orders.

- (1) If a person entitled to an interest in land which comprises, or is held with, land to which a compulsory rights order applies, being an interest subsisting at the time when the order was made, proves that the value of his interest is depreciated by reason of the making of the order, the person in whose favour the order was made shall pay him compensation equal to the amount of the depreciation.
- (2) Where in consequence of the exercise of any right conferred by a compulsory rights order a person suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled to compensation in respect of that loss from the person in whose favour the order was made or, where the owner of the pipe-line is not that person and the right in consequence of the exercise of which the loss was suffered was exercised by that owner, from that owner.

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 [^{F38}street or, in Scotland, road] with the consent of the appropriate authority for that [^{F38}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 [^{F38}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 [^{F38}street or, in Scotland, road] and may remove or use earth or other materials in the [^{F38}street or, in Scotland, road].
- (2) Where it is proposed that, in exercise in relation to a [^{F38}street or, in Scotland, road] of the power conferred by the foregoing subsection, a pipe-line shall be placed along a line crossing the [^{F38}street or, in Scotland, road] the appropriate authority for that [^{F38}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 [^{F38}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 [^{F38}street or, in Scotland, road] the consent of the appropriate authority for the [^{F38}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,—
 - (a) a condition requiring payments to be made to that authority in respect of the placing of the pipe-line in the [^{F38}street or, in Scotland, road] and of its being kept there;
 - (b) where the [^{F38}street or, in Scotland, road] is a [^{F39}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

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breaking up of the [^{F38}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 [^{F38}street or, in Scotland, road] is a highway, not being a [^{F39}main road], and constitutes or comprises a carriageway and it is proposed that the pipe-line shall be placed along a line crossing the [^{F38}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 [^{F38}street or, in Scotland, road] is a highway, not being a [^{F39}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 [^{F38}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 [^{F38}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 [^{F38}street or, in Scotland, road] and a person proposing to place a pipe-line in the [^{F38}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 [^{F38}street or, in Scotland, road] otherwise than along a line crossing the [^{F38}street or, in Scotland, road]; or
 - (b) the imposition of a condition under this section on the placing of the pipe-line in the [^{F38}street or, in Scotland, road] otherwise than as aforesaid,

shall be determined by the Minister [^{F40}with [^{F41}[^{F42}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, 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 [^{F38}street or, in Scotland, road] and a person proposing to place a pipe-line in the [^{F38}street or, in Scotland, road] in respect of—

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- (a) the withholding of a consent under this section to the placing of the pipe-line in the [^{F38}street or, in Scotland, road] along a line crossing the [^{F38}street or, in Scotland, road]; or
- (b) the imposition of a condition under this section on the placing of the pipe-line in the [^{F38}street or, in Scotland, road] along a line crossing the [^{F38}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 [^{F38}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 [^{F38}street or, in Scotland, road] if it is so placed that at either side of the [^{F38}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 [^{F38}street or, in Scotland, road] and a line joining the point at which the line of the pipe-line crosses the side of the [^{F38}street or, in Scotland, road] with the point nearest to that point on the opposite side of the [^{F38}street or, in Scotland, road].

^{F43}[(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;
- (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

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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

- F38** 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.
- F39** 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.
- F40** Words substituted by virtue of S.I. 1970/1681, [Sch. 3 para. 21](#)
- F41** Words substituted by virtue of S.I. 1976/1775, arts. 2(1), 7(3), [Sch. 1](#) and 1979/571, arts. 2 (1), 3(5)
- F42** Words substituted by virtue of S.I. 1981/238, [art. 2\(1\)](#)
- F43** 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)

- C21** S. 15 excluded (E.W.) by [Dartford-Thurrock Crossing Act 1988 \(c. 20, SIF 59\)](#), [ss. 19, 38\(3\)](#)
- C22** S. 15: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, [Sch. 1](#)
- C23** 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)
- C24** 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. 1](#)
- C25** 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.

[^{F44}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;
- (b) no modification of a plan and section shall be made which would involve [^{F45}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

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(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 [^{F45}a diversion].

^{F46}(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

- F44** 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.
- F45** Words in s. 16(2)(b) and (3) substituted (3.4.1999) by [S.I. 1999/742, arts. 1, 2](#), [Sch. para. 11](#)
- F46** 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.

..... ^{F47}

Textual Amendments

- F47** S. 18 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s. 102](#), [Sch. 17](#)

19 ^{F48}

Textual Amendments

- F48** S. 19 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), [s. 343\(3\)](#), [Sch. 25](#)

Safety of Pipe-lines

^{F49}**20**

Textual Amendments

- F49** S. 20 repealed (11.4.1996) by [S.I. 1996/825, reg. 30](#)

^{F50}**21**

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Textual Amendments

F50 S. 21 repealed (11.4.1996) by [S.I. 1996/825](#), [reg. 30](#)

^{F51}**22**

Textual Amendments

F51 S. 22 repealed (11.4.1996) by [S.I. 1996/825](#), [reg. 30](#)

^{F52}**23**

Textual Amendments

F52 S. 23 repealed (11.4.1996) by [S.I. 1996/825](#), [reg. 30](#)

24 ^{F53}

Textual Amendments

F53 Ss. 24, 34 repealed by [S.I. 1974/1986](#), [Sch. 1](#)

^{F54}**25**

Textual Amendments

F54 S. 25 repealed (11.4.1996) by [S.I. 1996/825](#), [reg. 30](#)

^{F55}**26**

Textual Amendments

F55 S. 26 repealed (11.4.1996) by [S.I. 1996/825](#), [reg. 30](#)

[^{F56}**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).

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- (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.
- (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.]

Textual Amendments
F56 S. 26A inserted by [Petroleum Act 1987 \(c. 12, SIF 86\)](#), **s. 26(1)**

Modifications etc. (not altering text)
C26 S. 26A: transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, **Sch. 1** (with art. 7)
 S. 26A: certain functions exercisable (30.6.1999) by [S.I. 1999/1756](#), arts. 1, 2, **Sch. para. 1** (with art. 8))

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

^{F57}**27**

Textual Amendments
F57 S. 27 repealed (11.4.1996) by [S.I. 1996/825](#), **reg. 30**

^{F58}**28**

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Textual Amendments

F58 S. 28 repealed (11.4.1996) by [S.I. 1996/825](#), [reg. 30](#)

^{F59}**29**

Textual Amendments

F59 S. 29 repealed (11.4.1996) by [S.I. 1996/825](#), [reg. 30](#)

^{F60}**30**

Textual Amendments

F60 S. 30 repealed (11.4.1996) by [S.I. 1996/825](#), [reg. 30](#)

^{F61}**31**

Textual Amendments

F61 S. 31 repealed (11.4.1996) by [S.I. 1996/825](#), [reg. 30](#)

^{F62}**32**

Textual Amendments

F62 S. 32 repealed (11.4.1996) by [S.I. 1996/825](#), [reg. 30](#)

Notification and Investigation of Accidents

33 Notification of certain accidents.

..... ^{F63}

Textual Amendments

F63 S. 33 repealed by [S.I. 1980/804](#), [reg. 12](#), [Sch. 5 Pt. I](#)

34 ^{F64}

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Textual Amendments

F64 Ss. 24, 34 repealed by S.I. 1974/1986, **Sch. 1**

Information

35 Deposit of maps of pipe-lines with local authorities.

(1) A person to whom a pipe-line construction ^{F65} . . . authorisation is granted shall, forthwith after the grant, deposit with each local authority within whose area lies any part of the route to be taken by the proposed pipe-line ^{F65} . . . , a copy (on the same scale) of so much of the map annexed to the authorisation as shows the part of that route that lies within that area.

^{F66}(2)

^{F67}(3)

(4) A person who fails to satisfy an obligation to which he is subject by virtue of [^{F68}subsection (1) above] shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F69}level 3 on the standard scale].

(5) Documents deposited in pursuance of this section with a local authority shall be kept at the authority's offices and shall be open to inspection by any person at all reasonable hours free of charge.

(6) For the purpose of the application of this section to England ^{F70} . . . , the expression "local authority" means the council of a county, . . . ^{F71} district or . . . ^{F72} borough and includes the Common Council of the City of London, [^{F73}for the purpose of the application of this section to Wales, that expression means the council of a county or county borough,] and for the purpose of the application of this section to Scotland that expression means a county or town council.

Textual Amendments

F65 Words in s. 35(1) omitted (3.4.1999) by virtue of S.I. 1999/742, art. 2, **Sch. para. 12(a)**

F66 S. 35(2) repealed (3.4.1999) by S.I. 1999/742, art. 2, **Sch. para. 12(b)**

F67 S. 35(3) repealed (3.4.1999) by S.I. 1999/742, art. 2, **Sch. para. 12(c)**

F68 Words in s. 35(4) substituted (3.4.1999) by S.I. 1999/742, art. 2, **Sch. para. 12(d)**

F69 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**

F70 Words in s. 35(6) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 21, **Sch. 18** (with ss. 54(5)(7), 55(5), 66(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F71 Words repealed by S.I. 1974/595, **Sch. 1 Pt. I**

F72 Word repealed by S.I. 1975/1636, **art. 4(4)**

F73 Words in s. 35(6) substituted (1.4.1996) by 1994 c. 19, s. 66(6)(8), **Sch. 16 para. 21** (with ss. 54(5)(7), 55(5), 66(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C27 S. 35: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)

S. 35: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)

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36 Notification of abandonment, cesser of use and resumption of use of pipe-lines or lengths thereof.

- (1) Subject to the following subsection, in any of the following events, namely,—
- (a) the beginning of the use of a pipe-line or a length thereof;
 - (b) the abandonment of a pipe-line or a length thereof;
 - (c) the expiration of three years from the date on which a pipe-line or a length thereof was last used;
 - (d) the resumption of the use of a pipe-line or a length thereof after the abandonment of the line or length (as the case may be) or after the expiration of three years from the date on which it was last used;

the owner of the line shall, within two weeks after the happening of the event, give to the Minister notice thereof specifying the date on which it happened and the line or length in question and, if he fails so to do, shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding [^{F74}level 3 on the standard scale].

- (2) Where a pipe-line or a length thereof is abandoned after the date on which the line or length (as the case may be) was last used but before the expiration of three years from that date, it shall not be necessary to give, under the foregoing subsection, notice of the expiration of that period.

^{F75}[(3) This section applies only to pipe-lines constructed pursuant to a pipe-line construction authorisation and to diversions to any such line.]

Textual Amendments

F74 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**

F75 S. 36(3) inserted (3.4.1999) by [S.I. 1999/742, art. 2, Sch. para. 13](#)

Modifications etc. (not altering text)

C28 S. 36: transfer of certain functions (1.7.1999) by [S.I. 1999/1750, arts. 1, 2, Sch. 1](#) (with [art. 7](#))

S. 36: certain functions exercisable (30.6.1999) by [S.I. 1999/1756, arts. 1, 2, Sch. para. 1](#) (with [art. 8](#))

37 Fire-brigades, police, &c., to be notified of certain pipe-line accidents and to be furnished with information. **E+W**

- (1) It shall, in the case of every pipe-line be the duty of the owner thereof to make, and to ensure the efficient carrying out of, arrangements whereby, in the event of the accidental escape or the ignition of any thing in the line, immediate notice of the event is given—

- (a) to every fire^[F76]and rescue authority] and police authority by whom duties will or may fall to be discharged in consequence of the happening of the event;
- (b) ^[F77]to all statutory water] undertakers and local water authorities who will or may have, in consequence of the happening of the event, to take steps to prevent or combat pollution of water or flooding;
- (c) to all ^[F78]sewerage undertakers] who will or may have, in consequence of the happening of the event, to take steps to prevent injury to their sewers or sewage disposal works, interference with the free flow of the contents of any of their sewers or the prejudicial affection of the treatment and disposal

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- of such contents or to combat the effects of any such injury, interference or affection; and
- (d) to any other authority, board or undertakers whom the Minister, by notice served on the owner of the line, requires him to treat, for the purposes of this section, as relevant in relation to the line, being an authority or board, or undertakers, in the case of whom it is stated in the notice that the Minister is satisfied that they will or may have, in consequence of the happening of the event, to take in the public interest steps for such purpose as may be specified in the notice.
- (2) It shall be the duty of the owner of a pipe-line if requested so to do by any authority, board or undertakers for whose notification, in the event specified in the last foregoing subsection, arrangements are thereby required to be made, to furnish the authority, board or undertakers with such maps, and to give them such information, as they may reasonably require in order—
- (a) in the case of a fire^{F79} and rescue authority] or police authority, to enable them efficiently to discharge the duties falling to be discharged by them in consequence of the happening of the event;
- (b) ^{F80}in the case of any statutory water] undertakers or local water authority, to enable them efficiently to take, in consequence of the happening of the event, steps to prevent or combat pollution of water or flooding;
- (c) in the case of a ^{F81}sewerage undertaker], to enable them efficiently to take, in consequence of the happening of the event, steps for either of the purposes mentioned in paragraph (c) of that subsection;
- (d) in the case of any authority, board or undertakers whom the owner is, by a notice served under paragraph (d) of that subsection, required to treat, for the purposes of this section, as relevant in relation to the line, to enable them efficiently to take, in consequence of the happening of the event, steps for the purpose specified in the notice.
- (3) A person who fails to satisfy an obligation to which he is subject by virtue of either of the foregoing subsections shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding ^{F82}level 3 on the standard scale].
- (4) In this section—
- ^{F84}(b) ^{F85}“ river purification authority ” means] a river purification authority within the meaning of the ^{M9}Rivers (Prevention of Pollution) (Scotland) Act 1951;]
- ^{F86}(c)
- and any reference in this section to a sewer shall be construed as including a reference to any manholes, ventilating shafts, pumps or other accessories belonging to that sewer, and any reference in this section to sewage disposal works shall be construed as including a reference to the machinery and equipment of those works and any necessary pumping stations and outfall pipes.

Textual Amendments

F76 Words in s. 37(1)(a) inserted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 17\(2\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

F77 Words in s. 37(1)(b) substituted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1), [Sch. 25 para. 30\(1\)\(a\)\(i\)](#) (with ss. 58(7), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\), 58](#))

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- F78** Words in s. 37(1)(c) substituted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), [ss. 58\(7\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 25 para. 30\(1\)\(a\)\(ii\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))
- F79** Words in s. 37(2)(a) inserted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), [s. 61](#), [Sch. 1 para. 17\(2\)](#); [S.I. 2004/2304](#), [art. 2](#); [S.I. 2004/2917](#), [art. 2](#)
- F80** Words in s. 37(2)(b) substituted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), [s. 190\(1\)](#), [Sch. 25 para. 30\(1\)\(b\)\(i\)](#) (with [ss. 58\(7\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))
- F81** Words in s. 37(2)(c) substituted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), [s. 190\(1\)](#), [Sch. 25 para. 30\(1\)\(b\)\(ii\)](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))
- F82** 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](#)
- F83** S. 37(4)(a) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), [s. 61](#), [Sch. 1 para. 17\(3\)](#); [S.I. 2004/2304](#), [art. 2](#); [S.I. 2004/2917](#), [art. 2](#)
- F84** S. 37(4)(b) ceased to have effect (S.) (1.4.1996) by virtue of [S.I. 1996/973](#), [reg. 2](#), [Sch. para. 1\(c\)](#)
- F85** Words substituted by [Water Resources Act 1963 \(c. 38\)](#), [Sch. 13 para. 18](#)
- F86** S. 37(4)(c) repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), [s. 190\(3\)\(4\)](#), [Sch. 27 Pt. I](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [41\(1\)](#), [57\(6\)](#), [58](#))

Modifications etc. (not altering text)

- C29** [Ss. 27-32 and 37](#): power to repeal or modify conferred by [Offshore Safety Act 1992 \(c. 15\)](#), [s. 2\(2\)\(3\)\(a\)](#) (amending the [Health and Safety at Work etc. Act 1974 c. 37](#), [s. 15\(1\)](#))
- C30** S. 37(1) amended (23.8.1993) by [S.I. 1993/1823](#), [reg. 4\(1\)](#)

Marginal Citations

- M9** [1951 c. 64](#).

37 Fire-brigades, police, &c., to be notified of certain pipe-line accidents and to be furnished with information. **S**

- (1) It shall, in the case of every pipe-line be the duty of the owner thereof to make, and to ensure the efficient carrying out of, arrangements whereby, in the event of the accidental escape or the ignition of any thing in the line, immediate notice of the event is given—
- (a) to every fire and police authority by whom duties will or may fall to be discharged in consequence of the happening of the event;
- (b) to all river boards, [^{F166}river purification authorities][^{F167}and] statutory water undertakers ^{F168}... who will or may have, in consequence of the happening of the event, to take steps to prevent or combat pollution of water or flooding;
- [^{F169}(bb) to the Scottish Environment Protection Agency;]
- [^{F170}(c) if Scottish Water will or may have, in consequence of the happening of the event, to take steps to—
- (i) prevent or combat pollution of water or flooding; or
- (ii) prevent injury to its sewers or sewage disposal works, interference with the free flow of the contents of any of its sewers or the prejudicial affection of the treatment and disposal of such contents or to combat the effects of any such injury, interference or affection,
- to that body;]

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- (d) to any other authority, board or undertakers whom the Minister, by notice served on the owner of the line, requires him to treat, for the purposes of this section, as relevant in relation to the line, being an authority or board, or undertakers, in the case of whom it is stated in the notice that the Minister is satisfied that they will or may have, in consequence of the happening of the event, to take in the public interest steps for such purpose as may be specified in the notice.
- (2) It shall be the duty of the owner of a pipe-line if requested so to do by any authority, board or undertakers for whose notification, in the event specified in the last foregoing subsection, arrangements are thereby required to be made, to furnish the authority, board or undertakers with such maps, and to give them such information, as they may reasonably require in order—
- (a) in the case of a fire or police authority, to enable them efficiently to discharge the duties falling to be discharged by them in consequence of the happening of the event;
- (b) in the case of any river board, [^{F171}river purification authority,]^{F172}or] statutory water undertakers ^{F173}... [^{F174}or the Scottish Environment Protection Agency], to enable them efficiently to take, in consequence of the happening of the event, steps to prevent or combat pollution of water or flooding;
- (c) in the case of [^{F175}Scottish Water], to enable [^{F176}it] efficiently to take, in consequence of the happening of the event, steps for [^{F177}any] of the purposes mentioned in [^{F178}paragraphs (b) or] (c) of that subsection;
- (d) in the case of any authority, board or undertakers whom the owner is, by a notice served under paragraph (d) of that subsection, required to treat, for the purposes of this section, as relevant in relation to the line, to enable them efficiently to take, in consequence of the happening of the event, steps for the purpose specified in the notice.
- (3) A person who fails to satisfy an obligation to which he is subject by virtue of either of the foregoing subsections shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding [^{F179}level 3 on the standard scale].
- (4) In this section—
- (a) “fire authority” means, in relation to any area, the authority discharging therein the functions of fire authority under the ^{M36}Fire Services Act 1947;
- ^{F180}(b) [^{F181} “ river purification authority ” means] a river purification authority within the meaning of the ^{M37}Rivers (Prevention of Pollution) (Scotland) Act 1951;]
- ^{F182}(c)

and any reference in this section to a sewer shall be construed as including a reference to any manholes, ventilating shafts, pumps or other accessories belonging to that sewer, and any reference in this section to sewage disposal works shall be construed as including a reference to the machinery and equipment of those works and any necessary pumping stations and outfall pipes.

Textual Amendments

F166 Words in s. 37(1)(b) ceased to have effect (S.) (1.4.1996) by virtue of [S.I. 1996/973, reg. 2, Sch. para. 1\(a\)\(i\)](#)

F167 Comma in s. 37(1)(b) omitted and word substituted (S.) (14.7.2004) by [Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\), art. 1\(1\), Sch. para. 3\(2\)\(a\)\(i\)](#)

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- F168** Words in s. 37(1)(b) repealed (S.) (14.7.2004) by Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 3(2)(a)(ii)**
- F169** S. 37(1)(bb) inserted (S.) (1.4.1996) by S.I. 1996/973, reg. 2, **Sch. para. 1(a)(ii)**
- F170** S. 37(1)(c) substituted (S.) (14.7.2004) by Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 3(2)(b)**
- F171** Words in s. 37(2)(b) ceased to have effect (S.) (1.4.1996) by virtue of S.I. 1996/973, reg. 2, **Sch. para. 1(b)(i)**
- F172** Word in s. 37(2)(b) inserted (S.) (14.7.2004) by Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 3(2)(c)(i)**
- F173** Words in s. 37(2)(b) repealed (S.) (14.7.2004) by Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 3(2)(c)(ii)**
- F174** Words in s. 37(2)(b) inserted (S.) (1.4.1996) by S.I. 1996/973, reg. 2, **Sch. para. 1(b)(ii)**
- F175** Words in s. 37(2)(c) substituted (S.) (14.7.2004) by Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 3(2)(d)(i)**
- F176** Word in s. 37(2)(c) substituted (S.) (14.7.2004) by Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 3(2)(d)(ii)**
- F177** Word in s. 37(2)(c) substituted (S.) (14.7.2004) by Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 3(2)(d)(iii)**
- F178** Words in s. 37(2)(c) substituted (S.) (14.7.2004) by Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 3(2)(d)(iv)**
- F179** 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**
- F180** S. 37(4)(b) ceased to have effect (S.) (1.4.1996) by virtue of S.I. 1996/973, reg. 2, **Sch. para. 1(c)**
- F181** Words substituted by Water Resources Act 1963 (c. 38), **Sch. 13 para. 18**
- F182** S. 37(4)(c) repealed (S.) (14.7.2004) by Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 3(2)(e)**

Modifications etc. (not altering text)

- C46** Ss. 27-32 and 37: power to repeal or modify conferred by Offshore Safety Act 1992 (c. 15), **s. 2(2)(3)(a)** (amending the Health and Safety at Work etc. Act 1974 c. 37, **s. 15(1)**)
- C47** S. 37(1) amended (23.8.1993) by S.I. 1993/1823, **reg. 4(1)**
- C48** Reference to **New Towns Act 1946 (c. 68)** in s. 37(4)(c) to be construed as including reference to **New Towns Act 1965 (c. 59)**: *ibid.*, Sch. 11 para. 5(1)

Marginal Citations

- M36** 1947 c. 41.
M37 1951 c. 64.

38 Notification of change of ownership of pipe-line.

- (1) Where a change occurs in the ownership of a pipe-line, the owner of the line shall, within three weeks from the date on which the change occurs, give to the Minister and to every person who is an owner, lessee or occupier of land in which any part of the line is situate (except a tenant for a month or any period less than a month) a notice stating the particulars of the change.
- (2) A person who fails to satisfy an obligation to which he is subject by virtue of the foregoing subsection shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding [^{F87}level 3 on the standard scale].

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Textual Amendments

F87 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](#)

Modifications etc. (not altering text)

C31 S. 38: transfer of certain functions (1.7.1999) by [S.I. 1999/1750, arts. 1, 2](#), [Sch. 1](#) (with [art. 7](#))
S. 38: certain functions exercisable (30.6.1999) by [S.I. 1999/1756, arts. 1, 2](#), [Sch. para. 1](#) (with [art. 8](#))

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 [^{F88}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 [^{F89}level 3 on the standard scale].
- (4) In this section “harbour authority” has the same meaning as in [^{F90}section 151 of the Merchant Shipping Act 1995].

Textual Amendments

F88 Words substituted by virtue of [S.I. 1970/1537, Sch. 2 para. 6](#)

F89 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](#)

F90 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\(1\)](#))

Modifications etc. (not altering text)

C32 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](#))

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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 [^{F91}[^{F92}telecommunication apparatus[^{F92}electronic communications apparatus]] kept installed for the purposes of [^{F93}a telecommunications code system[^{F93}an electronic communications code network]] or with the service provided by any [^{F94}such system[^{F94}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.

[^{F95}(2) Paragraph 23 of [^{F96}the telecommunications code[^{F96}the electronic communications code]] (which provides a procedure for certain cases where works involve the alteration of [^{F92}telecommunication apparatus[^{F92}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

- F91** Words substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 4 para. 41(a)**, Sch. 5 para. 45
- F92** 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)
- F93** 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)
- F94** 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)
- F95** S. 40(2) substituted for subsections (2) and (3) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 4 para. 41(b)**, Sch. 5 para. 45
- F96** 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(d)** (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)

41 ^{F97}

Textual Amendments

- F97** S. 41 repealed by [General Rate Act 1967\(c. 9\)](#), s. 117(11), Sch. 14

Supplementary Provisions

^{F98}**42**

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Textual Amendments

F98 S. 42 repealed (11.4.1996) by [S.I. 1996/825](#), [reg. 30](#)

43 Preservation of amenity.

Where—

- (a) a person is formulating proposals for the execution of pipe-line works, or
- (b) the Minister is considering any such proposals, whether in relation to the grant of a pipe-line construction^{F99} . . . authorisation or the imposition of conditions under section five of this Act,

that person or the Minister, as the case may be, having regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographic features of special interest, and of protecting buildings and other objects of architectural or historic interest, shall take into account any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, buildings or objects, and in so doing shall have particular regard to the desirability of ensuring that things constructed in the course of the execution of the proposed works are kept below ground so far as that is practicable.

Textual Amendments

F99 Words in s. 43 omitted (3.4.1999) by virtue of [S.I. 1999/742](#), [art. 2](#), [Sch. para. 2\(4\)](#)

Modifications etc. (not altering text)

C33 S. 43: certain functions exercisable (30.6.1999) by [S.I. 1999/1756](#), [arts. 1, 2](#), [Sch. para. 1](#) (with [art. 8](#))

C34 S. 43: transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), [arts. 1, 2](#), [Sch. 1](#) (with [art. 7](#))

44 Protection of water against pollution.

The Minister, in order to determine whether to exercise any of his powers under this Act and in what manner should be exercised any of those powers which he has determined to exercise, shall have constant regard to the need of protecting against pollution any water, whether on the surface or underground, which belongs to any statutory water undertakers or [^{F100}local water authority]^{F100}Scottish Water]] or which they^{F101}or it] are for the time being authorised to take.

Textual Amendments

F100 Words in s. 44 substituted (S.) (14.7.2004) by [Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\)](#), [art. 1\(1\)](#), [Sch. para. 3\(3\)\(a\)](#)

F101 Words in s. 44 inserted (S.) (14.7.2004) by [Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\)](#), [art. 1\(1\)](#), [Sch. para. 3\(3\)\(b\)](#)

Modifications etc. (not altering text)

C35 S. 44: certain functions exercisable (S.) (30.6.1999) by [S.I. 1999/1756](#), [arts. 1, 2](#), [Sch. para. 1](#) (with [art. 8](#))

C36 S. 44: transfer of certain functions (S.) (1.7.1999) by [S.I. 1999/1750](#), [arts. 1, 2](#), [Sch. 1](#) (with [art. 7](#))

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45 **Obligation to restore agricultural land.**

- (1) A person executing pipe-line works in agricultural land shall be under obligation to secure, so far as is practicable, that upon the completion of the works the land is so restored as to be fit for use for the purpose for which it was used immediately before the execution of the works was begun.
- (2) If a person executing pipe-line works in agricultural land fails to satisfy an obligation to which he is subject by virtue of the foregoing subsection, a person entitled to an interest in the land may, subject to the next following subsection, if he himself so restores the land as aforesaid, recover, in any court of competent jurisdiction, the expenses reasonably incurred by him in so doing from the first-mentioned person.
- (3) The right conferred by the last foregoing subsection on a person entitled to an interest in land in the case of any such failure as aforesaid shall be alternative to any right to compensation under any other of the foregoing provisions of this Act in respect of loss suffered by that person by reason of damage to that land in consequence of that failure.

46 **Penalties for uttering false documents and giving false information.**

A person who—

- ^{F102}(a) sends to the Secretary of State an application for the grant of a pipe-line construction authorisation or the making of a compulsory purchase or rights order, being an application which he knows to be false in a material particular, or recklessly sends to the Secretary of State such an application which is so false; or]
- (b) in purported compliance with section . . . ^{F103}, thirty-six or thirty-eight of this Act gives a notice which he knows to be false in a material particular or recklessly gives notice which is so false; or
- (c) in purported compliance with [^{F104}subsection (1) of section thirty-five of this Act] or subsection (2) of section thirty-seven thereof sends, deposits or furnishes a document which he knows to be false in a material particular or gives any information which he knows to be so false or recklessly sends, deposits or furnishes a document which is so false or recklessly gives any information which is so false;

shall be guilty of an offence and shall be liable—

- (i) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment;
- (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both a fine and such imprisonment.

Textual Amendments

F102 S. 46(a) substituted (3.4.1999) by S.I. 1999/742, art. 2, **Sch. para. 14(a)**

F103 Words repealed by S.I. 1974/1986, **Sch. 7**

F104 Words in s. 46(c) substituted (3.4.1999) by S.I. 1999/742, art. 2, **Sch. para. 14(b)**

47 **Provisions as to inquiries and hearings.**

- (1) Subsections (2) to (5) of [^{F105}section 250 of the ^{M10}Local Government Act 1972] (which provides for the holding of inquiries for the purposes of that Act), shall apply

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to a public inquiry caused by the Minister to be held in England or Wales under any provision of this Act . . . ^{F106} as they apply to an inquiry held under the said [^{F105}section 250], subject to the following modifications, namely,—

- (a) for references to a department, there shall be substituted references to the Minister;
- (b) subsection (4) shall have effect as if references therein to the payment of costs by a local authority not being a party to the inquiry had been omitted;

and subsections (4) and (5) of the said [^{F105}section 250] shall, with the like modifications, apply in relation to any hearing caused by the Minister to take place in England or Wales in pursuance of any provision of this Act (otherwise than by way of public inquiry . . . ^{F106}) as if the hearing were a public inquiry caused by the Minister to be held as aforesaid.

- (2) Subsections (2) to (9) of [^{F107}section 210 of the ^{M11}Local Government (Scotland) Act 1973] (which relates to local inquiries), shall apply to a public inquiry caused by the Minister to be held in Scotland under any provision of this Act . . . ^{F106} as they apply to a public inquiry held under the said [^{F107}section 210], subject to the following modification, namely, that [^{F107}subsection (7)] shall have effect as if references therein to the payment of expenses by a local authority not being a party to the inquiry had been omitted; and [^{F107}subsections (7) and (8) of the said section 210] shall, with (in the case of [^{F107}subsection (7)]) the like modification, apply in relation to any hearing caused by the Minister to take place in Scotland in pursuance of any provision of this Act (otherwise than by way of public inquiry . . . ^{F106}) as if the hearing were a public inquiry caused by the Minister to be held as aforesaid.
- (3) It shall not be open to a person to impugn the validity of a pipe-line construction ^{F108} . . . authorisation on the ground that an inquiry or hearing under the First Schedule to this Act with respect to . . . ^{F109} the application for the grant of the authorisation was combined with an inquiry or hearing under the Second Schedule to this Act with respect to . . . ^{F109} an application made, by the applicant for the grant of the authorisation, for a compulsory purchase order or compulsory rights order, or to impugn the validity of a compulsory purchase order or compulsory rights order on the ground that an inquiry or hearing under the Second Schedule to this Act with respect to . . . ^{F109} the application for the order was combined with an inquiry or hearing under the First Schedule to this Act with respect to . . . ^{F109} an application made, by the applicant for the order, for the grant of a pipe-line construction ^{F108} . . . authorisation.

Textual Amendments

- F105** Words substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 272\(2\)](#)
- F106** Words repealed by [S.I. 1974/1986, Sch. 7](#)
- F107** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 237\(2\)](#)
- F108** Words in s. 47(3) omitted (3.4.1999) by [S.I. 1999/742, art. 2, Sch. para. 2\(5\)](#) (with art. 3)
- F109** Words repealed by [Petroleum Act 1987 \(c. 12, SIF 86\), s. 30, Sch. 3](#)

Modifications etc. (not altering text)

- C37** S. 47(1)(3) applied (1.6.1995) by [S.I. 1995/1239, rule 3\(2\)](#)

Marginal Citations

- M10** [1972 c. 70.](#)
- M11** [1973 c. 65.](#)

Status: Point in time view as at 01/10/2004.

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48 Determination by Lands Tribunal of questions as to compensation.

Any question with regard to a person's entitlement to compensation under the foregoing provisions of this Act or the amount of compensation to which a person is entitled under those provisions shall, in default of agreement, be determined by the Lands Tribunal.

49 Service of documents.

- (1) Any document required or authorised by this Act to be given to or served on any person may be given or served either by delivering it to that person, or by leaving it at his proper address, or by the recorded delivery service.
- (2) Any such document required or authorised to be given to or served on an authority or body being a corporation shall be duly given or served if it is given to or served on the secretary or clerk of the authority or body.
- (3) For the purposes of this section and of [^{F110}section 7 of the ^{M12}Interpretation Act 1978], in its application to this section the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, and in any other case be the last-known address of the person to be served:

Provided that, where the person to or on whom the document is to be given or served has, in accordance with arrangements agreed [^{F111}or in accordance with regulations made by virtue of the ^{M13}Petroleum and Submarine Pipe-lines Act 1975] furnished an address for the giving or service of the document, being an address in the United Kingdom, his proper address for the purposes aforesaid shall be the address furnished.

- (4) If the name or the address of any owner, lessee or occupier of land to or on whom any such document as aforesaid is to be given or served cannot after reasonable inquiry be ascertained by the authority, body or person seeking to give or serve the document, the document may be given or served by addressing it to the person to or on whom it is to be given or served by the description of "owner", "lessee" or "occupier" of the land (describing it) to which the document relates, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

Textual Amendments

F110 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

F111 Words inserted by [Petroleum Submarine Pipe-lines Act 1975 \(c. 74\), s. 48\(2\)](#)

Modifications etc. (not altering text)

C38 S. 49(1)–(3) extended by [Petroleum and Submarine Pipe-lines Act 1975 \(c. 74\), s. 48\(2\)](#)

S. 49(1)–(3) modified (15.2.1999) by [1998 c. 17, ss. 28\(4\)](#), (with Sch. 3 para. 5(1)); [S.I. 1999/161, art. 2\(1\)](#)

S. 49(1)–(3) extended (N.I.) (15.2.1999) by [1998 c. 17, ss. 28\(5\)](#), (with Sch. 3 para. 5(1)); [S.I. 1999/161, art. 2](#)

Marginal Citations

M12 [1978 c. 30.](#)

Status: Point in time view as at 01/10/2004.

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M13 1975 c. 74.

50 Provisions as to requirements and prohibitions imposed under this Act.

Any power, exercisable by notice, conferred by this Act on the Minister to impose a requirement or prohibition shall be construed as including a power, exercisable in the like manner, to vary or revoke the requirement or prohibition.

51 Provisions as to ecclesiastical property.

- (1) Where under this Act a document is required to be served on an owner of land, and the land is ecclesiastical property, a copy of the document shall be served on the Church Commissioners, and where under this Act the seeking of consultation with an owner of land is requisite, and the land is ecclesiastical property, the seeking of consultation with the Church Commissioners shall be requisite also.
- (2) Where the fee simple in any ecclesiastical property is in abeyance, it shall be treated for the purposes of an application for a compulsory purchase or rights order in which the property is proposed to be comprised, and of a compulsory purchase of the property in pursuance of a compulsory purchase order, as being vested in the Church Commissioners, and (in the case of a compulsory purchase) any notice to treat shall be served accordingly.
- (3) Any compensation falling to be paid under the foregoing provisions of this Act in respect of damage to land that is ecclesiastical property shall, to the extent to which it is payable to the owner of the fee simple in the land, be paid (where the fee simple is vested in any person other than the Church Commissioners) to them, instead of to that person, and any compensation falling to be paid under those provisions in respect of the depreciation of the fee simple in land that is ecclesiastical property shall (where the fee simple is vested in a person other than the Church Commissioners) be paid to them instead of to the person in whom the fee simple is vested.
- (4) Any sums agreed upon or awarded for the purchase, in pursuance of a compulsory purchase order, of the fee simple in land that is ecclesiastical property, or to be paid by way of compensation for damage sustained by reason of severance or injury affecting such land (being severance or injury arising from the purchase of land in pursuance of such an order), shall, instead of being paid as provided by the Lands Clauses Acts, be paid to the Church Commissioners.
- (5) Any sums paid under either of the two last foregoing subsections to the Church Commissioners with reference to any land shall, if the land is not consecrated, be applied by them for the purposes for which the proceeds of a sale by agreement of the fee simple in the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale, and if the land is consecrated, be applied by them in such manner as they may determine.
- (6) In this section the expression “ecclesiastical property” means land belonging to an ecclesiastical benefice of the Church of England, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese of the Church of England or the site of a church so subject, or being or forming part of a burial ground so subject.

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52 Reckoning of periods.

For the purposes of this Act in reckoning any period which is therein expressed to be a period before or from a given date, that date shall be excluded.

53 Regulations.

- (1) The Minister may make regulations for any purpose for which provision is by this Act authorised to be made by regulations and for prescribing anything which by this Act is required or authorised to be prescribed.
- (2) The power conferred by the foregoing subsection shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

54 Offences by corporations.

- (1) Where a body corporate is guilty of an offence under any of the provisions of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In this section, the expression “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

55 **F112**

Textual Amendments
F112 S. 55 repealed by [Statutory Orders \(Special Procedure\) Act 1965 \(c. 43\)](#), [Sch.](#)

56 **F113**

Textual Amendments
F113 S. 56 repealed by [Customs and Excise Management Act 1979 \(c. 2\)](#), [Sch. 6 Pt. I](#)

57 **F114**

Textual Amendments
F114 S. 57 repealed by [Mines \(Working Facilities and Support\) Act 1966 \(c. 4\)](#), [s. 15\(1\)](#), [Sch. 1](#)

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Exclusion of certain Pipe-lines and Works from Scope of Act

58 Exclusion of application of Act to, and in relation to, pipe-lines of certain statutory bodies.

- (1) The bodies to which this section applies are—
- [^{F115}(a) a public gas transporter within the meaning of Part I of the Gas Act 1986;]
- (c)^{F116}
- (f) the United Kingdom Atomic Energy Authority.
- (2) [^{F117}Section one] of this Act shall not apply to works executed by a body to which this section applies.
- (3) The following provisions of this Act shall not apply to a body to which this section applies, namely, sections eleven, twelve and fifteen, subsection (1) of section seventeen, and sections twenty, twenty-three, twenty-five, thirty-nine, and forty-five.
- (4) In the following provisions of this Act, namely, subsection (2) of section seventeen . . .^{F118}, section twenty-six, [^{F119}section 26A] subsection (1) of section twenty-seven, subsection (1) of section thirty-one, subsection (1) of section thirty-three, subsection (1) of section thirty-six, and sections thirty-seven, thirty-eight, forty . . .^{F118}, references to a pipe-line shall be construed as not including references to a pipe-line vested in a body to which this section applies.
- [^{F120}(4A) References in sections 9A and 10 of this Act to an additional pipe-line shall be construed as not including references to a pipe-line constructed by and vested in, or proposed to be constructed by and proposed to be vested in, a public gas transporter within the meaning of Part I of the Gas Act 1986.]
- (5)^{F121}

Textual Amendments

- F115** S. 58(1)(a) substituted (1.3.1996) by virtue of 1995 c. 45, s. 16(1), **Sch. 4 para. 6(1)**; S.I. 1996/218, **art. 2**
- F116** S. 58(1)(c)–(e) repealed by **Electricity Act 1989** (c. 29, SIF 44:1), s. 112(4), Sch. 17 para. 35(1), **Sch. 18**
- F117** Words in s. 58(2) substituted (3.4.1999) by S.I. 1999/742, art. 2, **Sch. para. 1(5)**
- F118** Words repealed by S.I. 1974/1986, **Sch. 7**
- F119** Words inserted by **Petroleum Act 1987** (c. 12, SIF 86), s. 26(2)
- F120** S. 58(4A) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 7**
- F121** Ss. 58(5), 59(6) repealed by S.I. 1974/1986, **Sch. 1**

Modifications etc. (not altering text)

- C39** S. 58(4) excluded by **Gas Act 1986** (c. 44, SIF 44:2), s. 67(1), **Sch. 7 para. 5(2)**

[^{F122}**58A Avoidance of damage by buildings etc to pipe-lines of a public gas transporter.**

- (1) Notwithstanding subsection (4) of section 58 of this Act, but subject to subsection (2) of this section, the references to a pipe-line in sections 27(1) and 31(1) of this Act (protection of pipe-lines imperilled by buildings, structures or deposits) shall include references to any pipe-line operated by a public gas transporter other than one laid in a street or a service pipe.

Status: Point in time view as at 01/10/2004.

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- (2) The application by virtue of subsection (1) of this section of sections 27(1) and 31(1) of this Act to a particular part of any pipe-line shall be dependent upon there having been previously deposited with every local authority in whose area the part lies by the public gas transporter a map (drawn to an appropriate scale) showing the route taken by the part.
- (3) A local authority holding a map relating to a pipe-line operated by a public gas transporter shall keep the map at their offices, and shall secure that it is open to inspection by any person at all reasonable times free of charge.
- (4) In this section—
- “local authority” means—
 - (a) in England, the council of a county, district or London borough, and the Common Council of the City of London;
 - (b) in Wales, the council of a county or county borough; and
 - (c) in Scotland, a council constituted under section 2 of the ^{M14}Local Government etc. (Scotland) Act 1994;
- “public gas transporter” and “service pipe” have the same meanings as in Part I of the ^{M15}Gas Act 1986;
- “street” has the same meaning as in Part III of the ^{M16}New Roads and Street Works Act 1991.
- (5) In relation to any time before 1st April 1996, the definition of “local authority” in subsection (4) of this section shall have effect as if—
- (a) in paragraph (b), for the words “county borough” there were substituted the word “district”; and
 - (b) in paragraph (c), for the words “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994” there were substituted the words “an islands or district council”.
- (6) In its application to Scotland this paragraph shall have effect with the substitution for any reference to a street of a reference to a road within the meaning of Part IV of the New Roads and Street Works Act 1991.]

Textual Amendments

F122 Ss. 58A, 58B inserted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 6(2)**; S.I. 1996/218, **art. 2**

Marginal Citations

M14 1994 c.39.

M15 1986 c.44.

M16 1991 c.22.

58B ^{F123}**Exclusion of application of Act to construction of small pipes.**

- (1) In relation to the construction, by any person other than a public gas transporter, of a pipe to which this section applies—
- (a) references in sections 1 to 14 of this Act to a pipe-line shall be construed as not including references to such a pipe; and

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- (b) references in those sections to pipe-line works shall be construed as not including references to works executed in connection with the construction of a such a pipe.
- (2) This section applies to any pipe—
- (a) by which any premises are proposed to be connected to a distribution main of a public gas transporter; and
- (b) by which gas is proposed to be conveyed to premises at a rate which is not expected to exceed 75,000 therms in any period of twelve months.
- (3) The Secretary of State may, after consulting the Director General of Gas Supply, by order amend subsection (2) above by substituting—
- (a) where the limit is for the time being expressed by reference to a number of therms—
- (i) such lower number of therms as he considers appropriate; or
- (ii) such lower limit, expressed by reference to a number of kilowatt hours, as he considers appropriate; or
- (b) where the limit is for the time being expressed by reference to a number of kilowatt hours, such lower number of kilowatt hours as he considers appropriate.
- (4) An order under subsection (3) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section “distribution main” and “public gas transporter” have the same meanings as in Part I of the ^{M17}Gas Act 1986.
- (6) In relation to any time after 31st December 1999, the reference in subsection (2) above to 75,000 therms shall be construed as a reference to 2,196,000 kilowatt hours.
- (7) This section is without prejudice to anything in section 58 of this Act.

Textual Amendments

F123 Ss. 58A, 58B inserted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 6(2)**; S.I. 1996/218, art. 2

Marginal Citations

M17 1986 c.44.

59 Exclusion of application of Act to, and in relation to, certain pipe-lines of railway undertakers, &c.

- (1) [^{F124}Section one]of this Act shall not apply to works executed by railway undertakers for the purposes of their business other than the operation of pipe-lines.
- (2) Sections eleven and twelve of this Act shall not have effect for the purpose of authorising railway undertakers to purchase land for the placing therein of a pipe-line to be constructed for the purposes aforesaid or a length of pipe-line to be so constructed or to place in land a pipe-line to be so constructed or a length of a pipe-line to be so constructed.
- (3) Section fifteen of this Act shall not operate to empower railway undertakers to place in a street a pipe-line constructed for the purposes aforesaid.

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- (4) In subsection (1) of section twenty of this Act the reference to works in land for the construction of a pipe-line shall be construed as not including a reference to works for the construction of a pipe-line by railway undertakers for the purposes aforesaid.
- (5) In the following provisions of this Act, namely, section twenty-three, . . . ^{F125} sections twenty-five and twenty-six, [^{F126}section 26A] subsection (1) of section twenty-seven, subsection (1) of section thirty-one, subsection (1) of section thirty-three, subsection (1) of section thirty-six and sections thirty-seven, thirty-eight, forty . . . ^{F125}, references to a pipe-line shall be construed as not including a pipe-line vested in railway undertakers for the purposes aforesaid.
- (6) ^{F127}

Textual Amendments
F124 Words in s. 59(1) substituted (3.4.1999) by S.I. 1999/742, art. 2, Sch. para. 1(6)
F125 Words repealed by S.I. 1974/1986, Sch. 7
F126 Words inserted by Petroleum Act 1987 (c. 12, SIF 86), s. 26(2)
F127 Ss. 58(5), 59(6) repealed by S.I. 1974/1986, Sch. 1

60 Exclusion of application of Act to, and in relation to pipe-lines in factories, mine or quarry premises or petroleum depots.

- (1) References in sections one to forty . . . ^{F128} of this Act to a pipe-line shall be construed as not including references to a pipe-line forming part of the equipment of, and situate wholly within, a factory, to a pipe-line forming part of the equipment of, and situate wholly within premises comprised in, a mine or quarry, or to a pipe-line forming part of the equipment of, and situate wholly within, a petroleum depot, . . . ^{F128}
- (2) References in the said sections one to forty of this Act to a pipe-line shall be construed as not including references—
 - (a) to so much of a pipe-line forming part of the equipment of, and situate partly within and partly outside a factory, as is situate within the factory.
 - (b) to so much of a pipe-line forming part of the equipment of, and situate partly within and partly outside premises comprised in, a mine or quarry, as is situate within those premises, or
 - (c) to so much of a pipe-line forming part of the equipment of, and situate partly within and partly outside, a petroleum depot, as is situate within the depot;

^{F128} and in computing for the purposes of this Act the length of a pipe-line that is or will be one to which the foregoing provisions of this subsection apply there shall be disregarded so much of the line as is or will be situate within, as the case may be, the factory of whose equipment it forms or will form part, the premises comprised in the mine or quarry of whose equipment it forms or will form part or the petroleum depot of whose equipment it forms or will form part.

- (3) In this section—
 - (a) “factory” has the same meaning as in the ^{M18}Factories Act 1961;
 - (b) “mine” and “quarry” have the same meanings as in the ^{M19}Mines and Quarries Act 1954;
 - (c) “petroleum depot” means premises used or appropriated for use wholly or mainly for the storage of petroleum spirit and includes a petroleum filling

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station, and “petroleum filling station” and “petroleum spirit” have the meanings assigned to these expressions respectively by section twenty-three of the ^{M20}Petroleum (Consolidation) Act 1928.

Textual Amendments

F128 Words repealed by S.I. 1974/1986, Sch. 7

Marginal Citations

M18 1961 c. 34.
M19 1954 c. 70.
M20 1928 c. 32.

61 Exclusion of application of Act to, and in relation to, dock, &c., pipe-lines.

References in sections one to forty . . . ^{F129} of this Act to a pipe-line and to pipe-line works shall be construed as respectively not including references to a pipe-line wholly situate in premises to which certain provisions of the ^{M21}Factories Act 1961, apply by virtue of subsection (1) of section one hundred and twenty-five (docks, &c.) of that Act, and to pipe-line works executed in connection with a pipe-line that is or will be wholly so situate.

Textual Amendments

F129 Words repealed by S.I. 1974/1986, Sch. 7

Marginal Citations

M21 1961 c. 34.

62

References in sections twenty-seven and thirty-one of this Act to a pipe-line shall be construed as not including references to a pipe-line that is a government oil pipe-line within the meaning of the ^{M22}Requisitioned Land and War Works Act 1948, or to a pipe-line that was laid under a wayleave order made under section fourteen of the ^{M23}Land Powers (Defence) Act 1958.

Marginal Citations

M22 1948 c. 17.
M23 1958 c. 30.

63 Exclusion of application of certain provisions of Act to pipe-lines whose construction has been begun or authorised by Act.

- (1) Sections one and two of this Act shall not apply to works the execution of which has been begun before the date on which those sections come into operation or to works the execution of which has been authorised by an Act passed before that date.

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- (2) References in sections fifteen, seventeen, twenty-seven and thirty-one of this Act to a pipe-line shall be construed as not including references to a pipe-line for the construction of which the execution of works has been authorised as aforesaid.

64 Power of Minister to exclude application of section one in relation to certain pipe-lines in particular localities.

The Minister, on an application in that behalf being made to him, and after causing if he thinks fit a public inquiry to be held, may by order (made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament) direct that [F130section one] of this Act shall not apply to works executed for the construction of a pipe-line designed for the conveyance of a thing of a particular kind specified in the order or things of a class so specified, being a pipe-line wholly situate within such area as may be specified in, or described by, the order.

Textual Amendments

F130 Words in s. 64 substituted (3.4.1999) by S.I. 1999/742, art. 2, Sch. para. 1(7)

Interpretation

65 Meaning of “pipe-line”.

- (1) In this Act “pipe-line” (except where the context otherwise requires) means a pipe (together with any apparatus and works associated therewith), or system of pipes (together with any apparatus and works associated therewith), for the conveyance of any thing other than air, water, water vapour or steam, not being—
- (a) a drain or sewer; or
 - (b) a pipe or system of pipes constituting or comprised in apparatus for heating or cooling or for domestic purposes; or
 - (c) a pipe or system of pipes on the site of any operations or works to which certain provisions of the ^{M24}Factories Act 1961, apply by virtue of subsection (1) of section one hundred and twenty-seven (building operations and works of engineering construction) of that Act; or
 - (d) a pipe or system of pipes wholly situate within the boundaries of an agricultural unit and designed for use for purposes of agriculture; or
 - (e) a pipe or system of pipes wholly situate in premises used for the purposes of education or research; or
 - (f) a pneumatic dispatch-tube.
- (2) For the purposes of the foregoing subsection, the following apparatus and works, and none other, shall be treated as being associated with a pipe, or system of pipes, namely,
- (a) apparatus for inducing or facilitating the flow of any thing through the pipe or, as the case may be, through the system or any part thereof;
 - (b) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the course of, the pipe or system;

Status: Point in time view as at 01/10/2004.

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- (c) apparatus for supplying energy for the operation of any such apparatus as is mentioned in paragraph (a) of this subsection or of any such works as are mentioned in paragraph (b) thereof;
- (d) apparatus for the transmission of information for the operation of the pipe or system;
- (e) apparatus for affording cathodic protection to the pipe or system;
- (f) a structure for the exclusive support of a part of the line or system.

[^{F131}and

- (g) for the purposes of sections 9(8), 9A(8), 10E and 10F only, apparatus for treating and cooling petroleum which is to flow through, or through any part of, the pipe or system]

Textual Amendments

F131 S. 65(2)(g) and the preceding word “and” inserted (10.8.2000) by [S.I. 2000/1937, reg. 2\(1\), Sch. 1 para. 8](#)

Modifications etc. (not altering text)

C40 S. 65(2) applied by [Gas Act 1986 \(c. 44, SIF 44:2\), s. 21\(4\)](#)

Marginal Citations

M24 [1961 c. 34.](#)

66 General interpretation provisions.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

[^{F132}“additional pipe-line” means a pipe-line (other than a diversion)—

- (a) which is of a length not exceeding 16.093 kilometres and is to form an addition to another pipe-line, if the aggregate of the lengths of both exceeds 16.093 kilometres, or
- (b) which is of a length not exceeding 16.093 kilometres and is to be constructed so as to connect two or more other pipe-lines, if the aggregate of the lengths of the line and of those connected thereby exceeds 16.093 kilometres;]

“agriculture” includes dairy farming, the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not), and the use of land as grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds, and “agricultural” shall be construed accordingly;

“agricultural unit” means land which is occupied as a unit for agricultural purposes;

...
^{F133}

“carriageway” has the meaning assigned to it by [^{F134}section 329(1) of the Highways Act 1980];

“compulsory purchase order” has the meaning assigned to it by subsection (1) of section eleven of this Act;

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“compulsory rights order” has the meaning assigned to it by subsection (1) of section twelve of this Act;

“construction”, in relation to a pipe-line, includes placing, and “construct” and “constructed” shall, in relation to a pipe-line, be construed accordingly;

“cross-country pipe-line” means a pipe-line whose length exceeds, or is intended to exceed, [^{F135}16.093 kilometres];

[^{F136}“diversion” means a lateral diversion of any length of a pipe-line (whether or not that pipe-line has been constructed) where the diversion is—

- (a) beyond the limits of lateral diversion permitted by an authorisation under this Act relating to that pipe-line, or
- (b) if no such authorisation is required, beyond the lateral limits of deviation permitted by planning permission granted in relation to that pipe-line under Part III of the Town and Country Planning Act 1990 or under Part III of the Town and Country Planning (Scotland) Act 1997;]

[^{F137}“foreign sector of the continental shelf” means an area within which rights are exercisable with respect to the sea bed and subsoil and their natural resources by a country or territory outside the United Kingdom;

^{F137}“gas” means any substance which consists wholly or mainly of—

- (a) methane ethane, propane, butane, hydrogen or carbon monoxide;
- (b) a mixture of two or more of those gases; or
- (c) a combustible mixture of one or more of those gases and air;

^{F137}“gas pipe-line” means—

- (a) a pipe-line, other than an upstream petroleum pipe-line, which is used to convey gas to premises or to a pipe-line system operated by a public gas transporter and in respect of which an exemption has been granted by or under the Gas Act 1986 from the requirement for a public gas transporter’s licence; or
- (b) an interconnector;

^{F137}“gas processing facility” means any facility in Great Britain operated otherwise than by a public gas transporter (within the meaning of Part I of the Gas Act 1986) which carries out gas processing operations;

^{F137}“gas processing operation” means any of the following operations, namely—

- (a) purifying, blending, odourising or compressing gas for the purpose of enabling it to be introduced into a pipe-line system operated by a public gas transporter (within the meaning of Part I of the Gas Act 1986) or to be conveyed to an electricity generating station, a gas storage facility or any place outside Great Britain;
- (b) removing from gas for that purpose any of its constituent gases, or separating from gas for that purpose any oil or water; and
- (c) determining the quantity or quality of gas which is or is to be so introduced, or so conveyed, whether generally or by or on behalf of a particular person;]

...

“in”, in a context referring to a pipe-line or a length thereof or works or operations in land or a street, includes a reference to a pipe-line, length, works or operations under, over, across, along or upon it;

[^{F138}“interconnector” means a pipe-line, other than an upstream petroleum pipe-line or a pipe-line operated by a public gas transporter (within the meaning of

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Part I of the Gas Act 1986), which is used to convey gas to or from a place outside Great Britain;]

F139
...

“land” includes land covered by water and in Scotland includes salmon fishings;

“local pipe-line” means a pipe-line other than a cross-country one;

[^{F140}“local water authority” means a local water authority within the meaning of the ^{M25}Water (Scotland) Act 1946;]

“the Minister” means [^{F141}the Secretary of State];

“notice” means a notice in writing;

“owner”—

- (a) in relation to any land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term of which exceeds three years;
- (b) in relation to land in Scotland, includes any person who, under the Lands Clauses Acts, would be enabled to sell and convey the land to the promoters of an undertaking and a tenant of the land under a lease the unexpired term of which exceeds three years;
- (c) in relation to a pipe-line, means the person in whom the pipe-line is vested [^{F142}and, for the purposes of section 10 in the case of gas pipe-lines only (other than section 10(1)), and for the purposes of sections 10B to 10F (other than the first reference in section 10E(2)), includes a person who has the right to use capacity in the pipe-line, where such right has been acquired by that person on terms that—
 - (i) he is entitled to use the capacity for a period of one year or more; and
 - (ii) the right is capable of being assigned or otherwise disposed of to another person;]
- (d) in relation to a structure, means a person who, in relation to land being the site of the structure, is an owner thereof by virtue of paragraph (a) or (b) of this definition;

[^{F143}“petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, whether or not it has undergone any processing; but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;

^{F143}“petroleum production project” means a project carried out by virtue of a licence granted under section 3 of the Petroleum Act 1998, or an equivalent project in a foreign sector of the continental shelf, and includes such a project which is used for the storage of gas;]

“pipe-line construction authorisation” has the meaning assigned to it by subsection (1) of section one of this Act;

F144
...

“pipe-line works” means works of any of the following kinds, that is to say,—

- (a) placing a pipe-line or a length of pipe-line;
 - inspecting, maintaining, adjusting, repairing, altering or renewing a pipe-line or a length of pipe-line;

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changing the position of a pipe-line or a length of pipe-line or removing a pipe-line or a length of pipe-line;

- (b) breaking up or opening land for the purposes of works mentioned in the foregoing paragraph and tunnelling or boring for those purposes and other works requisite for or incidental to those purposes;

“prescribed” means prescribed by regulations made under this Act;

“railway undertakers” means any persons authorised by an enactment or provision of an order or scheme made under or confirmed by an Act to construct, work or carry on a railway;

[^{F145} “ river works consent ” means a consent given under section 109 of the Water Resources Act 1991;]

“statutory undertakers” means any person authorised by any Act (whether public general or local) or by any order or scheme made under or confirmed by an Act to construct, work or carry on a railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of . . . ^{F146} . . . ^{F147} , [^{F148} or hydraulic power];

[^{F149} “ statutory water undertakers ” means the National Rivers Authority or a water undertaker;]

“street works consent” means a consent given under section fifteen of this Act.

[^{F150}“terminal” includes—

- (a) facilities for such initial blending and other treatment as may be required to produce stabilised crude oil and other hydrocarbon liquids to the point at which a seller could reasonably make a delivery to a purchaser of such oil and liquids;
- (b) gas processing facilities; and
- (c) a facility for the reception of gas prior to its conveyance to a place outside Great Britain;

^{F150}“upstream petroleum pipe-line” means a pipe-line or one of a network of pipe-lines operated or constructed as part of a petroleum production project or used to convey petroleum from the site of one or more such projects—

- (a) directly to premises, in order for that petroleum to be used at those premises for power generation or for an industrial process;
- (b) directly to a terminal; or
- (c) indirectly to a terminal by way of one or more other terminals, whether or not such intermediate terminals are of the same kind as the final terminal.]

- (2) For the purposes of this Act the length of a pipe-line shall be taken to be the total length of pipe comprised in it; but where, in a system of pipes, a number of adjacent parallel lengths of pipe serve the same purpose as would be served by a single pipe of a diameter greater than that of any of those lengths, that number shall be taken to constitute a single pipe.

- (3) For the purposes of this Act the execution of works in land for the purpose of determining whether or not it is suitable for the placing in it of a pipe-line and the carrying out of surveying operations for the purpose of settling the route of a proposed pipe-line shall be deemed not to constitute the execution of works for the construction of a pipe-line.

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- (4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any other Act.

Textual Amendments

- F132** Definition in s. 66 inserted (1.7.1999) by [S.I. 1999/742](#), art. 2, **Sch. para. 15(a)**
- F133** Definition of “appropriate Minister” repealed by [S.I. 1970/1681](#), **Sch. 4**: expression explained by *ibid.*, Sch. 3 para. 21(a)
- F134** Words substituted by [Highways Act 1980](#) (c. 66, SIF 59), s. 343(2), **Sch. 24 para. 10(c)**
- F135** Words in s. 66(1) substituted (1.1.1995) by [S.I. 1992/449](#), **reg. 2(2)(b)**
- F136** Definition in s. 66 inserted (1.7.1999) by [S.I. 1999/742](#), art. 2, **Sch. para. 15(b)**
- F137** S. 66(1): definitions of “foreign sector of the continental shelf”, “gas”, “gas pipe-line”, “gas processing facility” and “gas processing operation” inserted (10.8.2000) by [S.I. 2000/1937](#), **reg. 2(1)**, **Sch. 1 para. 9(a)**
- F138** S. 66(1): definition of “interconnector” inserted (10.8.2000) by [S.I. 2000/1937](#), **reg. 2(1)**, **Sch. 1 para. 9(b)**
- F139** Definition repealed by [S.I. 1974/1986](#), **Sch. 1**
- F140** Words in s. 66(1) repealed (S.) (14.7.2004) by [Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004](#) (S.I. 2004/1822), art. 1(1), **Sch. para. 3(4)**
- F141** Words substituted by virtue of [S.I. 1969/1498](#), **arts. 2(1)**, 5(6) and 1970/1537, arts. 2(2), 7(4)
- F142** S. 66(1): words and sub paragraphs (i)(ii) in definition of “owner” added (10.8.2000) by [S.I. 2000/1937](#), **reg. 2(1)**, **Sch. 1 para. 9(c)**
- F143** S. 66(1): definitions of “petroleum” and “petroleum production project” inserted (10.8.2000) by [S.I. 2000/1937](#), **reg. 2(1)**, **Sch. 1 para. 9(d)**
- F144** Definition in s. 66(1) omitted (3.4.1999) by [S.I. 1999/742](#), arts. 1, 2, **Sch. para. 2(6)**
- F145** Definition in s. 66(1) substituted (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (60), ss. 2(1), 4(2), Sch. 1 para. 12
- F146** Word repealed by [Electricity Act 1989](#) (c. 29, SIF 44:1), s. 112(4), Sch. 17 para. 35(1), **Sch. 18**
- F147** Word repealed by [Gas Act 1986](#) (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**
- F148** Words in s. 66(1) substituted (E.W.) by [Water Act 1989](#) (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 30(2)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F149** Definition in s. 66(1) substituted (E.W.) by [Water Act 1989](#) (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 30(2)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F150** S. 66(1): definitions of “terminal” and “upstream petroleum pipe-line” inserted (10.8.2000) by [S.I. 2000/1937](#), **reg. 2(1)**, **Sch. 1 para. 9(e)**

Marginal Citations

- M25** 1946 c. 42.

General Application to Scotland

67 General application to Scotland.

- (1) The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.
- (2) For any reference in this Act to chattels there shall be substituted a reference to corporeal moveables.

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- (3) As soon as may be after a compulsory rights order has become operative under the ^{M26}Statutory Orders (Special Procedure) Act 1945, it shall be recorded by the Minister in the Register of Sasines; and any order varying or revoking a compulsory rights order in whole or in part shall be so recorded.
- (4) For the purposes of sections twenty-seven to twenty-nine of this Act, a tenant, crofter, small landholder or statutory small tenant shall be deemed to be an owner of any building or structure on his holding or croft if he would, on the termination of his tenancy, be entitled to compensation under the ^{M27}Agricultural Holdings (Scotland) Act 1949, the Crofters (Scotland) Acts 1955 and 1961, or the Small Landholders (Scotland) Acts 1886 to 1931, as the case may be, for such building or structure as an improvement; and any proceedings under subsection (5) of section twenty-eight, or subsection (2) of section twenty-nine, of this Act which relate to any such building or structure shall be brought in the Scottish Land Court and not before the sheriff.
- (5) For any reference in this Act to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

Provided that until sections one to three of the Lands Tribunal Act, 1949, come into force as regards Scotland, this subsection shall have effect as if for the reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919; and sections three, five and six of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Act by an arbiter so appointed.

Modifications etc. (not altering text)

C41 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.

Marginal Citations

M26 1945 c. 18 (9 & 10 Geo. 6)

M27 1949 c. 75.

Expenses, Saving, Short Title, &c.

68 Expenses and receipts.

- (1) There shall be defrayed out of moneys provided by Parliament—
 - (a) any increase attributable to this Act in the expenses of the Minister which, by virtue of subsection (3) of section three of the ^{M28}Ministry of Fuel and Power Act 1945, are defrayed out of such moneys;
 - (b) any increase attributable to this Act in the sums payable out of moneys so provided by way of Rate Deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.
- (2) Any sums received under this Act by a Minister of the Crown . . . ^{F151} shall be paid into the Exchequer.

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Textual Amendments

F151 Words repealed by [Post Office Act 1969 \(c.48\)](#), [Sch. 11 Pt. II](#)

Marginal Citations

M28 [1945 c. 19](#).

69 Saving for law of nuisance.

Nothing in this Act or in a compulsory rights order shall exonerate a person from any action or other proceeding for nuisance.

70 Short title, extent and commencement.

- (1) This Act may be cited as the Pipe-lines Act 1962.
- (2) This Act shall not extend to Northern Ireland.
- (3) Section forty-one of this Act shall come into operation on the passing of this Act, and the remainder of this Act shall come into operation on such day as Her Majesty may by Order in Council appoint.

Modifications etc. (not altering text)

C42 1.1.1963 appointed under s. 70(3) by [S.I. 1962/2790](#)

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SCHEDULES

FIRST SCHEDULE

Sections 1, 3 and 47.

APPLICATIONS FOR GRANT OF PIPE-LINE CONSTRUCTION AND DIVERSION AUTHORISATIONS

Modifications etc. (not altering text)

- C43** 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 [^{F152}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

- F152** 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.

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- 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)

C44 Sch. 1 para. 3 extended by S.I. 1990/442, art. 7(2)

- [^{F153}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

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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

F153 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)

- ^{F154}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;

Status: Point in time view as at 01/10/2004.

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- (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

F154 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 [^{F155}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

F155 Words substituted by Petroleum Act 1987 (c. 12, SIF 86), s. 25(2)

- [^{F156}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.
- [Where a local planning authority makes an objection in accordance with a notice ^{F157}(4) under sub-paragraph (1) and does not withdraw it, the Secretary of State shall before granting the application either—

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- (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

F156 Sch. 1 paras. 6A, 6B inserted by [Petroleum Act 1987 \(c. 12, SIF 86\)](#), s. 25(3)

F157 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 [^{F158}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

F158 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 [^{F159}the ^{M29}Town and Country Planning Act 1971 or the ^{M30}Town and Country Planning (Scotland) Act 1972], is a local planning authority.

Textual Amendments

F159 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 17 (2)(a)

Marginal Citations

M29 1971 c. 78.

M30 1972 c. 52.

Status: Point in time view as at 01/10/2004.

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- [^{F160}8A(1) Where no notice has been received under paragraph 4A(2) above and an objection to an application is to be considered by the written representations procedure, the Secretary of State shall (if he has not already done so) serve a copy of the objection on the applicant and shall give notice to the applicant and to the person who has made the objection that—
- (a) the application will be considered by the written representations procedure, and
 - (b) the applicant may, no later than 28 days from the date on which the notice is served on him, submit written representations to the Secretary of State on the objection.
- (2) The Secretary of State shall, no later than 7 days from the last day on which the applicant could submit representations under sub-paragraph (1) above—
- (a) serve a copy of any representations made by the applicant under that sub-paragraph on the person who made the objection to which the representations relate; and
 - (b) notify that objector that he may, no later than 21 days from the date on which the notice is served on him, submit a written response to the representations to the Secretary of State.
- (3) The Secretary of State shall serve a copy of any response received from the objector under sub-paragraph (2) above on the applicant no later than 7 days from the last day on which the objector could respond.
- (4) The Secretary of State may, at any time before determining the application, by notice require the applicant or any objector to submit, within such reasonable time as the notice may specify, such further information in relation to an application or objection as the notice may specify and shall, in such a case, not determine the application until he has afforded to any person he considers affected by such further information a reasonable opportunity of commenting upon it.
- (5) The Secretary of State may allow further time for the taking of any step under this paragraph (including a step to be taken by himself) and all references in this paragraph to a period within which any step is required to be taken shall be construed accordingly.]

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Textual Amendments
F160 Sch. 1 Para. 8A added (3.4.1999) by S.I. 1999/742, arts. 1, 2, Sch. para. 4(3) (with art. 3)

PART II

MODIFICATIONS SUBJECT TO WHICH PART I HAS EFFECT IN ITS APPLICATION TO APPLICATIONS FOR PIPE-LINE DIVERSION AUTHORISATIONS

^{F161}9

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Textual Amendments
F161 Sch. 1 Pt. II repealed (3.4.1999) by S.I. 1999/742, arts. 1, 2, Sch. para. 4(4)

Status: Point in time view as at 01/10/2004.

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SECOND SCHEDULE

Sections 11, 12 and 47.

APPLICATIONS FOR GRANT OF COMPULSORY PURCHASE ORDERS AND COMPULSORY RIGHTS ORDERS

Modifications etc. (not altering text)

C45 Sch. 2 (except para. 8): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1 (with art. 7)

Sch. 2: 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 COMPULSORY PURCHASE ORDERS

- 1 An application for a compulsory purchase order must be made to the Minister in writing and must—
- (a) state the name and address of the person in whose favour the order whose making is sought by the application is to be made;
 - (b) be accompanied by three copies of a map (whereof the scale shall be not less than that of [F162 1 in 10,560]) on which are delineated the boundaries of the land proposed to be comprised in the order;
 - (c) contain such other (if any) particulars as may be prescribed.

Textual Amendments

F162 Words in Sch. 2 para. 1(b) substituted (1.1.1995) by S.I. 1992/449, reg. 2(a)(iii)

- 2 Where an application for a compulsory purchase order 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 make the order or that the application is (without prejudice, however, to subsequent refusal thereof in the exercise of his discretion) to be allowed to proceed.
- 3 Where an applicant for a compulsory purchase order is given notice under the last foregoing paragraph that his application is to be allowed to proceed, compliance with the following requirements of this sub-paragraph (and, where subsection (1) of section fifty-one of this Act applies, with the requirement specified therein) 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 two successive weeks in one or more local newspapers circulating in the locality in which the land proposed to be comprised in the order is situate a notice in the prescribed form stating that application has been made to the Minister for the making of the order, describing the land, naming a place in the locality where a copy of the map that accompanied the application may be inspected, and specifying the time (not being less than twenty-eight days from the date on which the notice is first published) within which and the manner in which objections to the application may be made to the Minister;
 - (b) there must be served by the applicant on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land

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proposed to be comprised in the order a notice in the prescribed form stating the effect of the order and that application for the making thereof has been made to the Minister, and specifying the time (not being less than twenty-eight days from the date on which the notice is served) within which and the manner in which objection to the application may be made to the Minister.

- 4 (1) Where the proper notices concerning an application for the making of a compulsory purchase order have been published and served under the last foregoing paragraph, and an objection to the application is duly made by any such owner, lessee or occupier as aforesaid and is not withdrawn, the Minister shall in no event grant the application without either causing a public inquiry to be held with respect to the objection and considering the report of the person who held it or affording to the objector an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose and considering the report of the person so appointed.
- (2) If any such owner, lessee or occupier as aforesaid by whom an objection has been made avails himself of the opportunity of being heard, the Minister shall afford to the applicant for the order, and to any other persons to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.
- (3) Notwithstanding anything in the two last foregoing sub-paragraphs, the Minister may require any such owner, lessee or occupier as aforesaid who has made an objection to state in writing the grounds thereof, and may disregard for the purposes of this paragraph an objection made by any such owner, lessee or occupier as aforesaid if he is satisfied that the objection relates exclusively to matters which can be dealt with by the Lands Tribunal.
- (4) In relation to Scotland any inquiry required by sub-paragraph (1) of this paragraph shall, if the Minister so directs, be held by Commissioners under the ^{M31}Private Legislation Procedure (Scotland) Act 1936, and where any direction is so given—
- (a) it shall be deemed to have been given under section two, as read with section ten, of the ^{M32}Statutory Orders (Special Procedure) Act 1945;
 - (b) the publication and service under the last foregoing paragraph of the proper notices concerning the application for the making of the order shall be deemed to be sufficient compliance with the requirements of subsection (1) of the said section two with regard to the giving of notice by advertisement; and
 - (c) subsection (2) of section forty-seven of this Act shall not apply to such inquiry.

Marginal Citations

M31 1936 c. 52.

M32 1945 c. 18.

- 5 Where the Minister refuses to make a compulsory purchase order, he shall give to the applicant therefor a written statement of his reasons for so doing.
- 6 A compulsory purchase order may be made with or without modification as regards the land sought to be comprised therein, but shall not, unless all persons interested consent, be so made as to authorise the person in whose favour it is made to purchase any land which the order would not have authorised that person to purchase if it had been made without modification.

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- 7 (1) There shall be annexed to every compulsory purchase order a map (whereof the scale shall be not less than that of [F163 1 in 10,560]) on which is plainly delineated the boundaries of the land comprised in the order.
- (2) So soon as may be after a compulsory purchase order has been made the person in whose favour it has been made shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situate a notice in the prescribed form, describing the land, stating that the order has been made and naming a place where a copy of the order and of the map annexed thereto may be inspected at all reasonable hours, and shall serve a like notice, a copy of the order and a copy (on the same scale) of the map annexed to the order on every person who is an owner, lessee or occupier of any land comprised in the order.

Textual Amendments

F163 Words in Sch. 2 para. 7(1) substituted (1.1.1995) by S.I. 1992/449, reg. 2(2)(iii)

- 8 Where application is made to the Minister for the making of a compulsory purchase order applicable to land which includes land which has been acquired by statutory undertakers for the purposes of their undertaking, then if on a representation made to the appropriate Minister before the expiration of the time specified in the notice published, as regards that application, in pursuance of sub-paragraph (a) of paragraph 3 of this Schedule that Minister is satisfied—
- (a) that any of the said land is used for the purposes of the carrying on of their undertaking, or
- (b) that an interest in any of the said land is held for those purposes,
- the order shall not be made so as to authorise the purchase of any land as to which that Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—
- (i) that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
- (ii) that, if purchased, it can be replaced by other land belonging to, or available for acquisition by, the undertakers without such detriment as aforesaid,
- and certifies accordingly.
- 9 (1) If a person aggrieved by a compulsory purchase order (not being one confirmed by Act of Parliament under section six of the M33 Statutory Orders (Special Procedure) Act 1945, or under subsection (4) of section two, as read with section ten, of that Act) desires to question the validity thereof or of any provision contained therein on the ground that the making of the order or the inclusion of that provision was not authorised by this Act or on the ground that any requirement of this Act or of any regulation thereunder has not been complied with in relation to the order, he may, within six weeks from the date on which the order becomes operative under the said Act of 1945, make an application for the purpose to the High Court or the Court of Session, as the case may be.
- (2) On an application under the foregoing sub-paragraph, the court—
- (a) may, by interim order, suspend the operation of the order whose validity is questioned, or of any provision of that order, either generally or so far as it affects any property of the applicant or a part of any such property, until the final determination of the proceedings; and

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- (b) if satisfied that the making of the order whose validity is questioned or the inclusion of any provision therein was not authorised by this Act or that the interests of the applicant have been substantially prejudiced by failure to comply in relation to the order with any such requirement as aforesaid, may quash the order, or any provision thereof, either generally or so far as it affects any property of the applicant or a part of any such property.
- (3) Except as provided by this paragraph a compulsory purchase order shall not, either before or after it is made, be questioned in any legal proceedings whatever.

Marginal Citations

M33 1945 c. 18.

PART II

MODIFICATIONS SUBJECT TO WHICH PART I HAS EFFECT IN ITS APPLICATION TO APPLICATIONS FOR GRANT OF COMPULSORY RIGHTS ORDERS

- 10 (1) The modifications subject to which Part I of this Schedule has effect as applied by subsection (3) of section twelve of this Act are those set out in the following provisions of this paragraph.
- (2) For references to a compulsory purchase order there shall be substituted references to a compulsory rights order.
- (3) There shall be included amongst the requirements with which, by virtue of paragraph 1, the application must comply a requirement that it shall state what rights are sought to be obtained by the application.
- (4) There shall be included amongst the particulars to be included in a notice published in pursuance of paragraph 3 particulars of the rights sought to be obtained by the application.
- (5) For paragraph 6 there shall be substituted the following paragraph:—
- “6 A compulsory rights order may be made with or without modification as regards the land sought to be comprised therein or the nature of the rights for the exercise of which authorisation is sought by the order but shall not, unless all persons interested consent, be so made as to authorise the person in whose favour it is made to exercise any right which the order would not have authorised him to exercise if it had been made without modification or to exercise rights in relation to any land in relation to which the order would not have authorised him to exercise rights if it had been so made.”
- (6) There shall be included amongst the particulars to be included in a notice published in pursuance of sub-paragraph (2) of paragraph 7 a statement of the rights of which the exercise is authorised by the order.
- (7) In paragraph 8, for the words from “the order shall not be made” to the end of the paragraph there shall be substituted the words “the order shall not be made so as to authorise the exercise of a right over any land as to which that Minister is satisfied as aforesaid unless he is also satisfied—

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- (a) that the nature and situation of the land are such that the exercise thereover of that right will not cause serious detriment to the carrying on of the undertaking, or
- (b) that such conditions will be attached to the order under section thirteen of this Act as will ensure that the exercise over the land of that right will not cause such serious detriment as aforesaid,

and certifies accordingly ”.

THIRD SCHEDULE

Section 11.

PROVISIONS FOR RENDERING COMPULSORY PURCHASE ORDERS EFFECTUAL. &C.

1, 2. F164

Textual Amendments
F164 Sch. 3 paras. 1, 2 repealed by [Compulsory Purchase Act 1965 \(c. 56\)](#), **Sch. 8 Pt. I**

3 In determining a question with respect to compensation claimed in consequence of the making of a compulsory purchase order the Lands Tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made, whether on the land comprised in the order or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the Tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works, or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

4 In the application of this Schedule to Scotland, for references to the ^{M34}Lands Clauses Consolidation Act 1845, and to sections eighty-five, eighty-eight, ninety-two, one hundred and fifty and one hundred and fifty-one thereof, there shall be substituted respectively references to the ^{M35}Lands Clauses Consolidation (Scotland) Act 1845, and to sections eighty-four, eighty-six, ninety, one hundred and forty-two and one hundred and forty-three thereof.

Marginal Citations
M34 1845 c. 18.
M35 1845 c. 19.

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FOURTH SCHEDULE

Section 12.

ANCILLARY RIGHTS THAT MAY BE CONFERRED BY A COMPULSORY RIGHTS ORDER

- 1 A right for any person authorised by the person for whose benefit the compulsory rights order enures to pass over the land comprised in the order for the purpose of getting to or from the pipe-line on foot or with vehicles, and, where the right specified by the order is one of passing with vehicles, to transport materials, plant and apparatus therein.
- 2 A right to place, continue or renew markers for indicating the position of the pipe-line in so far as it is placed below the surface of the land comprised in the order.
- 3 A right to erect stiles, gates, bridges or culverts for the facilitation of access to the pipe-line.
- 4 A right to construct such works accessory to the pipe-line as may be specified in the order, being works for the facilitation of maintenance or inspection of the pipe-line or for protecting it from damage.
- 5 A right temporarily to place on the land comprised in the order materials, plant or apparatus required in connection with the pipe-line and brought on to the land by a vehicle in pursuance of such a right as is mentioned in paragraph 1 of this Schedule.

F165F165 FIFTH SCHEDULE

Textual Amendments

F165 Sch. 5 repealed by S.I. 1974/1986, Sch. 1

F165

Status:

Point in time view as at 01/10/2004.

Changes to legislation:

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