



Pipe-lines Act 1962

1962 CHAPTER 58

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 pipeline 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.
- (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.
- (5) If 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 if a pipe-line construction or diversion 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 or of that subsection as applied by subsection (4) of section three thereof, or if a notice relating to such a pipe-line or length given for the purposes of subsection (1) of section

two of this Act or of paragraph (b) of subsection (1) of section three thereof becomes invalid by virtue of subsection (3) of the said section two or of that subsection as applied by subsection (4) of the said section three, the Minister 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, as the case may be, of the authorisation's so becoming of no effect or the notice's so becoming invalid; and he 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.

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 relating to the safety of pipe-lines) with respect to—
- (a) the manner, method or timing of the execution of pipeline 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, toy 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 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 the Town and Country Planning Act, 1947, and, in the application of this section to Scotland, has the same meaning as in the Town and Country Planning (Scotland) Act, 1947;
- " 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.

Status: This is the original version (as it was originally enacted).

- (7) If any question arises, in relation to this section, whether land of statutory undertakers is operational land as denned 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.

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.