



Pipe-Lines Act 1962

1962 CHAPTER 58 10 and 11 Eliz 2

Avoidance of Construction of superfluous Pipe-lines

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
 - [^{F1}(a) a gas pipe-line; or
 - [^{F2}(b) any other pipe-line which—
 - (i) is constructed pursuant to a pipe-line construction authorisation; and
 - (ii) does not fall within subsection (1A);]

[^{F3}(1A) The following pipe-lines fall within this subsection—

- (a) an upstream petroleum pipe-line;
- (b) a carbon dioxide pipe-line;
- (c) a pipe-line comprised in a gas interconnector.]

- (2) Where an application with respect to a pipe-line is made under [^{F4}subsection (1)] 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

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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 [^{F5}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.
- [^{F6}(7) An additional pipe-line [^{F7}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.
- (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

- F1** 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](#)
- F2** S. 10(1)(b) substituted (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\), reg. 1, Sch. para. 4\(a\)](#)
- F3** S. 10(1A) inserted (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\), reg. 1, Sch. para. 4\(b\)](#)
- F4** Words in s. 10(2) substituted (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\), reg. 1, Sch. para. 4\(c\)](#)
- F5** 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](#)
- F6** S. 10(7)(8) inserted (3.4.1999) by [S.I. 1999/742, arts. 1, 2, Sch. para. 8](#)

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F7 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)

- C1** 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)
- C2** S. 10 applied (30.4.2015) by **Energy Act 2013** (c. 32), **ss. 126(3)(a)**, 156(1) (with s. 130); S.I. 2015/817, art. 2(a)

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