



# Pipe-Lines Act 1962

1962 CHAPTER 58 10 and 11 Eliz 2

## *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.

[<sup>F1</sup>(1A) Subsections (2), (3) and (5) of this section apply only to pipe-lines constructed pursuant to a pipe-line construction authorisation which are [<sup>F2</sup>not an upstream petroleum pipe-line, a gas pipe-line or a gas interconnector], 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 [<sup>F3</sup>subsection (1)], impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely,—

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- (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.
- (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 [<sup>F4</sup>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.
- <sup>F5</sup>[<sup>F6</sup>(6) This section does not apply where the application for the grant of a pipe-line construction authorisation relates to the construction of—
  - (a) a diversion, or
  - (b) a carbon dioxide pipe-line.]

[ Where a gas pipe-line is proposed to be constructed pursuant to a pipe-line

<sup>F7</sup>(7) 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.

<sup>F7</sup>(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 [<sup>F8</sup>with respect to the proposed pipe-line—

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- (a) an application of a kind mentioned in subsection (1)(a) of section 82 of the Energy Act 2011 (acquisition of rights to use upstream petroleum infrastructure), and
- (b) if applicable, an application under subsection (4) of that section.]

[ For the purposes of an application made with respect to a proposed pipe-line by virtue<sup>F9</sup>(9) of subsection (8)—

- (a) sections 82 and 83 of the Energy Act 2011 shall have effect as if—
  - (i) references to a pipe-line were references to the proposed pipe-line as it would be once constructed in accordance with the condition attached by virtue of subsection (1) of this section;
  - (ii) references to the owner of a pipe-line were reference to the proposed owner of the proposed pipeline;
- (b) section 84 of the Energy Act 2011 shall be disregarded.]]]

#### Textual Amendments

- F1** S. 9(1A) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 1(1)**
- F2** Words in s. 9(1A) substituted (14.8.2006) by Energy Act 2004 (c. 20), **ss. 151(1)**, 198(2); S.I. 2006/1964, art. 2, **Sch.**
- F3** Words in s. 9(2) substituted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 1(2)**
- F4** 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
- F5** S. 9(6) inserted (3.4.1999) by S.I. 1999/742, arts. 1, 2, **Sch. para. 6**
- F6** S. 9(6) substituted (16.9.2011) by The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 (S.I. 2011/2305), reg. 1, **Sch. para. 2**
- F7** S. 9(7)(8) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 1(3)**
- F8** Words in s. 9(8) substituted (21.3.2012) by Energy Act 2011 (c. 16), s. 121(1), **Sch. 2 para. 2(a)**; S.I. 2012/873, art. 2(b)(i)
- F9** S. 9(9) inserted (21.3.2012) by Energy Act 2011 (c. 16), s. 121(1), **Sch. 2 para. 2(b)**; S.I. 2012/873, art. 2(b)(i)

#### Modifications etc. (not altering text)

- C1** 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)

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**Changes and effects yet to be applied to :**

- s. 9(7) words repealed by [2004 c. 20 Sch. 23 Pt. 1](#)