



# Requisitioned Land and War Works Act 1948

## 1948 CHAPTER 17

### *Government oil pipe-lines*

#### **12 Permanent power to maintain government oil pipe-lines**

- (1) In relation to government oil pipe-lines and works accessory thereto subsection (1), and paragraph (a) of subsection (3), of section twenty-eight of the Act of 1945 (which authorise the maintenance and use of government war works for the purpose of the public service or for any other purpose for which they were maintained or used in the exercise of emergency powers, and preserve the rights of persons using the works) shall, subject to the provisions of this Act, have permanent effect.
- (2) In relation to government oil pipe-lines and works accessory thereto the powers conferred by the said section twenty-eight shall include power to maintain and use any such line, or accessory works, or authorise the use thereof, for any purpose for which they are suitable.
- (3) In this Act the expression " government oil pipe-line " means any government war works being the whole or part of a main or pipe installed for the transmission of petroleum.
- (4) A Minister may remove any main or pipe or part thereof, being a government oil pipe-line, or any works accessory thereto, and may replace any such thing previously removed; and section twenty-eight of the Act of 1945 and this Act shall apply to any replacement as if it had been the original thing removed.
- (5) If in pursuance of an agreement with a Minister a government oil pipe-line is diverted, or any works accessory thereto are moved to a new site, the said section twenty-eight and this Act shall apply to the line as diverted, or to the works on the new site, as the case may be, as if it or they had been the original line or works.
- (6) If without the consent of a Minister any building or structure is erected over a government oil pipe-line or works accessory thereto or the site of such a line or such works, or so near thereto as to obstruct the use of the line or works or access thereto

or to the site thereof, a Minister may cause the building or structure to be removed and may recover the cost of the removal from the person by whom the building or structure was erected.

- (7) Any person who without lawful authority tampers with, alters or removes a government oil pipe-line or works accessory thereto shall be liable on summary conviction to a fine not exceeding ten pounds.

### **13 Compensation in respect of government oil pipe-lines**

- (1) In respect of the exercise of the powers conferred by the last foregoing section, compensation shall be payable by the Minister of Works in accordance with the following provisions of this section.
- (2) Where the value of any land is diminished by the coming into operation of the last foregoing section, compensation for the diminution shall be payable in the form of a lump sum of such amount as may be agreed between the Minister of Works and the persons interested in the land or, in default of agreement, as may be determined by arbitration in the prescribed manner; and compensation under this subsection shall be divisible among the said persons in such shares as they may agree, or in default of agreement, as may be determined as aforesaid.
- (3) In assessing compensation under the last foregoing subsection regard shall be had to the rights to compensation conferred by subsection (6) of this section, and to the following provisions of this Act and the provisions of regulations thereunder.
- (4) The right to compensation conferred by subsection (2) of this section shall as respects any period after the commencement of this Act be in substitution for any right to compensation under subsection (2) of section three of the Act of 1939 (which provides for compensation in respect of the doing of work on land by reference to the diminution of the annual value of the land); and interest on any share of compensation under subsection (2) of this section, at the like rate as is for the time being payable on compensation under the Act of 1939, shall run as from the commencement of this Act and be payable at the time when the share is paid.
- (5) Where under subsection (4) of section three of the Act of 1939 (which provides for the termination of compensation under subsection (2) of that section and its replacement by a lump sum payment calculated by reference to the depreciation of estates and interests in land) any payment has been made before the commencement of this Act in respect of a government oil pipe-line or works accessory thereto, the payment shall be treated as a payment in respect of the estate or interest in question on account of the share attributable to that estate or interest of any compensation under subsection (2) of this section, and interest under the last foregoing subsection shall be reduced accordingly; and after the commencement of this Act no payment under subsection (4) of the said section three shall be made in respect of a government oil pipe-line or works accessory thereto, whether it accrued due before or after the commencement of this Act :

Provided that in the case of a payment under the said subsection (4) which accrued due to any person before the commencement of this Act but has not been made before the commencement thereof, the said person shall be entitled to interest on the payment in accordance with the provisions in that behalf of the Act of 1939 as from the date when the payment accrued due until the commencement of this Act.

- (6) Where in the exercise of any power of use, maintenance, removal or replacement of a government oil pipe-line or works accessory thereto which is conferred by the last foregoing section a person suffers loss by reason of damage to crops or other growing things, stock, chattels or any land or buildings or works on, under or over land, he shall be entitled to compensation in respect of the damage of such amount as may be agreed between the Minister of Works and the person in question or, in default of agreement, as may be determined by arbitration in the prescribed manner.
- (7) The Treasury may by regulations require, as a condition of the payment of compensation under this section, that except in such circumstances as may be prescribed a claim shall be made in the prescribed form and manner and within such period as may be determined by or under the regulations; and references in subsection (2) of this section to persons interested in land do not include such persons who fail duly to make a claim required by regulations under this subsection.

#### **14 Registration of rights as to government oil pipe-lines**

- (1) Subject to the provisions of this section, section twelve of this Act shall not after the thirty-first day of December, nineteen hundred and forty-nine, apply to any pipe-line, or works accessory thereto, unless the rights conferred by subsection (1) of that section have been registered in the prescribed manner in the appropriate register of local land charges.
- (2) The Treasury may by regulations require, as a condition of the payment of compensation under subsection (2) of the last foregoing section, that the prescribed documents of title to interests in land shall be endorsed in the prescribed manner and that the prescribed evidence shall be produced of the endorsement; and the last foregoing subsection shall not apply where evidence of an endorsement has been produced in accordance with the regulations.
- (3) Where a pipe-line is diverted, or works are moved, as mentioned in subsection (5) of section twelve of this Act, subsection (1) of this section shall not apply to the line as diverted or to the works on the new site, but the said section twelve shall not as against a purchaser (as defined in the Land Charges Act, 1925) apply if the purchase was completed after the agreement for the diversion of the line or moving of the works unless the rights conferred by that section have been registered as aforesaid before the completion of the purchase:

Provided that section four of the Law of Property (Amendment) Act, 1926 (which relates to the date of effective registration and to priority notices), shall apply for the purposes of this subsection as if the registration of the said rights were to be made in pursuance of the Land Charges Act, 1925.

- (4) The power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this section, and in subsection (1) of this section the expression " prescribed " means prescribed by rules made in the exercise of that power.

#### **15 Supplementary provisions as to government oil pipe-lines**

- (1) Any person authorised in that behalf by a Minister may, for the purpose—
  - (a) of exercising any powers conferred by section twelve of this Act, or

(b) of restoring land where a government oil pipe-line or works accessory thereto are abandoned, or

(c) of inspecting any such land or works,

enter upon any land of which the Minister is not in possession:

Provided that—

(i) except in a case of emergency or for the purpose of inspection by a person producing, if required, written evidence of his authority so to do, entry upon any land shall not be demanded as of right unless reasonable notice of the intended entry has been served on the occupier of the land in the manner provided by paragraphs (i) to (v) of subsection (1) of section eight of the Act of 1945;

(ii) where otherwise than for the purpose of inspection only any land has been entered upon in pursuance of this subsection without notice being served as aforesaid on the occupier of the land, the Minister shall forthwith cause notice of the entry to be served on the occupier in the manner aforesaid.

(2) Subsections (6) and (7) of section thirteen of this Act shall apply in relation to powers conferred by the last foregoing subsection as they apply to the powers mentioned in the said subsection (6).

(3) Sections seventy-eight to eighty-five of the Railways Clauses Consolidation Act, 1845 (which restrict the working of minerals, subject to the payment of compensation) as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923, shall apply in relation to any government oil pipeline or works accessory thereto with the substitution—

(a) for references to the railway of references to the pipeline or works;

(b) for references to the company of references to the Minister or other person entitled to use the pipe-line or works;

(c) for references to the Special Act of references to section twenty-eight of the Act of 1945.

(4) The Treasury may make regulations—

(a) for the protection of persons affected by the maintenance and use of government oil pipe-lines and works accessory thereto, and in particular for requiring the Minister or other person entitled to the use thereof to keep any such line and works in good repair, to take such steps as may be prescribed for restoring -land where any such line or works are abandoned, and to indemnify persons against loss or damage caused by any failure to keep any such line or works in good repair, and for relieving statutory undertakers and other persons of liabilities or obligations arising in consequence of any such failure or any exercise of the powers conferred by section twelve of this Act or this section;

(b) for requiring notice to be given where a government oil pipe-line or works accessory thereto are abandoned, and for discontinuing the operation of provisions of section twelve of this Act or this section, or of regulations under this subsection, where such a notice is given;

(c) for applying in relation to government oil pipe-lines passing under highways the provisions of Part VI of the Third Schedule to the Water Act, 1945 (which relates to the breaking-up of highways for the purposes of repairing pipes thereunder) and for excluding in relation to government oil pipe-lines the provisions of section sixteen of the Act of 1945.