

REQUISITIONED LAND AND WAR WORKS

1959 No. 715

The Government Oil Pipe-Lines Regulations, 1959

<i>Made - - - -</i>	<i>15th April, 1959</i>
<i>Laid before Parliament</i>	<i>21st April, 1959</i>
<i>Coming into Operation</i>	<i>22nd April, 1959</i>

The Lords Commissioners of Her Majesty's Treasury, in pursuance of the powers conferred upon them by sections thirteen and fifteen of the Requisitioned Land and War Works Act, 1948(a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Commencement and citation

1. These regulations shall come into operation on the 22nd day of April, nineteen hundred and fifty-nine, and may be cited as the Government Oil Pipe-Lines Regulations, 1959.

(a) 11 & 12 Geo. 6. c. 17.

Interpretation

2.—(1) In these regulations the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“the Act” means the Requisitioned Land and War Works Act, 1948;

“a Minister” means a Minister as defined by subsection (1) of section fifty-nine of the Requisitioned Land and War Works Act, 1945(a);

“the Minister” means the Minister of Works;

“the said land” means the land affected by the maintenance or use of government oil pipe-lines and works accessory thereto.

(2) Expressions to which meanings are assigned by the Act or by these regulations shall (unless the contrary intention appears) have the same meanings in any document issued under the provisions of these regulations.

(3) The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Requirements as to claims for compensation

3.—(1) Subject to the provisions of the next following paragraph it shall be a condition of the payment of compensation under either subsection (2) of or subsection (6) of section thirteen of the Act or under the last mentioned subsection as applied by subsection (2) of section fifteen of the Act that a claim thereto shall be made to the Minister in the appropriate form as set out in the Schedule to these regulations,

(a) in the case of a claim to compensation under subsection (2) of the said section thirteen not later than the first day of July, nineteen hundred and sixty-one;

(b) in any other case not later than twenty-one days from the date on which the loss or damage giving rise to the right of compensation was suffered.

(2) In any case in which the Minister is satisfied that there is reasonable ground for failing to make a claim within any such period as aforesaid, he may from time to time extend the period within which a claim may be made under this regulation on written application being made to him in that behalf and notwithstanding that the period has expired.

Abandonment of pipe-lines or works

4.—(1) Where Government oil pipe-lines or works accessory thereto have been abandoned the Minister shall, as soon as may be thereafter, give notice of such abandonment to every owner, lessee or occupier (except tenants for a month or any period less than a month) of the said land.

(2) In any such case the Minister shall, unless he shall have agreed to the contrary with every such owner, lessee or occupier of the said land, remove so much of the pipe-line or works as extend above the surface of the said land and restore the said land to the level thereof before the pipe-line or works were laid, installed or constructed, so however that such removal and restoration shall not be required if, in the opinion of the Minister, it is not reasonably practicable, and he has notified every such owner, lessee or occupier of his opinion.

(3) In the event of notice being given by the Minister of abandonment of a pipe-line or works accessory thereto in accordance with paragraph (1) of this regulation the provisions of sections twelve and fifteen of the Act (otherwise than in respect of any outstanding claim for compensation) shall cease to operate—

- (a) where the said land is restored to its former level, as from the date of restoration ;
- (b) where by reason of agreement with every such owner, lessee or occupier of the said land so much of the pipe-line or works as extend above the surface of the said land are not removed and the said land is not so restored, as from the date of such agreement ;
- (c) where the Minister is of the opinion that such removal and restoration is not reasonably practicable, as from the date upon which the Minister notified such opinion as aforesaid ;
- (d) in any other case as from the date of the said notice of abandonment.

Protection of statutory undertakers and others

5.—(1) A Minister entitled to use a government oil pipe-line and works accessory thereto shall—

- (a) keep such pipe-line and works in good repair and shall indemnify all persons interested in the said land or affected by the maintenance and use of such pipe-line or works against loss or damage caused by any failure to keep such pipe-line or works in good repair, other than to the extent that such loss or damage is caused by the fault of any person other than such Minister, his servants or agents ;
- (b) relieve statutory undertakers from liabilities arising in consequence of any failure to keep such pipe-line or works in good repair ;
- (c) pay to statutory undertakers, subject as hereinafter provided, such compensation as may be attributable to the loss suffered by them by the said pipe-line or works hampering their statutory works insofar as compensation therefor could not be claimed under section thirteen of the Act, whether or not such works were in existence at the date of the passing of the Act or of the installation of the said pipe-line or works, so however that such compensation shall not be payable if the said land was not, at the date of the passing of the Act, or of the installation of the said pipe-line or works, whichever was the later, in the ownership of the statutory undertaker concerned.

(2) In this regulation the expressions “damage” and “fault” have the meanings respectively assigned to them by section four of the Law Reform (Contributory Negligence) Act, 1945(a).

Section 16 of the Requisitioned Land and War Works Act, 1945

6. Government oil pipe-lines shall be excluded from the provisions of section sixteen of the Requisitioned Land and War Works Act, 1945.

Determination of disputes

7.—(1) Any dispute as to a right to compensation under subsection (2) or subsection (6) of section thirteen of the Act, under the last mentioned subsection as applied by subsection (2) of section fifteen of the Act or under regulation five of these regulations, or as to the amount of any such compensation, shall be determined by the Lands Tribunal.

(2) Any dispute between the persons interested in the said land as to the shares in which any compensation payable under subsection (2) of the said

(a) 8 & 9 Geo. 6. c. 28.

section thirteen shall be divisible among them shall be determined by the Lands Tribunal.

Application to Scotland

8. In the application of these regulations to Scotland for any reference to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland, so however, that, until sections one to three of the Lands Tribunal Act, 1949(a), come into force as regards Scotland, these regulations shall have effect in relation to Scotland as if for any reference to the Lands Tribunal there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919(b), and sections three, five, and six of that Act shall apply, subject to any necessary modifications, in relation to the determination of any dispute under these regulations by an arbiter so appointed.

Revocation

9. The Government Oil Pipe-Lines Regulations, 1948(c), as amended(d), are hereby revoked.

Dated this 15th day of April, nineteen hundred and fifty-nine.

*Graeme Finlay,
P. E. O. Bryan,*

Two of the Lords Commissioners of
Her Majesty's Treasury.

THE SCHEDULE

REQUISITIONED LAND AND WAR WORKS ACT, 1948

A. Claim for compensation under Section 13 (2)

I,
of
in pursuance of the provisions of subsection (2) of Section 13 of the Requisitioned Land and War Works Act, 1948, hereby claim compensation for the diminution in value of my interest in the land hereinafter described by the coming into operation of Section 12 of the said Act.

The following particulars are submitted in support of my claim :—

Description of the land affected
(Parish, County, O.S. Sheet No. and Edition)

Nature of my interest in the said land
(if subject to any lease or tenancy,
give particulars)

Amount of compensation claimed
(stating, in the event of this
amount including the amount
claimed by a lessee or tenant,
whether the parties have agreed as
to how it shall be divisible and, if
so, in what shares)

Name and address of agent (if any)

Signature of Claimant
(or his duly authorised agent)

Date

(a) 12, 13 & 14 Geo. 6. c. 42.

(c) S.I. 1948/542 (Rev. XX, p. 203; 1948 I, p. 3699).

(b) 9 & 10 Geo. 5. c. 57.

(d) S.I. 1949/2168 (1949 I, p. 3840).

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B. Claim for compensation under Section 13 (6)

I,
of
in pursuance of the provisions of subsection (6) of Section 13 of the Requisitioned Land and War Works Act, 1948 [as applied by subsection (2) of Section 15 of the said Act], hereby claim compensation for the loss suffered by reason of damage to crops or other growing things, stock, chattels (in Scotland, corporeal moveables) or any land or buildings or works on, under or over the land herein-after described suffered in exercise of the power to use, maintain, remove or replace a government oil pipe-line or works accessory thereto, which is conferred by Section 12 of the said Act [or of the powers conferred by subsection (1) of Section 15 of the said Act].

The following particulars are submitted in support of my claim :—

Description of the land affected (Parish, County, O.S. Sheet No. and Edition)
Nature of my interest in the said land
Particulars of claim
Amount of compensation claimed
Name and address of agent (if any)
	Signature of Claimant (or his duly authorised agent)
	Date

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations apply to Government Oil Pipe-Lines under the Requisitioned Land and War Works Act, 1948, and oil pipe-lines to which the provisions of the 1948 Act have been extended by the Land Powers (Defence) Act, 1958. They replace the Government Oil Pipe-Lines Regulations, 1948, as amended.

The principal changes compared with the 1948 Regulations are:—

- (1) the periods in which claims to compensation under Section 13 of the Requisitioned Land and War Works Act, 1948, shall be made are extended ;
- (2) It is made clear that compensation will be payable to statutory undertakers, for loss suffered by reason of a government oil pipe-line or works accessory thereto hampering their statutory works, only where the land affected by the pipe-line was in the possession of the statutory undertaker at the date of the installation of the pipe-line, or at the date of the passing of the 1948 Act, whichever is the later.
- (3) Where an oil pipe-line or works are abandoned the provision that any parts which are above the surface of the land shall be removed and the land restored to its previous level is no longer to apply if the Minister concerned considers that it is not reasonably practicable to do so.