

1959 No. 724

The Government Oil Pipe-Lines (No. 2) Regulations, 1959

<i>Made</i> - - - - -	16th April, 1959
<i>Laid before Parliament</i>	22nd April, 1959
<i>Coming into Operation</i>	23rd April, 1959

The Lords Commissioners of Her Majesty's Treasury, in pursuance of the powers conferred upon them by sections fifteen and eighteen of the Land Powers (Defence) Act, 1958(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 23rd day of April, nineteen hundred and fifty-nine, and may be cited as the Government Oil Pipe-Lines (No. 2) Regulations, 1959.

Interpretation

2.—(1) In these regulations "the Act" means the Land Powers (Defence) Act, 1958.

(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 subsection (1), (2) or (3) of section eighteen of the Act that a claim thereto shall be made to the Minister concerned in the appropriate form as set out in the Schedule to these regulations,

(a) in the case of a claim to compensation under subsection (1) of the said section eighteen not later than six months after the date upon which the wayleave order was made;

(b) in the case of a claim to compensation under subsection (2) of that section not later than six months after the date upon which the restrictions imposed by that subsection took effect; and

(c) in the case of a claim to compensation under subsection (3) of that section not later than twenty-one days after the date upon which the loss was suffered or the disturbance took place, as the case may be.

(2) In any case in which the Minister concerned is satisfied that there is reasonable ground for failing to make a claim within any such period as aforesaid, such Minister 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.

(a) 6 & 7 Eliz. 2. c. 30.

(b) 52 & 53 Vict. c. 63.

Protection of statutory undertakers and others

4.—(1) Where a pipe-line or works has been laid, installed or constructed under a wayleave order the Minister by whom the wayleave order was made shall, so long as such wayleave order has effect,—

- (a) keep such pipe-line and works in good repair and shall indemnify all persons interested in the land to which the wayleave order applies 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 the said 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 eighteen of the Act, whether or not such works were in existence at the time the wayleave order was made, so however that such compensation shall not be payable if the land to which the wayleave order applies or any other land in respect of which the restrictions imposed by section sixteen of the Act have taken effect by virtue of the wayleave order was not, at the time the wayleave order was made, 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).

Removal or abandonment of pipe-lines or works

5.—(1) Where pipe-lines or works laid, installed or constructed under a wayleave order have been removed or abandoned the Minister by whom the wayleave order was made shall, as soon as may be thereafter, give notice of such removal or abandonment to every owner, lessee or occupier (except tenants for a month or any period less than a month) of any of—

- (a) the land to which the wayleave order applies ;
- (b) any other land in respect of which the restrictions imposed by section sixteen of the Act have taken effect by virtue of the wayleave order.

(2) In any such case of abandonment the said Minister shall, unless he shall have agreed to the contrary with every owner, lessee or occupier of any of the land in question (except tenants for a month or any period less than a month) remove so much of the pipe-line or works as extend above the surface of the said land and shall in any case where pipe-lines or works are removed restore the said land to the level thereof before the said pipe-lines or works were laid, installed or constructed, so however that such removal and restoration shall not be required if, in the opinion of the said Minister, it is not reasonably practicable.

Dated this 16th 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

THE LAND POWERS (DEFENCE) ACT, 1958

A. Claim for compensation under Section 18 (1)

I,
of
in pursuance of the provisions of subsection (1) of Section 18 of the Land Powers (Defence) Act, 1958, hereby claim compensation for the depreciation in value of my interest in the land hereinafter described in consequence of the making of a wayleave order under Section 14 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
Name and address of agent (if any)
	Signature of Claimant (or his duly authorised agent)
	Date

THE LAND POWERS (DEFENCE) ACT, 1958

B. Claim for compensation under Section 18 (2)

I,
of
in pursuance of the provisions of subsection (2) of Section 18 of the Land Powers (Defence) Act, 1958, hereby claim compensation for the depreciation in value of my interest in the land hereinafter described in consequence of restrictions imposed by subsection (1) of Section 16 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
Name and address of agent (if any)
	Signature of Claimant (or his duly authorised agent)
	Date

THE LAND POWERS (DEFENCE) ACT, 1958

C. Claim for Compensation under Section 18 (3)

I,
of
in pursuance of the provisions of subsection (3) of Section 18 of the Land Powers (Defence) Act, 1958, hereby claim compensation for the loss suffered by me by reason of damage to, or disturbance in the enjoyment of, land or chattels (in Scotland, corporeal moveables) in consequence of the exercise of the rights conferred by a wayleave order made under Section 14 of the said Act.

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

Description of 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)

Particulars of claim:—

(a) damage to land

(b) damage to chattels (in Scotland, corporeal moveables)

(c) disturbance in the enjoyment of land

(d) disturbance in the enjoyment of chattels (in Scotland, corporeal moveables)

Amount of compensation claimed, specifying the amounts claimed under
(a), (b), (c) or (d)

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.)

Section 14 of the Land Powers (Defence) Act, 1958, empowers certain Ministers to make wayleave orders under which they can lay, install, construct, maintain and use oil pipe-lines and minor accessory works.

Section 16 prohibits the carrying out of certain work within ten feet of such a pipe-line and such restrictions may be extended to pipe-lines to which section 12 of the Requisitioned Land and War Works Act, 1948, applies.

Section 18 provides in subsection (1) for compensation for depreciation in the value of any land to which a wayleave order applies, in subsection (2) for compensation for depreciation caused by restrictions imposed under Section 16 and in subsection (3) for compensation for damage or disturbance.

These regulations prescribe the form and manner and the period in which claims to compensation shall be made.

In conformity with Section 15 (3) of the Act the regulations also provide for the keeping in good repair of pipe-lines and works, and for indemnifying against loss or damage arising out of failure to keep them in repair persons having an interest in land to which a wayleave order applies or affected by the maintenance and use of the pipe-line or works. They also relieve statutory undertakers of liabilities arising from such failure.

Further the regulations provide for notice to be given where pipe-lines or works are removed or abandoned and for the restoration of the land to its former level.