
STATUTORY INSTRUMENTS

1996 No. 275

The Gas (Northern Ireland) Order 1996

PART III

SAFETY

Safety of pipe-lines

Power of Department to impose requirements with respect to mode of construction, etc., of pipe-lines

50.—(1) The Department may at any time if it considers it necessary so to do in the interests of safety, by notice served on a person who is executing, or is proposing to execute, works in land for the construction of a pipe-line, prohibit—

- (a) the execution of works for the construction of the line or any specified length thereof, otherwise than in such manner as may be specified;
- (b) the construction of any specified length of the line except of such materials, and with the inclusion of such safety devices, as may be specified;
- (c) the incorporation in any specified length of the line in the course of the construction thereof of component parts of a specified class which do not comply with such requirements as may be specified;
- (d) the placing of the line or any specified length thereof (so far as it falls to be placed below the surface of the ground) at a depth below that surface less than such as may be specified;

and in this paragraph “specified” means specified in the notice.

(2) A notice under paragraph (1) has effect only in relation to works falling to be executed after the service of the notice.

(3) If, before the expiration of 12 weeks from the date on which a notice is served on any person under paragraph (1), he serves a counter-notice on the Department objecting to the notice, the Department shall afford him an opportunity of appearing before and being heard by a person appointed by the Department for the purpose.

(4) Before the expiration of 12 weeks from the date on which any hearing under paragraph (3) is concluded, the Department shall consider the objection and the report of the person appointed to hear the objector and, by notice served on the objector—

- (a) quash the notice objected to, or
- (b) confirm it without modification, or
- (c) confirm it with such modification as appears to the Department to meet the objection.

(5) The quashing of a notice served under paragraph (1) shall not affect the previous operation of the notice or be taken to prevent the service of a fresh notice.

(6) Any person who, in executing works for the construction of a pipe-line, fails to comply with a prohibition imposed by a notice served under paragraph (1), shall be guilty of an offence.

Enforcement of requirements imposed under Article 50

51.—(1) In the event of a failure, in relation to the execution of works in land for the construction of a pipe-line, to comply with any prohibition imposed by a notice served under Article 50(1)(a), the Department may serve on the person who executed the works a notice requiring him to remove so much of the works as has been executed without compliance with the prohibition or, if he so elects, to effect such alterations thereto as may be necessary to make them comply with the prohibition.

(2) In the event of a failure, in relation to the execution of works in land for the construction of a pipe-line, to comply with any prohibition imposed by a notice served under Article 50(1)(b), (c) or (d), the Department may serve on the owner of the line a notice requiring him to remove so much of the line as has been constructed without compliance with the prohibition or, if he so elects, to effect such alterations thereto as may be necessary to comply with the prohibition.

(3) If a person on whom a notice is served under paragraph (1) or (2) fails, before the expiration of 6 weeks from the date on which the notice was served, or such longer period as the Department may on his application allow, to comply with the requirement imposed by the notice, the Department may—

- (a) enter and remove any works or length of line with respect to which there has been a failure to comply with the requirement, or
- (b) effect such alterations to the works or line as the Department deems necessary.

(4) Where, in consequence of compliance with a requirement imposed by a notice served on a person under paragraph (1) or (2), another person suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, that other person shall be entitled to compensation in respect of that loss from the person on whom the notice was served.

(5) Where, in consequence of the exercise by the Department of the powers conferred by paragraph (3), a person (other than the person on whom the notice was served under paragraph (1) or (2)) suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled to compensation in respect of that loss from the Department.

(6) The Department may recover from the person on whom a notice under paragraph (1) or (2) was served—

- (a) the expenses reasonably incurred by it in taking any action under paragraph (3); and
- (b) the amount of any compensation paid by it under paragraph (5).

(7) The removal of any works or length of pipe-line required to be removed by a notice under paragraph (1) or (2) and any change in the use of land which is involved in that removal shall not constitute development for the purposes of the Planning (Northern Ireland) Order 1991.

(8) The service of a notice under paragraph (1) or (2) in consequence of any such failure as is therein mentioned shall be without prejudice to the taking of proceedings under Article 50(6).

Prohibition of use of length of pipe-line not complying with requirements imposed under Article 50

52.—(1) Where, by virtue of Article 51(1), works are required to be removed or altered, it shall not be lawful for use to be made of so much of a pipe-line as has been constructed in the course of the execution of the works unless and until such alterations have been effected to the works (whether by the person required to remove or alter them or by the Department) as are necessary to make them comply with the prohibition in contravention of which they were executed.

(2) Where, by virtue of Article 51(2), a length of a pipe-line is required to be removed or altered, it shall not be lawful for use to be made of that length unless and until such alterations have been effected thereto (whether by the person required to remove or alter it or by the Department) as are necessary to make it comply with the prohibition in contravention of which it was constructed.

(3) In the event of a contravention of paragraph (1) in relation to any works, the person who executed them shall be guilty of an offence, and, in the event of a contravention of paragraph (2) in relation to a length of a pipe-line, the owner of the line comprising the length shall be guilty of an offence.

Power of Department to impose requirements with respect to examination, repair, etc., of pipe-lines

53.—(1) In the case of any pipe-line, the Department may at any time by notice served on the owner thereof impose such requirements with respect to all or any of the following matters as the Department thinks it expedient to impose in the interests of safety, namely,—

- (a) the examination, repair, maintenance, adjustment and testing of the line;
- (b) the inspection of the route taken by the line.

(2) If, in the case of any pipe-line or length thereof, the Department thinks it expedient in the interests of safety to do so, the Department may by notice served on the owner of the line—

- (a) require that the line shall be so operated that the pressure of its contents, or, as the case may be, the pressure of the contents of that length of it, will at no point exceed such pressure as may be specified in the notice; or
- (b) prohibit the use (either absolutely or for the conveyance of gas other than gas of a particular kind specified in the notice) of the line or, as the case may be, that length of it, until there have been effected thereto such alterations as may be so specified.

(3) Paragraphs (3) to (5) of Article 50 shall apply in relation to a notice served under paragraph (1) of this Article as they apply in relation to a notice served under paragraph (1) of that Article.

(4) In the event of a failure, in relation to a pipe-line or a length of a pipe-line, to comply with a requirement or prohibition imposed by a notice served under paragraph (1) or (2), the owner of the line shall be guilty of an offence.

(5) Where, in consequence of the effecting of alterations to a pipe-line or a length of a pipe-line in consequence of the service of a notice under paragraph (2) a person, other than the person on whom the notice was served, suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled to compensation in respect of that loss from the person on whom the notice was served.

Power of Department to cause action to be taken to render pipe-line safe on abandonment or cesser of use

54.—(1) Where—

- (a) a pipe-line or a length thereof has been abandoned, or 3 years have expired from the date on which a pipe-line or a length thereof was last used; and
- (b) the Department is of the opinion that the line or length is, or is likely to become, a source of danger,

the Department may serve on the owner of the line a notice requiring him to take such action in relation to the line or length as may be specified in the notice, being action which appears to the Department requisite to stop the line or length being, or prevent it becoming, a source of danger.

(2) If a person on whom a notice is served under paragraph (1) fails, before the expiration of 6 weeks from the date on which the notice was served, or such longer period as the Department may on his application allow, to take the action specified in the notice, the Department may enter and take that action.

(3) Where, in consequence of compliance with a requirement imposed by a notice under paragraph (1), a person other than the owner of the pipe-line suffers loss by reason of damage to, or

disturbance in the enjoyment of, any land or chattels, he shall be entitled to compensation in respect of that loss from the owner of the line.

(4) Where, in consequence of the exercise by the Department of its powers under paragraph (2) in relation to a pipe-line or length thereof, a person other than the owner of the pipe-line suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled to compensation in respect of that loss from the Department.

(5) The Department may recover from the owner of a pipe-line on whom a notice has been served under paragraph (1)—

- (a) the expenses reasonably incurred by the Department in taking action under paragraph (2); and
- (b) the amount of any compensation paid by the Department under paragraph (4).

Prohibition by Department of use or testing of pipe-line

55.—(1) The Department may at any time by notice served on the owner of a pipe-line prohibit the use or testing of the pipe-line, or of any length of pipe-line, unless there are satisfied such requirements as may be specified in the notice for the purpose mentioned in paragraph (2).

(2) The purpose referred to in paragraph (1) is that of ensuring that funds are available to discharge any liability that may arise in respect of damage attributable to the release or escape of gas from the pipe-line or length.

(3) Paragraphs (3) to (5) of Article 50 shall apply in relation to a notice served under paragraph (1) of this Article as they apply in relation to a notice served under paragraph (1) of that Article.

(4) If a pipe-line is used or tested in contravention of a prohibition imposed by a notice under paragraph (1) then, unless he shows that he used due diligence to avoid contravention, the owner shall be guilty of an offence.

(5) A person guilty of an offence under this Article shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.