
STATUTORY INSTRUMENTS

1996 No. 275

The Gas (Northern Ireland) Order 1996

PART III

SAFETY

Avoidance of damage to pipe-lines by buildings, &c.

Power of Department, where pipe-line imperilled by building or structure, to order demolition thereof or execution of remedial works

56.—(1) If, without the consent of the Department, a person so erects or constructs a building or structure that a part of it is situated less than 3 metres from a point on the surface of land whose position is vertically above a part of a pipe-line below the surface, the provisions of paragraphs (2) to (5) shall have effect, except in a case where paragraph (6) applies.

(2) The Department may serve on the owner or owners of the building or structure in question and on the owner of the pipe-line notice of the time (being some time not less than 21 days from the date of the service of the notice) and place at which the question of ordering the building or structure to be demolished or (in lieu thereof) works to be executed for the safeguarding of the pipe-line will be considered by the Department, and the owners of the building or structure and the owner of the pipe-line shall be entitled to be heard when that question is so considered.

(3) If, after taking that question into consideration, the Department is satisfied that it is impracticable to safeguard the pipe-line in question otherwise than by means of the demolition of the building or structure in question or of a part thereof, it may make a demolition order requiring that the building or structure or that part thereof shall be demolished, and that (in the case of a building) the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within 2 months from the date which the order becomes operative.

(4) If, after taking that question into consideration, the Department is satisfied that the pipe-line in question can be safeguarded by the execution to the building or structure in question of any works in lieu of the demolition thereof (in whole or in part), it may make an order requiring the execution thereto of such works as may be specified in the order.

(5) If, after taking that question into consideration, the Department is satisfied that the pipe-line in question can be safeguarded by the execution, in lieu of the demolition (in whole or in part) of the building or structure in question, of works to the pipe-line, it may make an order requiring the execution thereto of such works as may be specified in the order.

(6) Paragraphs (2) to (5) shall not have effect in the case of—

- (a) a building or structure forming part of a pipe-line or erected or constructed for the lodging therein of part of a pipe-line, being a building or structure no part of which is situated less than 3 metres from a point on the surface of land whose position is vertically above a part of another pipe-line below the surface; or
- (b) a building or structure in which a pipe-line or any part of a pipe-line is terminated.

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- (7) Where the Department makes an order under this Article, it shall—
 - (a) in the case of an order under paragraph (3) or (4), serve a copy of it on the owner of the building or structure in question; and
 - (b) in the case of an order under paragraph (5), serve a copy of it on the owner of the pipe-line in question.
- (8) Schedule 4 shall have effect in relation to demolition orders under paragraph (3) and orders under paragraphs (4) and (5).