



# Pipe-Lines Act 1962

1962 CHAPTER 58 10 and 11 Eliz 2

## *Avoidance of Construction of superfluous Pipe-lines*

### **9 Provisions for securing that a pipe-line is so constructed as to reduce necessity for construction of others.**

(1) Where—

- (a) application is made to the Minister for the grant of a pipe-line construction authorisation for the construction of a pipe-line to be designed for the conveyance of a particular kind of thing or of things of a particular class, and
- (b) the Minister is satisfied that there is evidence of demand existing or likely to arise for the grant of such authorisations for the construction of further pipe-lines to be designed for the conveyance of that kind of thing or, as the case may be, things of that class, and
- (c) the Minister is also satisfied that the routes to be taken by the further lines will severally be, as to the whole or any part thereof, the same or substantially the same as the route or any part of the route to be taken by the line to which the application relates,

he may, if he grants the application, grant it subject to the condition that the line to be constructed pursuant to the application or any length of that line specified in the authorisation shall be so constructed as to be capable of conveying, during such period as may be so specified, not less than such quantity as may be so specified of the kind of thing in question or, as the case may be, things of the class in question.

[<sup>F1</sup>(1A) Subsections (2), (3) and (5) of this section apply only to pipe-lines constructed pursuant to a pipe-line construction authorisation which are [<sup>F2</sup>not an upstream petroleum pipe-line, a gas pipe-line or a gas interconnector], and references in those subsections to “pipe-line” and “line” shall be construed accordingly.]

- (2) The Minister may at any time, by notice served on the owner of a pipe-line constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of [<sup>F3</sup>subsection (1)], impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely,—

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- (a) securing to persons other than the owner of the line the right to have conveyed by the line or, as the case may be, by any length of it specified in the authorisation by virtue of that subsection, the kind of thing specified in the authorisation or, as the case may be, things of the class so specified;
- (b) regulating the charges to be made for the conveyance by the line or, as the case may be, by that length thereof, on behalf of persons other than the owner of the line of that kind of thing or, as the case may be, things of that class;
- (c) securing that the exercise of a right secured by virtue of paragraph (a) of this subsection is not prevented or impeded;

but requirements imposed for the purpose specified in paragraph (a) of this subsection shall be so framed as, in the Minister's opinion, to secure that compliance therewith will not prejudice the proper and efficient operation of the line for the purpose of the conveyance on behalf of the owner thereof, in the quantity required by him, of the kind of thing, or things of the class, which it is designed to convey.

- (3) A notice served under the last foregoing subsection with reference to a pipe-line may authorise the owner thereof to recover, from persons to whom a right is secured by the notice by virtue of paragraph (a) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf contained in the notice, being payments in consideration of that right's being secured to them.
- (4) Where a pipe-line constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of subsection (1) of this section is constructed without conformity to that condition, the works for the construction of the line shall be deemed, for the purposes of the foregoing provisions of this Act, to have been executed in contravention of subsection (1) of section one of this Act.
- (5) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under subsection (2) of this section with reference to the line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [<sup>F4</sup>level 5 on the standard scale]; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.
- <sup>F5</sup>[<sup>F6</sup>(6) This section does not apply where the application for the grant of a pipe-line construction authorisation relates to the construction of—
  - (a) a diversion, or
  - (b) a carbon dioxide pipe-line.]

[ Where a gas pipe-line is proposed to be constructed pursuant to a pipe-line  
<sup>F7</sup>(7) construction authorisation to which a condition is attached by virtue of subsection (1), any person other than the applicant for the pipe-line construction authorisation may make applications under section 10 and, if applicable, section 10C in respect of the proposed pipe-line, and those sections and section 10B shall have effect as if references to a pipe-line were references to the pipe-line as it would be once constructed in accordance with the condition, and as if references to the owner of the pipe-line were references to the proposed owner of it.

<sup>F7</sup>(8) Where an upstream petroleum pipe-line is proposed to be constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of subsection (1), any person other than the applicant for the pipe-line construction authorisation may make [<sup>F8</sup>with respect to the proposed pipe-line—

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- (a) an application of a kind mentioned in subsection (1)(a) of section 82 of the Energy Act 2011 (acquisition of rights to use upstream petroleum infrastructure), and
- (b) if applicable, an application under subsection (4) of that section.]

[ For the purposes of an application made with respect to a proposed pipe-line by virtue<sup>F9</sup>(9) of subsection (8)—

- (a) sections 82 and 83 of the Energy Act 2011 shall have effect as if—
  - (i) references to a pipe-line were references to the proposed pipe-line as it would be once constructed in accordance with the condition attached by virtue of subsection (1) of this section;
  - (ii) references to the owner of a pipe-line were reference to the proposed owner of the proposed pipeline;
- (b) section 84 of the Energy Act 2011 shall be disregarded.]]]

#### Textual Amendments

- F1** S. 9(1A) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 1(1)**
- F2** Words in s. 9(1A) substituted (14.8.2006) by Energy Act 2004 (c. 20), **ss. 151(1)**, 198(2); S.I. 2006/1964, art. 2, **Sch.**
- F3** Words in s. 9(2) substituted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 1(2)**
- F4** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G
- F5** S. 9(6) inserted (3.4.1999) by S.I. 1999/742, arts. 1, 2, **Sch. para. 6**
- F6** S. 9(6) substituted (16.9.2011) by The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 (S.I. 2011/2305), reg. 1, **Sch. para. 2**
- F7** S. 9(7)(8) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 1(3)**
- F8** Words in s. 9(8) substituted (21.3.2012) by Energy Act 2011 (c. 16), s. 121(1), **Sch. 2 para. 2(a)**; S.I. 2012/873, art. 2(b)(i)
- F9** S. 9(9) inserted (21.3.2012) by Energy Act 2011 (c. 16), s. 121(1), **Sch. 2 para. 2(b)**; S.I. 2012/873, art. 2(b)(i)

#### Modifications etc. (not altering text)

- C1** S. 9: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)  
S. 9: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)

### [9A <sup>F10</sup> Provisions for securing that an additional pipe-line is so constructed as to reduce necessity for construction of other pipe-lines—.

(1) Where—

- (a) application is made for the grant of planning permission for the construction of an additional pipe-line to be designed for the conveyance of a particular kind of thing or of things of a particular class, and
- (b) the Secretary of State is satisfied that there is evidence of demand existing or likely to arise for the grant of planning permission or pipe-line construction authorisations for the construction of further pipe-lines to be designed for the conveyance of that kind of thing or, as the case may be, things of that class, and
- (c) the Secretary of State is also satisfied that the routes to be taken by the further lines will severally be, as to the whole or any part thereof, the same or substantially the same as the route or any part of the route to be taken by the line to which the application relates,

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he may, at any time before planning permission for the construction of the additional pipe-line is granted, by notice served on the person who made the application for planning permission, direct that the line to be constructed pursuant to the application or any length of that line specified in the notice shall be so constructed as to be capable of conveying, during such period as may be so specified, not less than such quantity as may be so specified of the kind of thing in question or, as the case may be, things of the class in question.

[ This section does not apply where the application for the grant of planning permission<sup>F11</sup>(1ZA) relates to the construction of a carbon dioxide pipe-line.]

[ Subsections (2), (3) and (5) apply only to additional pipe-lines which are [<sup>F13</sup>not an<sup>F12</sup>(1A) upstream petroleum pipe-line, a gas pipe-line or a gas interconnector], and references in those subsections to “pipe-line” and “line” shall be construed accordingly.]

- (2) The Secretary of State may at any time, by notice served on the owner of an additional pipe-line in respect of which a notice under subsection (1) of this section was served, impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely,—
  - (a) securing to persons other than the owner of the line the right to have conveyed by the line or, as the case may be, by any length of it specified in the notice by virtue of that subsection, the kind of thing specified in the notice or, as the case may be, things of the class so specified;
  - (b) regulating the charges to be made for the conveyance by the line or, as the case may be, by that length thereof, on behalf of persons other than the owner of the line of that kind of thing or, as the case may be, things of that class;
  - (c) securing that the exercise of a right secured by virtue of paragraph (a) of this subsection is not prevented or impeded; but requirements imposed for the purpose specified in paragraph (a) of this subsection shall be so framed as, in the Secretary of State’s opinion, to secure that compliance therewith will not prejudice the proper and efficient operation of the line for the purpose of the conveyance on behalf of the owner thereof, in the quantity required by him, of the kind of thing, or things of the class, which it is designed to convey.
- (3) A notice served under subsection (2) of this section with reference to an additional pipe-line may authorise the owner thereof to recover, from persons to whom a right is secured by the notice by virtue of paragraph (a) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf contained in the notice, being payments in consideration of that right’s being secured to them.
- (4) Where an additional pipe-line in respect of which a notice is served under subsection (1) of this section is constructed without conformity to that notice, the works for the construction of the line shall be deemed, for the purposes of the foregoing provisions of this Act, to have been executed in contravention of subsection (1) of section one of this Act.
- (5) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under subsection (2) of this section with reference to the line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.

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- (6) In this section “planning permission” means permission under Part III of the Town and Country Planning Act 1990 or under Part III of the Town and Country Planning (Scotland) Act 1997.
- [<sup>F14</sup>(7) Where a gas pipe-line which is an additional pipe-line is proposed to be constructed, and the Secretary of State has served a notice in respect of the pipe-line under subsection (1) on the person who made the application for planning permission, any other person may make applications under section 10 and, if applicable, section 10C in respect of the proposed pipe-line, and those sections and section 10B shall have effect as if references to a pipe-line were references to the pipe-line as it would be once constructed in accordance with the condition, and as if references to the owner of the pipe-line were references to the proposed owner of it.
- <sup>F14</sup>(8) Where an upstream petroleum pipe-line which is an additional pipe-line is proposed to be constructed, and the Secretary of State has served a notice in respect of the pipe-line under subsection (1) on the person who made the application for planning permission, any other person may make [<sup>F15</sup>with respect to the proposed pipe-line—
- (a) an application of a kind mentioned in subsection (1)(a) of section 82 of the Energy Act 2011 (acquisition of rights to use upstream petroleum infrastructure), and
  - (b) if applicable, an application under subsection (4) of that section.]
- [ For the purposes of an application made with respect to a proposed pipe-line by virtue <sup>F16</sup>(9) of subsection (8)—
- (a) sections 82 and 83 of the Energy Act 2011 shall have effect as if—
    - (i) references to a pipe-line were references to the proposed pipe-line as it would be once constructed in accordance with the notice served under subsection (1) of this section;
    - (ii) references to the owner of a pipe-line were reference to the proposed owner of the proposed pipeline;
  - (b) section 84 of the Energy Act 2011 shall be disregarded.]]

#### Textual Amendments

- F10** S. 9A inserted (3.4.1999) by S.I. 1999/742, art. 2, **Sch. para. 7**
- F11** S. 9A(1ZA) inserted (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\)](#), reg. 1, **Sch. para. 3**
- F12** S. 9A(1A) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 2(1)**
- F13** Words in s. 9A(1A) substituted (14.8.2006) by [Energy Act 2004 \(c. 20\)](#), **ss. 151(1)**, 198(2); S.I. 2006/1964, art. 2, **Sch.**
- F14** S. 9A(7)(8) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 2(2)**
- F15** Words in s. 9A(8) substituted (21.3.2012) by [Energy Act 2011 \(c. 16\)](#), s. 121(1), **Sch. 2 para. 3(a)**; S.I. 2012/873, art. 2(b)(i)
- F16** S. 9A(9) inserted (21.3.2012) by [Energy Act 2011 \(c. 16\)](#), s. 121(1), **Sch. 2 para. 3(b)**; S.I. 2012/873, art. 2(b)(i)

#### Modifications etc. (not altering text)

- C2** S. 9A: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)  
S. 9A: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)

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## 10 Provisions for securing that a pipe-line is so used as to reduce necessity for construction of others.

- (1) An application with respect to
- [<sup>F17</sup>(a) a gas pipe-line; or
  - [<sup>F18</sup>(b) any other pipe-line which—
    - (i) is constructed pursuant to a pipe-line construction authorisation; and
    - (ii) does not fall within subsection (1A);]

[<sup>F19</sup>(1A) The following pipe-lines fall within this subsection—

- (a) an upstream petroleum pipe-line;
- (b) a carbon dioxide pipe-line;
- (c) a pipe-line comprised in a gas interconnector.]

- (2) Where an application with respect to a pipe-line is made under [<sup>F20</sup>subsection (1)] to the Minister he shall serve on the owner of the line and the applicant notice of the time (being some time not less than twenty-one days from the date of the service of the notice) at which the question of conferring on the applicant the right sought by him will be considered by the Minister, and the owner and the applicant shall be entitled to be heard when that question is so considered.

- (3) If after taking the question aforesaid into consideration the Minister is satisfied that the line could, without prejudice to the proper and efficient operation thereof for the purpose of the conveyance on behalf of the owner thereof, in the quantity required by him, of the kind of thing, or things of the class, which it is designed to convey, be so operated as to permit of the conveyance thereby on behalf of the applicant of the kind of thing, or things of the class, the right to the conveyance of which is sought by the applicant, he shall declare that he is so satisfied.

- (4) Where the Minister makes under the last foregoing subsection a declaration with respect to a pipe-line he may by notice served on the owner of the line impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely,—

- (a) securing to the person whose application resulted in the making of the declaration the right to have conveyed by the line the kind of thing to which the application related or, as the case may be, things of the class to which it related;
- (b) regulating the charges to be made for the conveyance by the line on behalf of that person of that kind of thing or, as the case may be, things of that class;
- (c) securing that the exercise of a right secured by virtue of paragraph (a) of this subsection is not prevented or impeded;

but requirements imposed for the purpose specified in paragraph (a) of this subsection shall be so framed as, in the Minister's opinion, to secure that compliance therewith will not prejudice the proper and efficient operation of the line for the purpose mentioned in subsection (3) of this section.

- (5) A notice served under the last foregoing subsection with reference to a pipe-line may authorise the owner thereof to recover, from the person to whom a right is secured by the notice by virtue of paragraph (a) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf contained in the notice, being payments in consideration of the right's being secured to him.

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- (6) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under subsection (4) of this section with reference to the line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [<sup>F21</sup>level 5 on the standard scale]; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.
- [<sup>F22</sup>(7) An additional pipe-line [<sup>F23</sup>other than a gas pipe-line] shall be treated as a pipe-line constructed pursuant to a pipe-line construction authorisation for the purposes of this section.
- (8) Any diversion to a pipe-line constructed pursuant to a pipe-line construction authorisation (or treated as so constructed) shall be treated as part of that pipe-line for the purposes of this section.

Accordingly, a diversion which required such an authorisation shall be treated for those purposes as constructed pursuant to the pipe-line construction authorisation of the pipe-line it is diverting.]

#### Textual Amendments

- F17** Words and s. 10(1)(a)(b) substituted for words in s. 10(1) (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 3**
- F18** S. 10(1)(b) substituted (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\)](#), reg. 1, **Sch. para. 4(a)**
- F19** S. 10(1A) inserted (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\)](#), reg. 1, **Sch. para. 4(b)**
- F20** Words in s. 10(2) substituted (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\)](#), reg. 1, **Sch. para. 4(c)**
- F21** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**
- F22** S. 10(7)(8) inserted (3.4.1999) by S.I. 1999/742, arts. 1, 2, **Sch. para. 8**
- F23** Words in s. 10(7) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 4**

#### Modifications etc. (not altering text)

- C3** S. 10: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)  
S. 10: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)
- C4** S. 10 applied (30.4.2015) by [Energy Act 2013 \(c. 32\)](#), **ss. 126(3)(a), 156(1)** (with s. 130); S.I. 2015/817, art. 2(a)

### [10A] <sup>F24</sup> Diversions of pipe-lines subject to requirements under section 9 or 10

- (1) A length of pipe-line—
- (a) in respect of which any condition has been imposed under section 9(1) or a notice has been served under section 9A(1); and
- (b) which is to be diverted,
- shall continue for the purposes of and after the diversion to be subject to any condition or any direction contained in any such notice.
- (2) A pipe-line in respect of which any requirements have been imposed by virtue of a [<sup>F25</sup>notice served under section 9(2), 9A(2) [<sup>F26</sup>or 10(4)]] which is subsequently diverted, shall continue to be subject to such requirements after the diversion.

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- (3) This section applies to a diversion which exceeds 16.093 kilometres as well as to a diversion which does not exceed that length.

#### Textual Amendments

- F24** S. 10A inserted (3.4.1999) by S.I. 1999/742, arts. 1, 2, **Sch. para. 9** (with art. 3)  
**F25** Words in s. 10A(2) substituted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 5**  
**F26** Words in s. 10A(2) substituted (21.3.2012) by Energy Act 2011 (c. 16), s. 121(1), **Sch. 2 para. 4**; S.I. 2012/873, art. 2(b)(i)

#### <sup>F28</sup><sup>F27</sup> **10B Application of section 10C to certain gas pipe-lines.**

#### Textual Amendments

- F27** Ss. 10B-10F inserted (10.8.2000) by S.I. 2000/1937, reg. 2(1), **Sch. 1 para. 6**  
**F28** S. 10B repealed (14.8.2006) by Energy Act 2004 (c. 20), ss. 151(3)(a), 198(2), **Sch. 23 Pt. 1**; S.I. 2006/1964, art. 2, **Sch.**

#### <sup>F29</sup> **10C Additional provisions relating to certain gas pipe-lines.**

- (1) The owner of a gas pipe-line <sup>F30</sup>...—
- (a) shall publish at least once in every year the main commercial conditions relating to the grant to another person of a right to have gas conveyed in the pipe-line on that person's behalf; and
  - (b) shall publish any changes to the published conditions as soon as they become effective.
- (2) In subsection (1) "year" means any year ending with 9 August.
- (3) The owner of a <sup>F31</sup>... gas pipe-line shall ensure that the conditions which he is required to publish under subsection (1) do not discriminate against any applicants or descriptions of applicants, or any potential applicants or descriptions of potential applicants, for a right to have gas conveyed in the pipe-line.
- (4) Any person who seeks a right to have gas conveyed on his behalf in a <sup>F31</sup>... gas pipe-line ("the applicant") shall, before making an application to the Secretary of State under section 10, apply to the owner of the pipe-line by giving him notice of what is being sought.
- (5) Such a notice shall, in particular, specify—
- (a) the kind of gas to be conveyed (which must be of the kind the pipe-line is designed to convey); and
  - (b) the quantities of gas to be conveyed.
- (6) Where an applicant gives notice under subsection (4), he and the owner of the pipe-line shall negotiate in good faith and endeavour to reach agreement on the application.



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- (7) If the owner and the applicant do not reach any such agreement, the applicant may make an application to the Secretary of State under section 10 with respect to the pipe-line.
- (8) The Secretary of State shall not entertain such an application under section 10 unless he is satisfied that the parties have had a reasonable time in which to fulfil their duties under subsection (6).
- (9) For the purpose of considering an application under section 10 with respect to a <sup>F31</sup>... gas pipe-line, the Secretary of State may by notice require the owner or the applicant to provide him with such financial information relating to the owner's or applicant's activities with respect to <sup>F31</sup>... gas pipe-lines as he may specify or describe in the notice.
- (10) The Secretary of State shall not disclose to any person information obtained under subsection (9) without the consent of the person by or on behalf of whom it was provided, unless he is required to do so by virtue of any obligation imposed on him by or under any enactment.
- (11) In this section "main commercial conditions" means—
  - (a) such information as would enable a potential applicant for a right to have gas conveyed in a <sup>F31</sup>... gas pipe-line to make a reasonable assessment of the cost of, or the method of calculating the cost of, acquiring that right;
  - (b) the other significant terms on which such a right would be granted; and
  - (c) such other information as the Secretary of State may from time to time specify by notice.

#### Textual Amendments

- F29** Ss. 10B-10F inserted (10.8.2000) by [S.I. 2000/1937, reg. 2\(1\), Sch. 1 para. 6](#)
- F30** Words in s. 10C(1) repealed (14.8.2006) by [Energy Act 2004 \(c. 20\), ss. 151\(3\)\(b\), 198\(2\), Sch. 23 Pt. 1; S.I. 2006/1964, art. 2, Sch.](#)
- F31** Word in ss. 10C(2)-(11) repealed (14.8.2006) by [Energy Act 2004 \(c. 20\), ss. 151\(3\)\(c\), 198\(2\), Sch. 23 Pt. 1; S.I. 2006/1964, art. 2, Sch.](#)

#### <sup>F32</sup>**10D Enforcement of certain duties in section 10C.**

- (1) The duty in section 10C(6) shall be a duty owed to any person who may be affected by a failure to comply with it.
- (2) Where a duty is owed by virtue of subsection (1) to any person, any breach of the duty which causes that person to sustain loss or damage shall be actionable at the suit or instance of that person.
- (3) In any proceedings brought against a person in pursuance of subsection (2), it shall be a defence for him to prove that he took all reasonable steps and exercised all due diligence to avoid contravening the duty.
- (4) Compliance with the duties in section 10C(1) and (3) shall be enforceable by civil proceedings by the Secretary of State for an injunction or interdict or other appropriate relief or remedy.

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**Textual Amendments**

**F32** Ss. 10B-10F inserted (10.8.2000) by [S.I. 2000/1937](#), reg. 2(1), **Sch. 1 para. 6**

**<sup>F33</sup>10E Provisions for securing that upstream petroleum pipe-lines are so used as to reduce necessity for construction of others.**

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**Textual Amendments**

**F33** Ss. 10E-10H repealed (21.3.2012) by [Energy Act 2011 \(c. 16\)](#), s. 121(1), **Sch. 2 para. 5**; [S.I. 2012/873](#), art. 2(b)(i) (with art. 4)

**<sup>F33</sup>10F Section 10E: supplemental.**

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**Textual Amendments**

**F33** Ss. 10E-10H repealed (21.3.2012) by [Energy Act 2011 \(c. 16\)](#), s. 121(1), **Sch. 2 para. 5**; [S.I. 2012/873](#), art. 2(b)(i) (with art. 4)

**<sup>F33</sup>10G Compulsory modifications of pipe-lines**

.....

**Textual Amendments**

**F33** Ss. 10E-10H repealed (21.3.2012) by [Energy Act 2011 \(c. 16\)](#), s. 121(1), **Sch. 2 para. 5**; [S.I. 2012/873](#), art. 2(b)(i) (with art. 4)

**<sup>F33</sup>10H Enforcement**

.....

**Textual Amendments**

**F33** Ss. 10E-10H repealed (21.3.2012) by [Energy Act 2011 \(c. 16\)](#), s. 121(1), **Sch. 2 para. 5**; [S.I. 2012/873](#), art. 2(b)(i) (with art. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the Pipe-Lines Act 1962, Cross Heading:  
Avoidance of Construction of superfluous Pipe-lines.