



# Pipe-Lines Act 1962

1962 CHAPTER 58 10 and 11 Eliz 2

*[<sup>F1</sup>Pipe-lines for Conveying Carbon Dioxide: Compulsory Acquisition of Rights over Land*

## Textual Amendments

- F1** S. 12A and cross-heading inserted (21.3.2012) by [Energy Act 2011 \(c. 16\), ss. 108\(3\), 121\(1\)](#); S.I. 2012/873, art. 2(b)(iii)

## **12A Orders for compulsory acquisition of rights over land: pipe-lines for conveying carbon dioxide**

- (1) This section applies in relation to a pipe-line (or a length of a pipe-line) that is intended to be converted into a pipe-line (or length) used for conveying carbon dioxide.
- (2) The owner of the pipe-line may apply to the Secretary of State for an order under subsection (3) in relation to land in which the pipe-line (or a length of the pipe-line) is situated.
- (3) An order under this subsection is an order authorising the owner of the pipe-line to do one or more of the following—
  - (a) to use the pipe-line (or length of the pipe-line) in the land described in the order to convey carbon dioxide;
  - (b) to execute pipe-line works in the land which are necessary in consequence of the presence of the pipe-line (or length) in the land;
  - (c) to execute pipe-line works in the land to enable the pipe-line (or length) to be used to convey carbon dioxide or in consequence of its use to convey carbon dioxide;
  - (d) to exercise, in relation to the pipe-line (or length), such of the rights mentioned in Schedule 4 as may be specified in the order.

An order under this subsection is referred to in this Act as a “compulsory rights order”.

- (4) A compulsory rights order under this section may be made subject to conditions (see section 13).

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- (5) On receiving an application under subsection (2), the Secretary of State may grant or refuse the application.
- (6) Part 1 of Schedule 2, as modified by Part 2 of that Schedule, has effect in relation to applications for compulsory rights orders under this section.
- (7) A compulsory rights order under this section enures for the benefit of the owner for the time being of the pipe-line.
- (8) The Secretary of State may by order revoke a compulsory rights order under this section, in whole or in part, if—
  - (a) the pipe-line (or length of the pipe-line) is diverted from the land described in the order,
  - (b) the pipe-line (or length) is abandoned,
  - (c) the pipe-line (or length) ceases to be used to convey carbon dioxide, or
  - (d) the owner of the pipe-line makes an application for the revocation of the order.
- (9) A compulsory rights order under this section does not affect any right over the land described in the order that would not have been affected had the land been compulsorily purchased by virtue of a compulsory purchase order.
- (10) A compulsory rights order under this section does not authorise the disregard of any enactment or of any instrument having effect by virtue of any enactment.
- (11) A compulsory rights order under this section is not to be taken to confer a right of support for the pipeline (or length of pipeline).
- (12) A compulsory rights order under this section is to be subject to special parliamentary procedure.
- (13) For the purposes of this section, “carbon dioxide” includes any substance consisting primarily of carbon dioxide.]

### **13 Power of Minister to attach conditions to compulsory rights orders.**

- (1) The Minister may, if he grants an application for a compulsory rights order, attach to it such conditions as he thinks fit (other than a condition for securing a matter that may be secured under the provisions of this Act [<sup>F2</sup>or the <sup>M1</sup>Health and Safety at Work etc. Act 1974] relating to the safety of pipe-lines) with respect to—
  - (a) the manner, method or timing of the execution of pipe-line works authorised by the order;
  - (b) the execution, and the manner, method or timing of the execution, of works which it appears to him are or will be requisite or desirable prior to or in consequence of the execution of pipe-line works authorised by the order, or in consequence of a failure to comply with any such condition as has effect by virtue of the foregoing paragraph;
  - (c) in a case where the order authorises a pipe-line or length thereof to be placed in land of which the owners are statutory undertakers, being operational land, the execution and the manner, method or timing of the execution, of works which it appears to him are or will be requisite or desirable in consequence of the pipe-line’s or length’s being situated in such land;

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- (d) without prejudice to the generality of the foregoing paragraphs, the execution of works referred to in any of those paragraphs by or under the supervision of the owners of land comprised in the order;
- (e) the payment of costs of the execution of any works or carrying out any other requirements to which a condition having effect by virtue of this section relates;
- (f) the settlement of any dispute arising in consequence of any such condition as aforesaid;

and any conditions attached to a compulsory rights order under this section shall be set out in a schedule to the order.

- (2) Subject to , the Minister may at any time on the application of for the time being enures, or of his own motion, by order vary the first-mentioned order—
  - (a) where the first-mentioned order has effect without conditions, by attaching thereto a condition with respect to any of the matters referred to in the foregoing subsection;
  - (b) where the first-mentioned order has effect subject to conditions, by revoking or varying any of them or by attaching thereto further such conditions as aforesaid.

[<sup>F5</sup>(2A) A person falls within this subsection if he is an owner, lessee, tenant (whatever the tenancy period) or occupier of land comprised in a compulsory rights order.]

- (3) It shall be a condition precedent to the making of an order under the last foregoing subsection that, in the case of an order for which an application is made, the applicant, or, in any other case, the Minister, shall have served on every person concerned (other than the applicant in such a case as is first above mentioned) notice, in the prescribed form, stating the effect of the order and specifying the time (not being less than twenty-one days from the date of service of the notice) within which and the manner in which objection to the making of the order may be made to the Minister; and where an objection is duly made by a person on whom the notice has been served, and is not withdrawn, the Minister shall not make the order without affording to the objector an opportunity of being heard by him, and if the objector avails himself of that opportunity, the Minister shall afford to the applicant (in the case of an order for which an application is made under the last foregoing subsection) and any other person to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.
- (4) Upon the making of an order under subsection (2) of this section, in the case of an order made on an application, the applicant, or, in any other case, the Minister, shall take such steps for notifying the persons concerned as the Minister may direct, or, as the case may be, shall think fit.
- (5) If any works are executed in contravention of a condition attached to a compulsory rights order under this section, the person executing them, or, in the event of a failure by a person to comply with a requirement to carry out any works imposed on him by such a condition, that person, shall be guilty of an offence and liable—
  - (a) on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both a fine and such imprisonment.

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- (6) In this section the following expressions have the meanings hereby assigned to them respectively,—
- “operational land”, in the application of this section to England and Wales, has the same meaning as in [<sup>F6</sup>the <sup>M2</sup>Town and Country Planning Act 1971], and, in the application of this section to Scotland, has the same meaning as in [<sup>F7</sup>the <sup>M3</sup>Town and Country Planning (Scotland) Act 1972];
- “persons concerned” means, in relation to a variation of a compulsory rights order, the person for whose benefit the order for the time being enures, and of any land appearing to the Minister to be affected by the variation.
- (7) If any question arises, in relation to this section, whether land of statutory undertakers is operational land as defined by this section, that question shall be determined by the appropriate Minister.
- (8) The power conferred by subsection (2) of this section to make orders shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F2** Words inserted by S.I. 1974/1986, **Sch. 2 para. 1**
- F3** Words in s. 13(2) substituted (E.W.) (24.5.2007) by Planning and Compulsory Purchase Act 2004 (Corresponding Amendments) Order 2007 (S.I. 2007/1519), art. 1(1), **Sch. para. 4(3)(a)(i)** (with art. 1(3))
- F4** Words in s. 13(2) substituted (E.W.) (24.5.2007) by Planning and Compulsory Purchase Act 2004 (Corresponding Amendments) Order 2007 (S.I. 2007/1519), art. 1(1), **Sch. para. 4(3)(a)(ii)** (with art. 1(3))
- F5** S. 13(2A) inserted (E.W.) (24.5.2007) by Planning and Compulsory Purchase Act 2004 (Corresponding Amendments) Order 2007 (S.I. 2007/1519), art. 1(1), **Sch. para. 4(3)(b)** (with art. 1(3))
- F6** Words substituted by virtue of Town and Country Planning Act 1971 (c. 78), **Sch. 24** para. 2
- F7** Words substituted by virtue of Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 22 para. 2**
- F8** Words in s. 13(6) substituted (E.W.) (24.5.2007) by Planning and Compulsory Purchase Act 2004 (Corresponding Amendments) Order 2007 (S.I. 2007/1519), art. 1(1), **Sch. para. 4(3)(c)** (with art. 1(3))

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

- C1** S. 13 amended by Post Office Act 1969 (c. 48), **Sch. 4 para. 93(4)**
- C2** S. 13 modified by British Telecommunications Act 1981 (c. 38, SIF 96), s. 87, **Sch. 3 para. 12(a)** and Civil Aviation Act 1982 (c. 16, SIF 9), s. 19, **Sch. 2 para. 5**
- C3** S. 13(except subsection (7): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)
- S. 13 (except subsection (7): certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)
- S. 13 modified (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 4(2)** (with s. 106); S.I. 2001/869, **art. 2**

#### Marginal Citations

- M1** 1974 c. 37.
- M2** 1971 c. 78.
- M3** 1972 c. 52.

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#### **14 Compensation in respect of compulsory rights orders.**

- (1) If a person entitled to an interest in land which comprises, or is held with, land to which a compulsory rights order applies, being an interest subsisting at the time when the order was made, proves that the value of his interest is depreciated by reason of the making of the order, the person in whose favour the order was made shall pay him compensation equal to the amount of the depreciation.
- (2) Where in consequence of the exercise of any right conferred by a compulsory rights order a person 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 in whose favour the order was made or, where the owner of the pipe-line is not that person and the right in consequence of the exercise of which the loss was suffered was exercised by that owner, from that owner.

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