

SCHEDULES

FIRST SCHEDULE

Sections 1, 3 and 47.

APPLICATIONS FOR GRANT OF PIPE-LINE CONSTRUCTION AND DIVERSION AUTHORISATIONS

PART I

APPLICATIONS FOR GRANT OF PIPE-LINE CONSTRUCTION AUTHORISATIONS

- 1 An application for the grant of a pipe-line construction authorisation must be made to the Minister in writing and must—
 - (a) state the name and address of the person who will be the owner of the proposed pipe-line ;
 - (b) specify the points between which the proposed pipe-line is to run and be accompanied by three copies of a map (whereof the scale shall be not less than that of six inches to the mile) on which is delineated the route between those points which, subject to lateral deviation therefrom within such limits (if any) as may be specified in the authorisation, it is to take ;
 - (c) state whether or not the grant of any rights or the giving of any street or river works consents is requisite to enable the proposed pipe-line to be constructed and to be, during the period during which it may reasonably be expected to remain, inspected, maintained, adjusted, repaired and renewed and, if it be the case that the grant of any rights or the giving of any such consents is requisite for that purpose, specify the rights and consents the grant or giving of which is so requisite and state, with respect to each of them, whether the grant or giving thereof has been, or can be, obtained ;
 - (d) state what is proposed to be conveyed in the proposed pipe-line ;
 - (e) contain such other (if any) particulars as may be prescribed.
- 2 Where an application for the grant of a pipe-line construction authorisation is duly made to the Minister, he shall take it into consideration and shall give notice to the applicant of his decision either that he refuses to grant the application or that the application is (without prejudice, however, to subsequent refusal thereof in the exercise of his discretion) to be allowed to proceed.
- 3 (1) Where an applicant for the grant of a pipe-line construction authorisation is given notice under the last foregoing paragraph that his application is to be allowed to proceed, compliance with the following requirements shall be a condition precedent to the taking by the Minister of further steps in the matter of the application, namely.
 - (a) there must be published by the applicant in the Gazette and thereafter also in such other manner as the Minister may direct (being the manner appearing to him to be best calculated for informing persons inhabiting land in the vicinity of the route to be taken by the proposed pipeline) a notice stating that application has been made to the Minister for the grant of the authorisation, naming a place where a copy of the map that accompanied the application

- can be inspected and stating the time (not being less than twenty-eight days from the date of the happening of the relevant event) within Which, and the manner in which, objections to the application can be sent to the Minister ;
- (b) a like notice must be served by the applicant on every local planning authority in whose area any part of the route of the proposed pipe-line will lie and on such (if any) other persons as may be specified by the Minister.
- (2) In the foregoing sub-paragraph " relevant event" means, in relation to a notice published in compliance with the requirement of head (a), the publication or first publication of the notice in the manner directed by the Minister, and, in relation to a notice served in compliance with the requirement of head (b), the service of the notice, and " the Gazette " means—
- (a) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying wholly in England and Wales, the London Gazette ;
- (b) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying wholly in Scotland, the Edinburgh Gazette ;
- (c) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying partly in England and Wales and partly in Scotland, the London Gazette and the Edinburgh Gazette.
- 4 (1) Where the proper notices concerning an application for the grant of a pipe-line construction authorisation have been published and served under the last foregoing paragraph, and an objection to the application is duly made by a local planning authority within whose area the route to be taken by the proposed pipe-line or any part thereof will lie, and is not withdrawn, the Minister shall in no event grant the application without causing a public inquiry to be held with respect to the objection and considering the report of the person who held it; and where such notices as aforesaid have been so published and served and an objection to the application is duly made by a person other than a local planning authority, and is not withdrawn, the Minister shall in no event grant the application without either causing a public inquiry to be held with respect to the objection and considering the report of the person who held it or affording to the person making the objection an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose and considering the report of the person so appointed.
- (2) The Minister may, if he thinks fit, cause a public inquiry to be held with respect to an application for the grant of a pipe-line construction authorisation notwithstanding that no objection to the application has been duly made by a local planning authority or that every objection duly so made has been withdrawn.
- 5 Where the Minister refuses an application for (the grant of a pipe-line construction authorisation, he shall give to the applicant a written statement of his reasons for so doing.
- 6 (1) A pipe-line construction authorisation may authorise the execution of works for the placing of the proposed pipe-line along the route delineated on the map whereof copies accompanied the application for the grant of the authorisation or along a modified route, but shall not authorise the execution of works for the placing of it along a modified route unless the Minister is satisfied that full opportunity for objection to departure from the route delineated as aforesaid has been afforded at a public inquiry.

- (2) A pipe-line construction authorisation may specify limits within which lateral deviation from the route to be taken by the proposed pipe-line is permissible.
- 7 There shall be annexed to every pipe-line construction authorisation a map (whereof the scale shall be not less than that of six inches to the mile) on which is delineated the route along which the proposed pipe-line is authorised to be placed by means of the execution of works whose execution is authorised by the authorisation.
- 8 In this (Part of this Schedule " local planning authority " means an authority which for the purposes of the Town and Country Planning Act, 1947, or the Town and Country Planning (Scotland) Act, 1947, is a local planning authority.

PART II

MODIFICATIONS SUBJECT TO WHICH PART I HAS EFFECT IN ITS APPLICATION TO APPLICATIONS FOR PIPE-LINE DIVERSION AUTHORISATIONS

- 9 The modifications subject to which Part I of this Schedule has effect as applied by subsection (4) of section three of this Act are the following :—
- (a) for references to a pipe-line construction authorisation there shall be substituted references to a pipe-line diversion authorisation ;
 - (b) the name and address required by sub-paragraph (a) of paragraph 1 shall, instead of being that therein specified, be that of the person who (according to the circumstances of the case) is or will be the owner of the pipe-line in question and sub-paragraph (d) of that paragraph shall be omitted ;
 - (c) for references to the proposed pipe-line there shall be substituted references to the portion of pipe-line to be diverted.