



Energy Act 2011

2011 CHAPTER 16

PART 3

MEASURES FOR REDUCING CARBON EMISSIONS

VALID FROM 21/03/2012

Carbon dioxide pipelines

108 Carbon dioxide pipelines: powers of compulsory acquisition

- (1) The Pipe-lines Act 1962 is amended as follows.
- (2) In section 12 (orders for compulsory acquisition of rights over land for pipe-line construction)—
 - (a) in subsection (1), for “the next following section” substitute “ section 13 ”;
 - (b) in subsections (2), (4), (5)(a) and (b), (5A) (in both places), (6) and (7), after “a compulsory rights order” insert “ under this section ”;
 - (c) in subsection (3), after “compulsory rights orders” insert “ under this section ”.
- (3) After section 12 insert—

*“Pipe-lines for Conveying Carbon Dioxide:
Compulsory Acquisition of Rights over Land*

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.

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Changes to legislation: There are currently no known outstanding effects for the Energy Act 2011, Cross Heading: Carbon dioxide pipelines. (See end of Document for details)

- (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).
- (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.

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(13) For the purposes of this section, “carbon dioxide” includes any substance consisting primarily of carbon dioxide.

Compulsory Rights Orders under Sections 12 and 12A: Supplementary Provisions”.

(4) In section 66 (general interpretation provisions), in subsection (1), in the definition of “compulsory rights order”, for “subsection (1) of section twelve” substitute “ sections 12(1) and 12A(3) ”.

(5) In Schedule 2—

(a) in the shoulder reference, after “12,” insert “ 12A, ”;

(b) in paragraph 10(1), for “subsection (3) of section twelve of this Act” substitute “ sections 12(3) and 12A(6) ”.

(6) In Schedule 4, in the shoulder reference, for “Section 12” substitute “ Sections 12 and 12A ”.

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