



Pipe-lines Act 1962

1962 CHAPTER 58

Avoidance of Damage to Pipe-lines by Buildings, &c

- 27 Power of the Minister, where pipe-line imperilled by building or structure, to order demolition thereof or execution of remedial works**
- (1) If, without the consent of the Minister, a person so erects or constructs a building or structure that a part of it is situate less than ten feet 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 subsections (2) to (5) of this section shall have effect, except in a case where subsection (6) thereof applies.
 - (2) The Minister 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 twenty-one 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 him, 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 the question aforesaid into consideration, the Minister 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, he 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 two months from the date on which the order becomes operative; and if he does so, shall serve a copy of the order upon the owner or owners of the building or structure.
 - (4) If, after taking the question aforesaid into consideration, the Minister 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), he may make an order requiring the execution thereto of such works as may be specified in the order, and if he does so, shall serve a copy of the order upon the owner or owners of the building or structure.

- (5) If, after taking the question aforesaid into consideration, the Minister 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, he may make an order requiring the execution thereto of such works as may be specified in the order, and if he does so, shall serve a copy of the order on the owner of the pipe-line.
- (6) Subsections (2) to (5) of this section shall not have effect in the case of a building or structure forming part of a pipeline or erected or constructed for the lodging therein of part of a pipe-line, being a building or structure no part of which is situate less than ten feet from a point on the surface of land whose position is vertically above a part of another pipe-line below the surface or in the case of a building or structure in which a pipe-line or any part of a pipe-line is terminated.

28 Time of operation and effect of demolition order

- (1) A demolition order made under subsection (3) of the last foregoing section in respect of any building or structure shall become operative upon the service of a copy thereof on the owner of the building or structure.
- (2) The owner of any building in respect of which a demolition order is made as aforesaid shall carry out the demolition provided for by the order before the expiration of six weeks from the date on which the order becomes operative or, if the building, or such part thereof as is required to be vacated, is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Minister deems reasonable, and if the demolition is not so carried out the Minister may enter and carry out the demolition and, where he does so, he shall sell the materials rendered available thereby.
- (3) The owner of any structure in respect of which a demolition order is made as aforesaid shall carry out the demolition provided for by the order before the expiration of six weeks from the date on which the order becomes operative or before the expiration of such longer period as in the circumstances the Minister deems reasonable, and if the demolition is not so carried out the Minister may enter and carry out the demolition and, where he does so, he shall sell the materials rendered available thereby.
- (4) Subsections (2) to (5) of section twenty-three of the Housing Act, 1957 (which provide for the recovery by a local authority of expenses incurred by them in demolishing premises in pursuance of a demolition order made under Part II of that Act and for the disposal of any surplus remaining in the hands of such an authority in consequence of demolishing premises in pursuance of such an order), shall apply in relation to any expenses incurred by the Minister under subsection (2) or (3) of this section and to any surplus remaining in his hands as they apply in relation to any expenses or surplus in a case where premises are demolished by a local authority in pursuance of such a demolition order as aforesaid, with the substitution, for references to the authority, of references to the Minister and, for references to the premises demolished under the said Part II, of references to the building or structure demolished under this section.
- (5) The last foregoing subsection shall not apply to Scotland, but in Scotland—
 - (a) any expenses incurred by the Minister under subsection (2) or (3) of this section, after giving credit for any amount realised by the sale of materials, may be recovered by him from the owner of the building or structure

demolished or, if there is more than one owner, from the owners thereof in such shares as the sheriff may determine to be just and equitable; and any owner who pays to the Minister the full amount of his claim may recover from any other owner such contribution, if any, as the sheriff may determine to be just and equitable;

- (b) any surplus in the hands of the Minister shall be paid by him to the owner of the building or structure demolished, or, if there is more than one owner, shall be paid as those owners may agree or, in default of agreement, as the sheriff may determine to be just and equitable;
- (c) the sheriff within whose jurisdiction the building or structure demolished is situated shall have jurisdiction to hear and determine any proceedings under paragraph (a) or (b) of this subsection ; and in determining for the purposes of this section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of any building or structure, the sheriff shall have regard to their respective interests in the building or structure, their respective obligations and liabilities in respect of maintenance and repair under any agreement, whether express or implied, and all the other circumstances of the case.

29 Execution of remedial works by the Minister in default of compliance with order to execute them, and recovery of expenses incurred in executing such works

- (1) If a person on whom an order is served under subsection (4) or (5) of section twenty-seven of this Act fails, before the expiration of six weeks from the date on which the order was served, or such longer period as the Minister may on his application allow, to execute the works specified in the order, the Minister may enter and execute the works.
- (2) Where works for the safeguarding of a pipe-line are executed—
 - (a) in pursuance of the foregoing subsection in default of compliance with such an order as is therein mentioned, or
 - (b) in compliance with an order under the said subsection (5),the expenses reasonably incurred by the Minister or owner of the pipe-line, as the case may be in executing the works may be recovered by him from the owner of the building or structure the erection or construction of which was the cause of the making of the order or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and equitable; and an owner of the building or structure who pays to the Minister or owner of the pipe-line the full amount of his claim may recover from any other owner of the building or structure such contribution, if any, as the judge may determine to be just and equitable.
- (3) The county court within whose jurisdiction the building or structure is situated shall have jurisdiction to hear and determine any proceedings under the last foregoing subsection; and in determining for the purposes of that subsection the shares in which any expenses shall be paid or contributed by two or more owners of any building or structure, a county court judge shall have regard to their respective interests in the building or structure and all the other circumstances of the case.
- (4) In the application of this section to Scotland, for references to a county court or a county court judge there shall be substituted references to the sheriff.

30 Recovery of possession of building or part of building to be demolished

- (1) Section seventy-three of the Housing Act, 1957 (which provides for the recovery of possession of a building to be demolished in pursuance of a demolition order made under Part III of that Act), shall have effect for the purpose of enabling the demolition provided for by an order under subsection (3) of section twenty-seven of this Act to be carried out as it has effect for the purpose of enabling the demolition provided for by an order under the said Part III to be carried out, with the substitution, for references to a demolition order under that Part, of references to a demolition order under the said subsection (3) and, for references to the local authority, of references to the Minister.
- (2) In the application of this section to Scotland, for references to section seventy-three of the said Act of 1957 and to Part III of that Act there shall be substituted references to section one hundred and fifty-seven of the Housing (Scotland) Act, 1950, and to Part II of that Act.

31 Power of the Minister to remove deposits imperilling pipeline

- (1) If, without the consent of the Minister, a person so deposits any earth, refuse, spoil or other materials that any of the materials deposited are situate less than ten feet from a point on the surface of land whose position is vertically above a part of a pipe-line below the surface, then, unless the materials were deposited for the purposes or in the course of agricultural operations (not being operations for the storage of crops, grass or silage), or in the course of executing code-regulated works within the meaning of the Public Utilities Street Works Act, 1950, the Minister may enter and remove the materials deposited and may recover the expenses reasonably incurred by him in so doing from the owner of the land on which the materials were deposited or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and equitable.
- (2) An owner of land who pays to the Minister the full amount of a claim by him under the foregoing subsection may recover from any other owner of the land such contribution, if any, as the judge may determine to be just and equitable.
- (3) The county court within whose jurisdiction the land is situated shall have jurisdiction to hear and determine any proceedings under subsection (1) or (2) of this section; and in determining for the purposes of either of those subsections the shares in which any expenses shall be paid or contributed by two or more owners of any land, a county court judge shall have regard to their respective interests in the land and all the other circumstances of the case.
- (4) In the application of this section to Scotland, for references to a county court or a county court judge there shall be substituted references to the sheriff.

32 Compensation in respect of restrictions under sections 27 and 31

- (1) Where works for the construction of a pipe-line have been executed (whether before or after the coming into operation of this section) and the value of an interest in land is depreciated in consequence of restrictions taking effect by virtue of subsection (1) of section twenty-seven of this Act or subsection (1) of section thirty-one thereof, being an interest subsisting at the time when those restrictions take effect as respects that land, then, subject to the provisions of the following subsection, there shall be payable in respect of that interest by the owner of the pipe-line compensation of an amount equal to the amount of the depreciation.

- (2) The foregoing subsection shall not apply—
- (a) where land is acquired, whether compulsorily or by agreement, for the purpose of placing therein a length of pipe-line, to land which, immediately before the acquisition, comprised or was held with the land so acquired;
 - (b) to land comprising or held with land over which a right to place therein a length of pipe-line has been acquired, whether compulsorily or by agreement (otherwise than by virtue of the acquisition of the land).