



Pipe-Lines Act 1962

1962 CHAPTER 58 10 and 11 Eliz 2

Control of Construction of Pipe-lines

1 Cross-country pipe-lines not to be constructed without the Minister's authority.

- (1) It shall not be lawful for works to be executed in land for the construction of a cross-country pipe-line except under an authorisation in that behalf (in this Act referred to as a “pipe-line construction authorisation”) granted by the Minister, or otherwise than along the route delineated on the map annexed to the authorisation or within such limits of lateral deviation from that route as may be specified in the authorisation, or (except with the consent of the Minister) by a person other than the one named in the application for the authorisation as he who will be the owner of the line; and if works are executed in contravention of this subsection, the person executing them shall be liable, on summary conviction, to a fine not exceeding [^{F1}level 3 on the standard scale].

[^{F2}(1ZA) Subsection (1) is subject to section 33(1) of the Planning Act 2008 (exclusion of requirement for other consents for development for which development consent required).]

[^{F3}(1A) For the purposes of this section—

- (a) the construction of a diversion to a pipe-line shall be treated as the construction of a separate pipe-line, and
- (b) if the diversion is to a [^{F4}nationally significant pipe-line] but the length of that pipe-line which is being diverted has not been constructed, the construction of the diversion shall be treated as the construction of a cross-country pipe-line whatever the length of the diversion.]

[^{F5}(1B) For the purposes of subsection (1A), a pipe-line is a nationally significant pipe-line if—

- (a) its construction has been authorised by a pipe-line construction authorisation, or
- (b) development consent under the Planning Act 2008 is required for its construction by virtue of section 14(1)(g) of that Act, and has been granted.]

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- (2) The Minister, on an application for a pipe-line construction authorisation, shall have power in his discretion to grant the application or to refuse it.
- (3) The provisions of Part I of the First Schedule to this Act shall have effect with respect to the making of applications for pipe-line construction authorisations, for the purpose of securing that opportunities are afforded for the making of objections to such applications and to any modifications subject to which they may be granted and with respect to other related matters therein mentioned.
- (4) If, after a pipe-line construction authorisation has been granted, the execution of the works whose execution is authorised thereby has not been substantially begun at the expiration of twelve months from the date on which it was granted, or at the expiration of any extension of that period which the Minister may allow, the authorisation shall become of no effect, except as regards works previously executed.
- (5) The Minister shall not allow any extension under the last foregoing subsection of the time within which the execution in any land of the works whose execution is authorised by a pipe-line construction authorisation must be begun unless he is satisfied that notice of the making of the application for the extension has been given to and that sufficient time has elapsed to allow every person to whom the notice was given an opportunity of making to the Minister written objection to the application.
- [^{F7}(6) A person falls within this subsection if he is—
- (a) an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;
 - (b) a person to whom the applicant would, if it were proceeding to purchase that land under section 5(1) of the Compulsory Purchase Act 1965, be required to give notice to treat, or
 - (c) a person who the applicant thinks would be likely to be entitled to make a claim for compensation under section 10 of that Act if that land were purchased under a compulsory purchase order, so far as he is known to the applicant after making diligent inquiry.]

Textual Amendments

- F1** 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
- F2** S. 1(1ZA) inserted (1.3.2010) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 2 para. 6(2)** (with s. 226); S.I. 2010/101, art. 2 (with art. 6)
- F3** S. 1(1A) inserted (3.4.1999) by S.I. 1999/742, art. 2, **Sch. para. 2(2)**
- F4** Words in s. 1(1A)(b) substituted (1.3.2010) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 2 para. 6(3)** (with s. 226); S.I. 2010/101, art. 2 (with art. 6)
- F5** S. 1(1B) inserted (1.3.2010) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 2 para. 6(4)** (with s. 226); S.I. 2010/101, art. 2 (with art. 6)
- F6** Words in s. 1(5) 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(1)(a)** (with art. 1(3))
- F7** S. 1(6) 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(1)(b)** (with art. 1(3))

Modifications etc. (not altering text)

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

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C2 S. 1 modified (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\)](#), regs. 1, **19(1)**

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Textual Amendments

F8 S. 2 repealed (3.4.1999) by [S.I. 1999/742](#), arts. 1, 2, **Sch. para. 1(1)** (with art. 3)

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Textual Amendments

F9 S. 3 repealed (3.4.1999) by [S.I. 1999/742](#), art. 2, **Sch. para. 2(1)**

4 Power of the Minister to secure the removal of works executed in contravention of section 1.

- (1) If works are executed in land in contravention of subsection (1) of section one of this Act ^{F10} . . . , the Minister may serve on the person who executed them a notice requiring him to remove them.
- (2) If a person on whom a notice is served under the foregoing subsection fails, before the expiration of six weeks from the date on which the notice was served, or such longer period (not exceeding twelve months from that date) as the Minister may on his application allow, to comply with the requirement imposed by the notice, the Minister may enter and remove the works in question and may recover from the person in default, in any court of competent jurisdiction, the expenses reasonably incurred by the Minister in so doing.
- (3) A person shall not begin to remove any works in any land in compliance with a notice under subsection (1) of this section, and the Minister shall not enter, or begin to remove any works in, any land in exercise of the power conferred on him by the last foregoing subsection, except after seeking consultation with .

[^{F12}(3A) A person falls within this subsection if he is—

- (a) an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;
- (b) a person to whom the applicant would, if it were proceeding to purchase that land under section 5(1) of the Compulsory Purchase Act 1965, be required to give notice to treat, or
- (c) a person who the applicant thinks would be likely to be entitled to make a claim for compensation under section 10 of that Act if the land were purchased under a compulsory purchase order, so far as he is known to the applicant after making diligent inquiry.]

- (4) Where, in consequence of compliance with a requirement to remove any works imposed by a notice under subsection (1) of this section or of the exercise of the power to enter and remove any works conferred by subsection (2) thereof, a person, other than the person who executed the works, suffers loss by reason of damage to,

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or disturbance in the enjoyment of, any land or chattels, he shall be entitled, where the loss was suffered in consequence of such compliance, to compensation in respect of that loss from the person who executed the works, or, where the loss was suffered in consequence of the exercise of that power, to compensation in respect of that loss from the Minister; and the Minister may recover from the person who executed the works, in any court of competent jurisdiction, the amount of any compensation paid by the Minister under this subsection.

- (5) The service of a notice under subsection (1) of this section in consequence of a contravention of [F13 subsection (1) of section one of this Act] shall be without prejudice to the taking of proceedings under [F13 that subsection] in respect of the contravention.

Textual Amendments

- F10** Words in s. 4(1) omitted (3.4.1999) by virtue of S.I. 1999/742, art. 2, **Sch. para. 1(2)**
- F11** Words in s. 4(3) 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(2)(a)** (with art. 1(3))
- F12** S. 4(3A) 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(2)(b)** (with art. 1(3))
- F13** Words in s. 4(5) substituted (3.4.1999) by S.I. 1999/742, arts. 1, 2, **Sch. para. 1(3)** (with art. 3)

Modifications etc. (not altering text)

- C3** S. 4: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)
S. 4: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)
- C4** S. 4 modified (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\)](#), regs. 1, **19(1)**

5 Provisions with respect to planning permission concerning pipe-lines.

- (1) Upon granting a pipe-line construction^{F14} . . . authorisation or serving a notice under the last foregoing section the Minister may direct that, in so far as the execution of the works whose execution is authorised by, or by virtue of, the authorisation, or any change in the use of land which is involved in the execution of those works, constitutes development within the meaning of [F15 the^{M1} Town and Country Planning Act 1971], or, as the case may be, in so far as the removal of the works required by the notice to be removed, or any change in the use of land which is involved in the removal, constitutes such development, permission for that development shall be deemed to be granted under Part III of that Act, subject to such (if any) conditions as may be specified in the directions, being conditions of a kind that could have been imposed by [F16 the Secretary of State] had the permission been granted by him on an application referred to him under section fifteen of that Act.
- (2) For the purposes of the said [F15 Act of 1971], the execution of works for the purpose of inspecting, maintaining, adjusting, repairing, altering or renewing a pipe-line (including the breaking open of any street or other land for that purpose) shall be deemed not to involve the development of land.
- (3) In the application of this section to Scotland, for references to the said [F15 Act of 1971], to Part III of that Act and to [F15 section 35] thereof there shall be substituted respectively references to [F17 the^{M2} Town and Country Planning (Scotland) Act 1972, to Part III of that Act and to section 32 thereof], and for the references to the Minister of

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Housing and Local Government there shall be substituted references to the Secretary of State.

Textual Amendments

- F14** Words in s. 5(1) omitted (3.4.1999) by S.I. 1999/742, art. 2, **Sch. para. 2(3)**
- F15** Words substituted by virtue of **Town and Country Planning Act 1971 (c. 78)**, **Sch. 24** para. 2
- F16** Words substituted by virtue of S.I. 1970/1681, **arts. 2(1)**, 6(3)
- F17** Words substituted by virtue of **Town and Country Planning (Scotland) Act 1972 (c. 52)**, **Sch. 22 para. 2**

Modifications etc. (not altering text)

- C5** S. 5: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)
S. 5: certain functions exercisable (30.6.1999) by S.I. 1999/1756, arts. 1, 2, **Sch. para. 1** (with art. 8)

Marginal Citations

- M1** 1971 c. 78.
- M2** 1972 c. 52.

6 Power of the Minister to direct that section 1, instead of section 2, shall apply to local pipe-lines.

- (1) The Minister shall have power (exercisable by statutory instrument) by order to direct—
 - (a) that section one of this Act shall, ^{F18} . . . apply to works for the construction of local pipe-lines of a class specified in the order (other than pipe-lines for whose construction works have lawfully been begun, or might lawfully have been begun, before the date on which the order comes into operation) as it applies to works for the construction of cross-country pipe-lines; or
 - (b) that section one of this Act shall, ^{F18} . . . apply to works for the construction of local pipe-lines any part of the route taken by which lies within an area specified in the order or within an area of such class as is so specified (other than pipe-lines for whose construction works have lawfully been begun, or might lawfully have been begun, before the date on which the order comes into operation) as it applies to works for the construction of cross-country pipe-lines.
- (2) No order shall be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

Textual Amendments

- F18** Words in s. 6(1)(a)(b) omitted (3.4.1999) by virtue of S.I. 1999/742, art. 2, **Sch. para. 1(4)**

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Textual Amendments

- F19** S. 7 repealed (3.4.1999) by S.I. 1999/742, **arts. 1, 2**, Sch. para. 3 (with para. 3)

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Textual Amendments

F20 S. 8 repealed (3.4.1999) by [S.I. 1999/742](#), arts. 1, 2, [Sch. para. 5](#)

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