



# Pipe-lines Act 1962

## 1962 CHAPTER 58

### *Supplementary Provisions*

#### **42 Inspectors**

- (1) The Minister may appoint as inspectors to assist him in the execution of this Act such number of persons appearing to him to be qualified for the purpose as he may from time to time consider necessary or expedient and may make to or in respect of any person so appointed such payments, by way of remuneration or allowances or otherwise, as the Minister may, with the approval of the Treasury, determine.
- (2) An inspector shall, for the purpose of the execution of this Act, have power (subject to production, if so requested, of written evidence of his authority), to do all or any of the following things, that is to say:—
  - (a) at all reasonable times to carry out such inspections and tests of the whole or any part of a pipe-line and to take such samples of any thing in a pipe-line as he may consider necessary or expedient;
  - (b) at all reasonable times to carry out such inspections of any pipe-line works as he may consider necessary or expedient;
  - (c) in order to get to a pipe-line or the site of any pipe-line works for the purpose of an exercise of the power conferred by either of the foregoing paragraphs, or to get from a pipe-line or any such site after an exercise of that power, to enter any land adjacent to the line or site;
  - (d) to require the production of, and to inspect, any documents which are in the possession or under the control of the owner of a pipe-line or a person who is executing pipe-line works and relate, as the case may be, to the use of the line or the execution of the works;
  - (e) to require any person having responsibilities in relation to a pipe-line or to the execution of pipe-line works to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise the power conferred by paragraph (a) or (b) of this subsection.
- (3) A person who—

- (a) fails to comply with a requirement imposed under this section by an inspector ;  
or
  - (b) obstructs an inspector in the exercise of powers conferred by this section ;
- shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

#### **43 Preservation of amenity**

Where—

- (a) a person is formulating proposals for the execution of pipe-line works, or
- (b) the Minister is considering any such proposals, whether in relation to the grant of a pipe-line construction or diversion authorisation or the imposition of conditions under section five of this Act,

that person or the Minister, as the case may be, having regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographic features of special interest, and of protecting buildings and other objects of architectural or historic interest, shall take into account any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, buildings or objects, and in so doing shall have particular regard to the desirability of ensuring that things constructed in the course of the execution of the proposed works are kept below ground so far as that is practicable.

#### **44 Protection of water against pollution**

The Minister, in order to determine whether to exercise any of his powers under this Act and in what manner should be exercised any of those powers which he has determined to exercise, shall have constant regard to the need of protecting against pollution any water, whether on the surface or underground, which belongs to any statutory water undertakers or local water authority or which they are for the time being authorised to take.

#### **45 Obligation to restore agricultural land**

- (1) A person executing pipe-line works in agricultural land shall be under obligation to secure, so far as is practicable, that upon the completion of the works the land is so restored as to be fit for use for the purpose for which it was used immediately before the execution of the works was begun.
- (2) If a person executing pipe-line works in agricultural land fails to satisfy an obligation to which he is subject by virtue of the foregoing subsection, a person entitled to an interest in the land may, subject to the next following subsection, if he himself so restores the land as aforesaid, recover, in any court of competent jurisdiction, the expenses reasonably incurred by him in so doing from the first-mentioned person.
- (3) The right conferred by the last foregoing subsection on a person entitled to an interest in land in the case of any such failure as aforesaid shall be alternative to any right to compensation under any other of the foregoing provisions of this Act in respect of loss suffered by that person by reason of damage to that land in consequence of that failure.

#### **46 Penalties for uttering false documents and giving false information**

A person who—

- (a) sends to the Minister an application for the grant of a pipe-line construction or diversion authorisation or the making of a compulsory purchase or rights order or a notice for the purposes of subsection (1) of section two of this Act or paragraph (b) of subsection (1) of section three thereof, being an application or notice which he knows to be false in a material particular, or recklessly sends to the Minister such an application which is so false or such a notice which is so false ; or
- (b) in purported compliance with section thirty-three, thirty six or thirty-eight of this Act gives a notice which he knows to be false in a material particular or recklessly gives notice which is so false ; or
- (c) in purported compliance with paragraph (b) of subsection (1) of section eight of this Act, subsection (1), (2) or (3) of section thirty-five thereof or subsection (2) of section thirty-seven thereof sends, deposits or furnishes a document which he knows to be false in a material particular or gives any information which he knows to be so false or recklessly sends, deposits or furnishes a document which is so false or recklessly gives any information which is so false;

shall be guilty of an offence and shall be liable—

- (i) 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;
- (ii) 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.

#### **47 Provisions as to inquiries and hearings**

(1) Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which provides for the holding of inquiries for the purposes of that Act), shall apply to a public inquiry caused by the Minister to be held in England or Wales under any provision of this Act (except section thirty-four thereof) as they apply to an inquiry held under the said section two hundred and ninety, subject to the following modifications, namely.—

- (a) for references to a department, there shall be substituted references to the Minister ;
- (b) subsection (4) shall have effect as if references therein to the payment of costs by a local authority not being a party to the inquiry had been omitted;

and subsections (4) and (5) of the said section two hundred and ninety shall, with the like modifications, apply in relation to any hearing caused by the Minister to take place in England or Wales in pursuance of any provision of this Act (otherwise than by way of public inquiry or under the said section thirty-four) as if the hearing were a public inquiry caused by the Minister to be held as aforesaid.

(2) Subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947 (which relates to local inquiries), shall apply to a public inquiry caused by the Minister to be held in Scotland under any provision of this Act (except section thirty-four thereof) as they apply to a public inquiry held under the said section three hundred and fifty-five, subject to the following modification, namely, that subsection (8) shall have effect as if references therein to the payment of expenses by a local authority not being a party to the inquiry had been omitted ; and subsections (8) and (9) of the said section three hundred and fifty-five shall, with (in the case of subsection (8)) the like modification, apply in relation to any hearing caused by the

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*Status: This is the original version (as it was originally enacted).*

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Minister to take place in Scotland in pursuance of any provision of this Act (otherwise than by way of public inquiry or under the said section thirty-four) as if the hearing were a public inquiry caused by the Minister to be held as aforesaid.

- (3) It shall not be open to a person to impugn the validity of a pipe-line construction or diversion authorisation on the ground that an inquiry or hearing under the First Schedule to this Act with respect to an objection to the application for the grant of the authorisation was combined with an inquiry or hearing under the Second Schedule to this Act with respect to an objection to an application made, by the applicant for the grant of the authorisation, for a compulsory purchase order or compulsory rights order, or to impugn the validity of a compulsory purchase order or compulsory rights order on the ground that an inquiry or hearing under the Second Schedule to this Act with respect to an objection to the application for the order was combined with an inquiry or hearing under the First Schedule to this Act with respect to an objection to an application made, by the applicant for the order, for the grant of a pipe-line construction or diversion authorisation.

#### **48 Determination by Lands Tribunal of questions as to compensation**

Any question with regard to a person's entitlement to compensation under the foregoing provisions of this Act or the amount of compensation to which a person is entitled under those provisions shall, in default of agreement, be determined by the Lands Tribunal.

#### **49 Service of documents**

- (1) Any document required or authorised by this Act to be given to or served on any person may be given or served either by delivering it to that person, or by leaving it at his proper address, or by the recorded delivery service.
- (2) Any such document required or authorised to be given to or served on an authority or body being a corporation shall be duly given or served if it is given to or served on the secretary or clerk of the authority or body.
- (3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, in its application to this section the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, and in any other case be the last-known address of the person to be served:

Provided that, where the person to or on whom the document is to be given or served has, in accordance with arrangements agreed, furnished an address for the giving or service of the document, being an address in the United Kingdom, his proper address for the purposes aforesaid shall be the address furnished.

- (4) If the name or the address of any owner, lessee or occupier of land to or on whom any such document as aforesaid is to be given or served cannot after reasonable inquiry be ascertained by the authority, body or person seeking to give or serve the document, the document may be given or served by addressing it to the person to or on whom it is to be given or served by the description of " owner ", " lessee " or " occupier " of the land (describing it) to which the document relates, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

## **50 Provisions as to requirements and prohibitions imposed under this Act**

Any power, exercisable by notice, conferred by this Act on the Minister to impose a requirement or prohibition shall be construed as including a power, exercisable in the like manner, to vary or revoke the requirement or prohibition.

## **51 Provisions as to ecclesiastical property**

- (1) Where under this Act a document is required to be served on an owner of land, and the land is ecclesiastical property, a copy of the document shall be served on the Church Commissioners, and where under this Act the seeking of consultation with an owner of land is requisite, and the land is ecclesiastical property, the seeking of consultation with the Church Commissioners shall be requisite also.
- (2) Where the fee simple in any ecclesiastical property is in abeyance, it shall be treated for the purposes of an application for a compulsory purchase or rights order in which the property is proposed to be comprised, and of a compulsory purchase of the property in pursuance of a compulsory purchase order, as being vested in the Church Commissioners, and (in the case of a compulsory purchase) any notice to treat shall be served accordingly.
- (3) Any compensation falling to be paid under the foregoing provisions of this Act in respect of damage to land that is ecclesiastical property shall, to the extent to which it is payable to the owner of the fee simple in the land, be paid (where the fee simple is vested in any person other than the Church Commissioners) to them, instead of to that person, and any compensation falling to be paid under those provisions in respect of the depreciation of the fee simple in land that is ecclesiastical property shall (where the fee simple is vested in a person other than the Church Commissioners) be paid to them instead of to the person in whom the fee simple is vested.
- (4) Any sums agreed upon or awarded for the purchase, in pursuance of a compulsory purchase order, of the fee simple in land that is ecclesiastical property, or to be paid by way of compensation for damage sustained by reason of severance or injury affecting such land (being severance or injury arising from the purchase of land in pursuance of such an order), shall, instead of being paid as provided by the Lands Clauses Acts, be paid to the Church Commissioners.
- (5) Any sums paid under either of the two last foregoing subsections to the Church Commissioners with reference to any land shall, if the land is not consecrated, be applied by them for the purposes for which the proceeds of a sale by agreement of the fee simple in the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale, and if the land is consecrated, be applied by them in such manner as they may determine.
- (6) In this section the expression "ecclesiastical property" means land belonging to an ecclesiastical benefice of the Church of England, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese of the Church of England or the site of a church so subject, or being or forming part of a burial ground so subject.

## **52 Reckoning of periods**

For the purposes of this Act in reckoning any period which is therein expressed to be a period before or from a given date, that date shall be excluded.

### **53 Regulations**

- (1) The Minister may make regulations for any purpose for which provision is by this Act authorised to be made by regulations and for prescribing anything which by this Act is required or authorised to be prescribed.
- (2) The power conferred by the foregoing subsection shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **54 Offences by corporations**

- (1) Where a body corporate is guilty of an offence under any of the provisions of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In this section, the expression "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

### **55 Modification of Statutory Orders (Special Procedure) Act, 1945, in its application to certain orders under this Act**

The Statutory Orders (Special Procedure) Act, 1945, shall, in its application to an order to which it applies by virtue of subsection (5) of section eleven, or subsection (7) of section twelve, of this Act (not being an order that relates only to land in Scotland) have effect as if—

- (a) the proviso to subsection (1) of section four of that Act were omitted; and
- (b) for the proviso to subsection (2) of section four of that Act (which, in a case where no resolution that an order be annulled has been passed, precludes the reference to a joint Committee of both Houses of a petition of general objection unless either House has ordered that the petition be so referred), there were substituted the following proviso:—

“Provided that where any petition so certified has been certified as a petition of general objection, that petition shall not stand so referred if, during the resolution period, either House has resolved that the petition be not so referred”.

### **56 Access to pipe-lines by customs officers**

- (1) Where the thing conveyed by a pipe-line is chargeable with a duty of customs or excise which has not been paid, a person commissioned by the Commissioners of Customs and Excise may, in order to get to the line for the purpose of exercising in relation to that thing any power conferred by or under the Customs and Excise Act, 1952, or to get from the line after an exercise of any such power, enter any land adjacent to the line.
- (2) Section ten (obstruction of officers, etc.) of the Customs and Excise Act, 1952, shall have effect as if the reference in paragraph (a) of subsection (1) thereof to any enactment relating to an assigned matter included a reference to this section.

**57 Amendment of section 3 of Mines (Working Facilities and Support) Act, 1923**

The reference, in paragraph (b) of subsection (2) of section three of the Mines (Working Facilities and Support) Act, 1923 (which subsection specifies ancillary rights that may be granted under that Act), to conveyance of minerals shall be construed as not including conveyance by means of a pipe.