
STATUTORY INSTRUMENTS

1974 No. 1986

HEALTH AND SAFETY

PIPE-LINES

**The Pipe-Lines Act 1962 (Repeals
and Modifications) Regulations 1974**

<i>Made</i>	- - - -	<i>27th November 1974</i>
<i>Laid before Parliament</i>		<i>9th December 1974</i>
<i>Coming into Operation</i>		<i>1st January 1975</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1) and (3)(a), 80(1) and 82(3)(a) of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) and of all other powers enabling him in that behalf, and after consultation with the Health and Safety Commission, being the only body which it appeared to him to be appropriate to consult, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pipe-lines Act 1962 (Repeals and Modifications) Regulations 1974 and shall come into operation on 1st January 1975.

(2) The Interpretation Act 1889 shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Repeals and modifications

2. In the Pipe-lines Act 1962 (“the 1962 Act”)—

- (a) the provisions mentioned in column 1 of Schedule 1 to these Regulations are hereby repealed to the extent specified in column 2 of that Schedule; and
- (b) the provisions mentioned in Schedule 2 to these Regulations shall have effect subject to the modifications specified in that Schedule.

References to inspectors

3. In any provision of an enactment, instrument or other document relating to the functions under a provision of the 1962 Act mentioned in Schedule 1 to the 1974 Act of an inspector appointed under the 1962 Act, references to such an inspector shall, except where the context otherwise requires

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or where the reference is otherwise expressly amended, be construed as references to an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act.

Supplemental

4.—(1) These Regulations shall not affect the validity of anything done under any provision of the 1962 Act repealed or modified by these Regulations before the coming into operation of these Regulations; and anything which at the coming into operation of these Regulations, is in process of being done for the purposes of a provision of that Act mentioned in Schedule 1 to the 1974 Act (including in particular any legal proceedings) by or in relation to—

- (a) an inspector appointed under the 1962 Act; or
- (b) the Secretary of State;

may so far as may be necessary for the purposes or in consequence of the provisions of these Regulations, be continued respectively by or in relation to—

- (a) an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act;
- (b) the Health and Safety Executive.

(2) Where any of the provisions repealed or modified by these Regulations prescribes a penalty for an offence of any kind, that penalty shall, notwithstanding these Regulations, continue to apply to offences of that kind committed before 1st January 1975.

Signed by order of the Secretary of State.

27th November 1974

Harold Walker
Joint Parliamentary Under Secretary of State
Department of Employment

SCHEDULE 1

Regulation 2(a)

REPEALS—PIPE-LINES ACT 1962

<i>Provision</i>	<i>Extent of Repeal</i>
Section 20.	In subsection (3), the words from “and shall be liable” to the end of the subsection.
Section 22.	In subsection (2), the words from “and a person” to the end of the subsection.
Section 23.	In subsection (4), the words from “and shall be liable” to the end of the subsection.
Section 24.	The whole section.
Section 26.	In subsection (2), the words from “and shall be liable” to the end of the subsection.
Section 34.	The whole section.
Section 46.	In paragraph (b) the word “thirty-three”.
Section 47.	In each of subsections (1) and (2), the words “(except section thirty-four thereof)” and the words “or under the said section thirty-four”.
Section 58.	In subsection (4), the words “subsection (1) of section twenty-four”, and the words “and forty-two”; and subsection (5).
Section 59.	In subsection (5), the words “subsection (1) of section twenty-four”, and the words “and forty-two”; and subsection (6).
Section 60.	In subsection (1), the words “and forty-two” and the words from “and references in subsection (1) of section twenty-four” to the end of the subsection; and, in subsection (2), the words from “the references in subsection (1) of section twenty-four” to “the said premises or the depot”.
Section 61.	The words “and forty-two”.
Section 66.	In subsection (1), the definition of “inspector”.
Schedule 5.	The whole schedule.

SCHEDULE 2

Regulation 2(b)

MODIFICATIONS—PIPE-LINES ACT 1962

1. In section 13(1), there shall be inserted after the words “this Act”, the words “or the Health and Safety at Work etc. Act 1974”.

2. Sections 20, 21, 22, 23, 26 and 33 shall have effect as if the references to the Secretary of State were references to the Health and Safety Executive.

3. For section 42, there shall be substituted the following section:—

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“42.—(1) The Secretary of State may appoint as inspectors to assist him in the execution of the provisions of this Act, other than provisions which are mentioned in Schedule 1 to the Health and Safety at Work etc. Act 1974, 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 Secretary of State may, with the approval of the Minister for the Civil Service, determine.

(2) An inspector so appointed may for that purpose exercise such of the powers set out in section 20(2) of the Health and Safety at Work etc. Act 1974 as are specified in his instrument of appointment (subject to production thereof, if so requested) and the provisions of sections 28 (restrictions on disclosure of information), 33 (offences) and 39 (prosecutions by inspectors) of that Act shall apply in the case of inspectors so appointed as they apply in the case of inspectors appointed under section 19 of that Act.”

EXPLANATORY NOTE

These Regulations contain repeals and modifications of provisions of the Pipe-lines Act 1962 which concerns the safety of pipe-lines and other matters relating to pipe-lines. They are made in consequence of the establishment on 1st January 1975 of the Health and Safety Executive and the coming into operation on that date of the provisions of the Health and Safety at Work etc. Act 1974 which supersede or affect provisions of the 1962 Act.

As respects provisions of the 1962 Act concerning the safety of pipe-lines, the Regulations—

- (a) transfer certain powers from the Secretary of State to the Health and Safety Executive;
- (b) transfer the functions of inspectors appointed under the 1962 Act to inspectors appointed by the Health and Safety Executive under the 1974 Act;
- (c) apply to certain offences under the 1962 Act committed on or after 1st January 1975 the penalties prescribed in the 1974 Act;
- (d) repeal or modify powers and provisions which are superseded or affected by powers and provisions contained in the 1974 Act, including in particular—
 - (i) powers to make regulations;
 - (ii) powers of inspectors;
 - (iii) provisions relating to inquiries.

They also provide for inspectors appointed under the 1962 Act to have, in relation to their functions under that Act concerning matters other than the safety of pipe-lines, the powers of inspectors appointed under the 1974 Act.