REQUISITIONED LAND AND WAR WORKS

[*See* also COMPENSATION (DEFENCE), p. 571 above.]

The Government Oil Pipe-Lines Regulations, 1948

1948 No. 542

Made - - - -	18*th March*, 1948
Laid before Parliament	18*th March*, 1948
Coming into Operation	20*th March*, 1948

The Lords Commissioners of His Majesty's Treasury, in pursuance of the powers conferred upon Them by Sections 13, 14 and 15 of the Requisitioned Land and War Works Act, 1948, and of all other powers enabling Them in that behalf, hereby make the following Regulations:—

1. These Regulations may be cited as the Government Oil Pipe-Lines Regulations, 1948, and shall come into operation on the twentieth day of March, 1948.

2.—(1) In these Regulations, unless the context otherwise requires:—

(i) the expression " the Act " means the Requisitioned Land and War Works Act, 1948(a);

(ii) the expression " the Minister " means the Minister of Works;

(iii) the expression " the said land " means the land affected by the maintenance or use of government oil pipe-lines and works accessory thereto;

(iv) the expression " works accessory thereto " means any apparatus appertaining to government oil pipe-lines, including marker posts, stiles, manholes, sluice valves, wash-outs, air valves and filters.

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

3.—(1) Subject as hereinafter provided, it shall be a condition of the payment of compensation under either sub-section (2) or sub-section (6) of Section 13 of the Act or under the last mentioned sub-section as applied by sub-section (2) of Section 15 of the Act, that a claim thereto shall be made to the Minister in the appropriate form as set out in Part I of the Schedule hereto,

(*a*) in the case of a claim to compensation under sub-section (2) of Section 13 of the Act, within the period commencing on the date on which these Regulations come into operation and ending on the 1st day of November, 1948;

(*b*) in the case of a claim to compensation under sub-section (6) of that Section as applied by sub-section (2) of Section 15 of the Act in connection with restoring land where a government oil pipe-line or works accessory thereto are abandoned, within the period of six months after notice of abandonment has been given pursuant to Regulation 6 of these Regulations;

(*c*) in any other case, within the period of fourteen days from the date on which the loss giving rise to the right to compensation was suffered.

(2) In any case in which the Minister is satisfied that there is reasonable ground for not making a claim within any such period as aforesaid, the Minister may from time to time extend the period within which a claim may be made under this Regulation on written application being made to him in that behalf and notwithstanding that the period has expired.

(a) 11 & 12 Geo. 6. c. 17. (b) 52 & 53 Vict. c. 63.

(3) Notwithstanding the provisions of paragraph (1) of this Regulation, the making of a claim pursuant to the provisions of that paragraph shall not be a condition of the payment of compensation under sub-section (2) of Section 13 of the Act in any case where, either before or after the passing of the Act, the Minister has agreed with the persons interested in the said land the amount of such compensation, and the Minister, after these Regulations come into operation and before the 1st day of July, 1948, shall have notified such person or persons in writing that he confirms the amount of such compensation.

4.—(1) Any dispute as to whether any compensation is payable pursuant to either sub-section (2) or sub-section (6) of Section 13 of the Act or pursuant to the last mentioned sub-section as applied by sub-section (2) of Section 15 of the Act or as to the amount of any compensation payable shall be referred to arbitration.

(2) Any dispute between the persons interested in the said land as to the shares in which any compensation payable under sub-section (2) of Section 13 of the Act shall be divisible among them shall be determined by arbitration between the persons interested in the said land.

5. It shall be a further condition of the payment of compensation under sub-section (2) of Section 13 of the Act that—

(i) there shall be endorsed on, or permanently annexed to, the last relevant document of title to interests in the said land, a memorandum in the form set out in Part II of the Schedule hereto; and

(ii) evidence thereof is furnished to the Minister in the form set out in Part III of the Schedule hereto within the period ending on the 30th day of September, 1949

Provided that this Regulation shall not apply to any case in which the Minister is satisfied that it is impracticable to comply therewith.

6.—(1) The Minister shall, as soon as may be after abandoning a government oil pipe-line or works accessory thereto, give notice of such abandonment to all persons known by him to be interested in the said land, and may, if he thinks fit, remove any parts of the line or works which are below the surface of the said land, and shall, subject as hereinafter provided, remove so much of the line or works where the same extend above the surface of the said land, and shall in either case restore the said land to the level thereof before the line or works were constructed Provided that, if the Minister, before giving notice of abandonment, shall have agreed in writing with the persons interested in the said land that on abandonment so much of the line or works as extend above the surface of the said land shall not be removed, the Minister shall pay compensation (to be determined, in default of agreement, by arbitration) for any diminution in value of the said land by reason of the line or works not being removed on abandonment.

(2) In the event of notice being given by the Minister of abandonment of a government oil pipe-line or works accessory thereto in accordance with paragraph (1) of this Regulation, the provisions of Sections 12 and 15 of the Act (otherwise than in respect of any outstanding claim for compensation) shall cease to operate, in a case where any restoration of the said land to its former level has already been carried out and it has been agreed pursuant to paragraph (1) of this Regulation that the line or works shall not be removed, as from the date of notice of abandonment, and in any other case, as from the date of restoration of the said land.

7. The Minister or other person entitled to use a government oil pipe-line and works accessory thereto shall keep such line and works in good repair and shall indemnify all persons interested in the said land or affected by the maintenance and use of such line or works against loss or damage caused by any failure to keep such line or works in good repair, other than to the extent of loss or damage caused by the contributory negligence of any person other than the Minister or other person entitled to use such line or works.

8. The Minister or other person entitled to use a government oil pipe-line and works accessory thereto shall relieve statutory undertakers, and other persons entitled to be protected by the exercise of the powers of such statutory undertakers, from liabilities or obligations arising in consequence of any failure to keep such line and works in good repair, or in consequence of any exercise of the powers conferred by either Section 12 or Section 15 of the Act And in particular statutory undertakers shall, subject as hereinafter provided, be entitled to such additional compensation as may be attributable to the loss suffered by them by the said line or works hampering their statutory works insofar as compensation therefor could not be claimed under Section 13 of the Act, and any dispute as to whether such compensation is payable or as to the amount thereof shall in default of agreement be determined by arbitration Provided nevertheless that, in the event of the Minister entering into an agreement with such statutory undertakers to divert the said line or remove the said works to a new site so as to avoid the same hampering such statutory works, it may be a term of such agreement that the cost of such diversion or removal shall be borne by the Minister, and in that event no such additional compensation as aforesaid shall be payable.

9.—(1) The provisions of Part VI of the Third Schedule to the Water Act, 1945(**a**), shall apply in relation to government oil pipe-lines passing under highways subject to the following modifications, namely that the expressions "persons having the control or management of the street, bridge, sewer, drain or tunnel" and "navigation authority" shall be deemed to include the Minister or other person entitled to use a government oil pipe-line or works accessory thereto.

(2) Government oil pipe-lines shall be excluded from the provisions of Section 16 of the Requisitioned Land and War Works Act, 1945(**b**).

10. For the purpose of the determination of any question as to which these Regulations provide that it is to be determined by arbitration, any such question shall be determined by an arbitrator appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919(**c**).

11. In the application of these Regulations to Scotland the following modifications shall have effect:—

(*a*) Regulation 5 and Parts II and III of the Schedule to these Regulations shall not apply;

(*b*) For any reference to Part VI of the Third Schedule to the Water Act, 1945, there shall be substituted a reference to Section 70 of, and Part I of the Third Schedule to, the Water (Scotland) Act, 1946(**d**);

(*c*) For any reference to an arbitrator there shall be substituted a reference to an arbiter.

(**a**) 8 & 9 Geo. 6. c. 42.
(**b**) 8 & 9 Geo. 6. c. 43.
(**c**) 9 & 10 Geo. 5. c. 57.
(**d**) 9 & 10 Geo. 6. c. 42.

SCHEDULE

PART I

REQUISITIONED LAND AND WAR WORKS ACT, 1948

A. *Claim for Compensation under Section* 13 (2)

N.B.—This form should be completed in duplicate and both copies sent to:—

I,

of

in pursuance of the provisions of sub-section (2) of Section 13 of the Requisitioned Land and War Works Act, 1948, hereby claim compensation for the diminution in value of my interest in the land hereinafter described by the coming into operation of Section 12 of the said Act.

The following particulars are submitted in support of my claim:—

Description of land affected (Parish, County, O.S. Sheet No. and Edition) ... ...

Particulars of Government oil pipe-line and works accessory thereto on the said land ...

Nature of my interest in the said land. (If subject to any lease or tenancy, give particulars) ... ...

Amount of compensation claimed (stating, in the event of this amount including the amount claimed by a lessee or tenant, whether the parties have agreed as to how it shall be divisible, and, if so, in what shares) ... ...

Name and address of Solicitors (if any) ...

Name and address of agent (if any) ... ...

Signature of Claimant
(or his duly authorised agent)

Date

REQUISITIONED LAND AND WAR WORKS ACT, 1948

B. *Claim for Compensation under Section* 13 (6) *or Section* 15

N.B.—This form should be completed in duplicate and both copies sent to:—

I,

of

in pursuance of the provisions of sub-section (6) of Section 13 of the Requisitioned Land and War Works Act, 1948 [as applied by sub-section (2) of Section 15 of the said Act], hereby claim compensation for the loss suffered by reason of damage to crops or other growing things, stock, chattels or any land or building or works on under or over the land hereinafter described in exercise of the power to use, maintain, remove or replace a government oil pipe-line or works accessory thereto, which is conferred by Section 12 of the said Act [or of the powers conferred by sub-section (1) of Section 15 of the said Act].

The following particulars are submitted in support of my claim:—

Description of land affected (Parish, County, O.S. Sheet No. and Edition) ... ...

Nature of my interest in the said land ...

Particulars of claim ... ...

Amount of compensation claimed ... ...

Name and address of agent (if any) ... ...

Signature of Claimant
(or his duly authorised agent)

Date

PART II

MEMORANDUM

Part of the land comprised in the within-written instrument is affected by the right to maintain and use, in accordance with the provisions of Section 12 of the Requisitioned Land and War Works Act, 1948, a government oil pipe-line [and works accessory thereto] the approximate position of such line [and works] being shown in red on the plan (Ordnance Survey No. , Edition) hereto annexed.

PART III

I/WE,

of

(being [the solicitors to] the person/s having the custody of the document/s of title hereinafter mentioned) hereby certify:—

(i) that the said document/s of title is/are the instrument/s whereby the interest in land in respect of which compensation is payable to of

pursuant to sub-section (2) of Section 13 of the Requisitioned Land and War Works Act, 1948, became vested in him/them and

(ii) that there has been endorsed on or permanently annexed to the said document/s of title a Memorandum in the following terms:—

" Part of the land comprised in the within-written instrument is affected by the right to maintain and use, in accordance with the provisions of Section 12 of the Requisitioned Land and War Works Act, 1948, a government oil pipe-line [and works accessory thereto] the approximate position of such line [and works] being shown in red on the plan (Ordnance Survey No. , Edition) hereto annexed."

The said document/s of title is/are as follows:—

Date	*Parties*	*Nature of Document*

Dated this 18th day of March, 1948.

R. J. Taylor,
J. D. Snow,
Two of the Lords Commissioners of
His Majesty's Treasury.

EXPLANATORY NOTE

(This is not part of the Regulations but is intended to indicate their general purpose.)

Section 12 of the Requisitioned Land and War Works Act, 1948, gives permanent power to maintain and use, for any purposes for which they are suitable, government oil pipe-lines installed for the transmission of petroleum and works accessory thereto with reference to which, as government war works, temporary powers were given by Section 28 of the Requisitioned Land and War Works Act, 1945.

Section 13 of the Act of 1948 provides for the payment by the Minister of Works of compensation for the exercise of these powers where the value of the land is diminished thereby and where loss is suffered by damage to things growing on the land and to stock, chattels, buildings or works thereon.

Section 15 entitles any person authorised by the Minister for the purpose of exercising the powers conferred by Section 12, or of restoring land where the pipe-lines or works are abandoned, or of inspecting such land or works, to enter on land and likewise provides for payment of compensation.

These Regulations prescribe the form and manner and the period in which any claim to such compensation shall be made and the manner in which disputed claims shall be determined by arbitration.

In conformity with Section 14 of the Act, the Regulations (other than in relation to Scotland) also prescribe that the relevant documents of title to interests in land diminished in value by virtue of the provisions of Section 12 shall be endorsed, and evidence of the endorsement shall be produced as a condition of payment of compensation for diminution in value of the land.

In conformity with Section 15, the Regulations also provide that the Minister or other person entitled to use the pipe-lines or works shall keep them in good repair and shall indemnify persons against any failure to do so, and shall relieve statutory undertakers and other persons of liabilities or obligations arising in consequence of failure to keep the pipe-lines or works in good repair, or any exercise of the powers conferred by Section 12 or 15 of the Act.

Further, the Regulations provide for notice to be given where pipe-lines or works are abandoned; for the removal of pipe-lines or works which extend above the surface; for the payment of compensation if it is agreed not to remove them; for the restoration of the land to its former level; and for the discontinuance of the provisions of Sections 12 and 15 of the Act when notice of abandonment is given, or when the land is restored, as the case may be.

The Regulations also provide for applying in relation to pipe-lines under highways the provisions of Part VI of the Third Schedule to the Water Act, 1945, and (in Scotland) the provisions of Section 70 of, and Part I of the Third Schedule to, the Water (Scotland) Act, 1946 (which relate to the breaking up of highways for the purpose of repairing pipes thereunder), and for the exclusion in relation to pipe-lines of the provisions of Section 16 of the Requisitioned Land and War Works Act, 1945 (which enable the Minister of Transport to make Orders authorising mains or pipes to be used and maintained along, across, over or under highways).