CHAPTER 58

Pipe-lines Act, 1962

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An Act to regulate and facilitate the construction, and secure the safe operation, of pipe-lines and make provision for matters arising thereout; and to provide that certain pipe-lines shall be plant or machinery for the purposes of the enactments relating to rating in England and Wales. [1st August, 1962]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Control of Construction of Pipe-lines

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

1.—(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 one hundred pounds.

(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 every owner, lessee and occupier (other than tenants for a month or any period less than a month) of the land 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.

Local pipe-lines not to be constructed without notice to the Minister.

2.—(1) It shall not be lawful for works to be executed in land for the construction of a local pipe-line unless, not less than sixteen weeks (or such shorter period as the Minister may in a particular case allow) before the date on which the execution of the works is begun, there has been given to the Minister a notice of intention to execute them, being a notice complying with the requirements of the next following subsection, nor shall it be lawful for works to be so executed for the construction of such a line otherwise than along the route delineated on the map which, by virtue of that subsection, must accompany the notice or within such limits of lateral deviation from that route as may be prescribed for the purposes of this subsection; 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 one hundred pounds.

(2) A notice for the purposes of the foregoing subsection must—

(*a*) state the name and address of the person who will be the owner of the proposed pipe-line;

(*b*) specify the points between which the proposed pipe-line is to run and be accompanied by three copies of a map (whereof the scale shall be not less than that of six inches to the mile) on which is delineated the route between those points which the proposed pipe-line is to take;

(*c*) state whether or not the grant of any rights or the giving of any street or river works consents is requisite to

enable the proposed pipe-line to be constructed and to be, during the period during which it may reasonably be expected to remain, inspected, maintained, adjusted, repaired and renewed and, if it be the case that the grant of any rights or the giving of any such consents is requisite for that purpose, specify the rights and consents the grant or giving of which is so requisite and state, with respect to each of them, whether the grant or giving thereof has been, or can be, obtained;

(*d*) state what is proposed to be conveyed in the proposed pipe-line;

(*e*) contain such other (if any) particulars as may be prescribed.

(3) If, after a notice for the purposes of subsection (1) of this section has been given to the Minister, the execution of the works to which the notice relates has not been substantially begun at the expiration of twelve months from the date on which it was given to him, or at the expiration of any extension of that period which he may allow, the notice shall be treated as invalid for those purposes except as regards works previously executed.

(4) 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 to which a notice given for the purposes of subsection (1) of this section relates must be begun unless he is satisfied that notice of the making of the application for the extension has been given to every owner, lessee or occupier (other than tenants for a month or any period less than a month) of the land 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.

(5) The Minister may by order direct that subsection (1) of this section shall, in relation to pipe-lines of a class specified in the order, have effect with the substitution, for the reference to sixteen weeks, of a reference to such shorter period as may be specified in the order.

An order under this subsection may be varied or revoked by a subsequent order and any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Diversion of pipe-lines.

3.—(1) A length of a pipe-line placed in any land under a pipe-line construction authorisation or in accordance with a notice given to the Minister for the purposes of subsection (1) of section two of this Act or, after the grant of such an authorisation in relation thereto or the giving for the purposes of the said subsection (1) of a notice in relation thereto, proposed to be

placed in any land under the authorisation or in accordance with the notice, may be diverted laterally from the route delineated on the map annexed to the authorisation or, as the case may be, accompanying the notice, to an extent greater than that permissible apart from this subsection if—

(*a*) in a case where the length of the line as a whole after the diversion exceeds or is intended to exceed ten miles (whether or not its length before the diversion exceeded ten miles) or a case where its length after diversion neither exceeds nor is intended to exceed ten miles but before diversion exceeded or was intended to exceed ten miles, the diversion is effected pursuant to an authorisation in that behalf (in this Act referred to as a "pipe-line diversion authorisation") granted by the Minister and so much of the line as is diverted is placed along the route delineated on the map annexed to the authorisation or within such limits of lateral deviation therefrom as may be specified in the authorisation;

(*b*) in a case where the length of the line as a whole before diversion neither exceeded nor was intended to exceed ten miles and its length thereafter neither exceeds nor is intended to exceed ten miles, notice of intention to divert it is given to the Minister and so much of the line as is diverted is placed along the route delineated on the map which, by virtue of the following provisions of this section, must accompany the notice or within such limits of lateral deviation from that route as may be prescribed for the purposes of subsection (1) of the said section two.

(2) The foregoing subsection shall have effect for the purpose of authorising the further lateral diversion of a length of a pipe-line previously diverted pursuant thereto as it has effect for the purpose of authorising the original diversion of that length.

(3) Where a length of a pipe-line is diverted in pursuance of subsection (1) of this section, no offence in respect of the construction of the line shall be taken to be committed under section one or two of this Act.

(4) Subsections (2) to (5) of section one of this Act shall, with the substitution, for references to a pipe-line construction authorisation and the execution of the works whose execution is authorised thereby, of references respectively to a pipe-line diversion authorisation and the execution of the works necessary to effect the diversion to be effected pursuant to such an authorisation, have effect for the purposes of paragraph (*a*) of subsection (1) of this section, and Part I of the First Schedule

to this Act shall, as applied by this subsection, have effect subject to the modifications specified in Part II thereof.

(5) Subsections (2) to (4) of section two of this Act shall apply to a notice for the purposes of paragraph (*b*) of subsection (1) of this section as they apply to a notice for the purposes of subsection (1) of that section with the following modifications:—

(*a*) the name and address required by paragraph (*a*) of subsection (2) shall, instead of being that therein specified, be that of the person who (according to the circumstances of the case) is or will be the owner of the pipe-line in question;

(*b*) paragraphs (*b*) and (*c*) of subsection (2) shall have effect with the substitution, for references to the proposed pipe-line, of references to the portion of pipe-line to be diverted and paragraph (*d*) of that subsection shall be omitted;

(*c*) subsections (3) and (4) shall have effect with the substitution, for references to the execution of the works to which the notice relates, of references to the execution of the works necessary to effect the diversion to which the notice relates.

Power of the Minister to secure the removal of works executed in contravention of section 1 or 2.

4.—(1) If works are executed in land in contravention of subsection (1) of section one of this Act or subsection (1) of section two thereof, 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 every owner, lessee and occupier of the land (except tenants for a month or any period less than a month).

(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, 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 either of the subsections therein mentioned shall be without prejudice to the taking of proceedings under the subsection in question in respect of the contravention.

Provisions with respect to planning permission concerning pipe-lines.

5.—(1) Upon granting a pipe-line construction or diversion 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 the Town and Country Planning Act, 1947, 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 the Minister of Housing and Local Government 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 Act of 1947, 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 Act of 1947, to Part III of that Act and to section fifteen thereof there shall be substituted respectively references to the Town and Country Planning (Scotland) Act, 1947, to Part II of that Act and to section thirteen thereof, and for the references to the Minister of Housing and Local Government there shall be substituted references to the Secretary of State.

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

6.—(1) The Minister shall have power (exercisable by statutory instrument) by order to direct—

(*a*) that section one of this Act shall, to the exclusion of section two thereof, 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, to the exclusion of section two thereof, 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.

Provisions supplementary to sections 1 to 6.

7.—(1) The construction of a pipe-line of a length not exceeding ten miles which is to form an addition to another shall, if the aggregate of the lengths of both exceeds ten miles, be deemed for the purposes of the foregoing provisions of this Act to constitute the construction of a cross-country pipe-line and not to constitute the construction of a local pipe-line and so shall the construction of a pipe-line of a length not exceeding ten miles so as to connect two or more others, if the aggregate of the lengths of the line and of those connected thereby exceeds ten miles.

(2) The Minister, on an application in that behalf being made to him, and after causing if he thinks fit a public inquiry to be held, may by order (made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament) direct that the foregoing subsection shall not apply to the construction of pipe-lines situate wholly within an area specified in or described by the order, being pipe-lines of a class so specified.

Exception for emergency works.

8.—(1) In the case of any works for the construction of a pipe-line or the diversion of a length of a pipe-line, being emergency works,—

(*a*) the execution thereof may be effected without any authorisation of, or notice to, the Minister; but

(*b*) as soon as is reasonably practicable after the works have been executed the person who executed them shall send to the Minister three copies of a map (whereof the scale shall not be less than that of six inches to the mile) on which is delineated the route taken by the line constructed or, as the case may be, the route taken by the portion of the line diverted; and

(*c*) where the works were for the construction of a line, section three of this Act shall, with the substitution, for the reference in subsection (1) to the map there described, of a reference to the map referred to in the last foregoing paragraph, have effect for the purpose of authorising the diversion of a length of the line as if it had been placed as mentioned in that subsection and, where the works were for the diversion of a length of line, the length shall for the purposes of that section be deemed to have been diverted in pursuance of subsection (1) thereof.

(2) If a person fails to send copies of a map in accordance with an obligation to which he is subject by virtue of paragraph (*b*) of the foregoing subsection, he shall, in respect of that failure, be liable on summary conviction to a fine not exceeding fifty pounds.

Avoidance of Construction of superfluous Pipe-lines

Provisions for securing that a pipe-line is so constructed as to reduce necessity for construction of others.

9.—(1) Where—

(*a*) application is made to the Minister for the grant of a pipe-line construction authorisation for the construction of a pipe-line to be designed for the conveyance of a particular kind of thing or of things of a particular class, and

(*b*) the Minister is satisfied that there is evidence of demand existing or likely to arise for the grant of such authorisations for the construction of further pipe-lines to be designed for the conveyance of that kind of thing or, as the case may be, things of that class, and

(*c*) the Minister is also satisfied that the routes to be taken by the further lines will severally be, as to the whole or any part thereof, the same or substantially the same as the route or any part of the route to be taken by the line to which the application relates,

he may, if he grants the application, grant it subject to the condition that the line to be constructed pursuant to the application or any length of that line specified in the authorisation shall be so constructed as to be capable of conveying, during such period as may be so specified, not less than such quantity as

may be so specified of the kind of thing in question or, as the case may be, things of the class in question.

(2) The Minister may at any time, by notice served on the owner of a pipe-line constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of the foregoing subsection, impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely,—

(*a*) securing to persons other than the owner of the line the right to have conveyed by the line or, as the case may be, by any length of it specified in the authorisation by virtue of that subsection, the kind of thing specified in the authorisation or, as the case may be, things of the class so specified;

(*b*) regulating the charges to be made for the conveyance by the line or, as the case may be, by that length thereof, on behalf of persons other than the owner of the line of that kind of thing or, as the case may be, things of that class;

(*c*) securing that the exercise of a right secured by virtue of paragraph (*a*) of this subsection is not prevented or impeded;

but requirements imposed for the purpose specified in paragraph (*a*) of this subsection shall be so framed as, in the Minister's opinion, to secure that compliance therewith will not prejudice the proper and efficient operation of the line for the purpose of the conveyance on behalf of the owner thereof, in the quantity required by him, of the kind of thing, or things of the class, which it is designed to convey.

(3) A notice served under the last foregoing subsection with reference to a pipe-line may authorise the owner thereof to recover, from persons to whom a right is secured by the notice by virtue of paragraph (*a*) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf contained in the notice, being payments in consideration of that right's being secured to them.

(4) Where a pipe-line constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of subsection (1) of this section is constructed without conformity to that condition, the works for the construction of the line shall be deemed, for the purposes of the foregoing provisions of this Act, to have been executed in contravention of subsection (1) of section one of this Act.

(5) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under subsection (2) of this

section with reference to the line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five hundred pounds; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.

Provisions for securing that a pipe-line is so used as to reduce necessity for construction of others.

10.—(1) An application with respect to a pipe-line constructed pursuant to a pipe-line construction authorisation may be made to the Minister by any person other than the owner of the line who seeks the right to have conveyed by the line on his behalf a particular kind of thing or things of a particular class, being, as the case may be, the kind of thing or things of the class which the line is designed to convey.

(2) Where an application with respect to a pipe-line is made under the foregoing subsection to the Minister he shall serve on the owner of the line and the applicant notice of the time (being some time not less than twenty-one days from the date of the service of the notice) at which the question of conferring on the applicant the right sought by him will be considered by the Minister, and the owner and the applicant 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 the line could, without prejudice to the proper and efficient operation thereof for the purpose of the conveyance on behalf of the owner thereof, in the quantity required by him, of the kind of thing, or things of the class, which it is designed to convey, be so operated as to permit of the conveyance thereby on behalf of the applicant of the kind of thing, or things of the class, the right to the conveyance of which is sought by the applicant, he shall declare that he is so satisfied.

(4) Where the Minister makes under the last foregoing subsection a declaration with respect to a pipe-line he may by notice served on the owner of the line impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely,—

(*a*) securing to the person whose application resulted in the making of the declaration the right to have conveyed by the line the kind of thing to which the application related or, as the case may be, things of the class to which it related;

(*b*) regulating the charges to be made for the conveyance by the line on behalf of that person of that kind of thing or, as the case may be, things of that class;

(*c*) securing that the exercise of a right secured by virtue of paragraph (*a*) of this subsection is not prevented or impeded;

but requirements imposed for the purpose specified in paragraph (*a*) of this subsection shall be so framed as, in the Minister's opinion, to secure that compliance therewith will not prejudice the proper and efficient operation of the line for the purpose mentioned in subsection (3) of this section.

(5) A notice served under the last foregoing subsection with reference to a pipe-line may authorise the owner thereof to recover, from the person to whom a right is secured by the notice by virtue of paragraph (*a*) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf contained in the notice, being payments in consideration of the right's being secured to him.

(6) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under subsection (4) of this section with reference to the line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five hundred pounds; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.

Compulsory Acquisition of Land for Construction of Pipe-lines

Orders for compulsory acquisition of land for pipe-line construction.

11.—(1) A person proposing to execute works in land for the placing therein of a pipe-line or a length of a pipe-line may, by means of an order made by the Minister (in this Act referred to as a "compulsory purchase order"), be authorised to purchase compulsorily land described in the order which is required by him as the site of any of the works.

(2) The Minister, on an application for a compulsory purchase order, shall have power in his discretion to grant the application or to refuse it.

(3) The provisions of Part I of the Second Schedule to this Act shall have effect with respect to the making of applications for compulsory purchase orders, for the purpose of securing that opportunities are afforded for the making of objections to such applications, with respect to any modifications subject to which such orders may be made, for limiting the rights of persons to question the validity of such orders, and with respect to other related matters therein mentioned.

(4) The provisions of the Third Schedule to this Act shall apply to a compulsory purchase order for the purpose of rendering it effectual and of modifying the Land Compensation Act,

1961, in relation to the assessment of compensation payable in consequence of the purchase, by virtue of such an order, of any land.

(5) A compulsory purchase order shall be subject to special parliamentary procedure.

(6) In the application of this section to Scotland, for the reference to the Land Compensation Act, 1961, there shall be substituted a reference to the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Town and Country Planning (Scotland) Acts, 1947 to 1959.

Compulsory Acquisition of Rights over Land for Construction of Pipe-lines

Orders for compulsory acquisition of rights over land for pipe-line construction.

12.—(1) A person proposing to execute works in land for the placing therein of a pipe-line or a length of a pipe-line may, by means of an order made by the Minister (in this Act referred to as a " compulsory rights order "), be authorised, subject to any conditions attached thereto under the next following section, to place the line or length in land described in the order, to use the line or length, to execute in that land any other pipe-line works becoming necessary for the purpose of placing the line or length in that land or in consequence of its being placed there, and to exercise in relation to the line or length such of the rights mentioned in the Fourth Schedule to this Act as may be specified in the order.

(2) The Minister, on an application for a compulsory rights order, shall have power in his discretion to grant the application or to refuse it.

(3) The provisions of Part I of the Second Schedule to this Act shall, subject to the modifications specified in Part II of that Schedule, have effect with respect to the making of applications for compulsory rights orders, for the purpose of securing that opportunities are afforded for the making of objections to such applications, with respect to any modifications subject to which such orders may be made, for limiting the rights of persons to question the validity of such orders, and with respect to other related matters therein mentioned.

(4) A compulsory rights order shall, after the placing of the line or length thereby authorised to be placed, enure for the benefit of the owner for the time being of the line.

(5) If any such pipe-line or length of a pipe-line as has been placed in land by virtue of a compulsory rights order is diverted from the land comprised in the order or is abandoned, or if a pipe-line construction or diversion authorisation relating to a pipe-line or length of a pipe-line to be placed in land in pursuance

of a compulsory rights order becomes of no effect by virtue of subsection (4) of section one of this Act or of that subsection as applied by subsection (4) of section three thereof, or if a notice relating to such a pipe-line or length given for the purposes of subsection (1) of section two of this Act or of paragraph (*b*) of subsection (1) of section three thereof becomes invalid by virtue of subsection (3) of the said section two or of that subsection as applied by subsection (4) of the said section three, the Minister may by order revoke the compulsory rights order to the extent to which it appears to him to have become unnecessary in consequence of the diversion or abandonment or, as the case may be, of the authorisation's so becoming of no effect or the notice's so becoming invalid; and he may also, at any time, by order revoke a compulsory rights order in whole or in part in pursuance of an application in that behalf made to him by the person for whose benefit the compulsory rights order for the time being enures; but the revocation of a compulsory rights order shall not affect the previous operation thereof.

(6) A compulsory rights order shall not affect any right over the land comprised in the order which would not have been affected had that land been compulsorily purchased by virtue of a compulsory purchase order, nor shall it authorise disregard of any enactment or of any instrument having effect by virtue of any enactment or be taken to confer a right of support for the pipe-line or length of pipe-line placed, by virtue of the order, in the said land.

(7) A compulsory rights order shall be subject to special parliamentary procedure.

Power of Minister to attach conditions to compulsory rights orders.

13.—(1) The Minister may, if he grants an application for a compulsory rights order, attach to it such conditions as he thinks fit (other than a condition for securing a matter that may be secured under the provisions of this Act relating to the safety of pipe-lines) with respect to—

(*a*) the manner, method or timing of the execution of pipe-line works authorised by the order;

(*b*) the execution, and the manner, method or timing of the execution, of works which it appears to him are or will be requisite or desirable prior to or in consequence of the execution of pipe-line works authorised by the order, or in consequence of a failure to comply with any such condition as has effect by virtue of the foregoing paragraph;

(*c*) in a case where the order authorises a pipe-line or length thereof to be placed in land of which the owners

are statutory undertakers, being operational land, the execution and the manner, method or timing of the execution, of works which it appears to him are or will be requisite or desirable in consequence of the pipe-line's or length's being situated in such land;

(*d*) without prejudice to the generality of the foregoing paragraphs, the execution of works referred to in any of those paragraphs by or under the supervision of the owners of land comprised in the order;

(*e*) the payment of costs of the execution of any works or carrying out any other requirements to which a condition having effect by virtue of this section relates;

(*f*) the settlement of any dispute arising in consequence of any such condition as aforesaid;

and any conditions attached to a compulsory rights order under this section shall be set out in a schedule to the order.

(2) Subject to the next following subsection, the Minister may at any time on the application of an owner, lessee or occupier (except a tenant for a month or any period less than a month) of land comprised in a compulsory rights order, or of the person for whose benefit such an order for the time being enures, or of his own motion, by order vary the first-mentioned order—

(*a*) where the first-mentioned order has effect without conditions, by attaching thereto a condition with respect to any of the matters referred to in the foregoing subsection;

(*b*) where the first-mentioned order has effect subject to conditions, by revoking or varying any of them or by attaching thereto further such conditions as aforesaid.

(3) It shall be a condition precedent to the making of an order under the last foregoing subsection that, in the case of an order for which an application is made, the applicant, or, in any other case, the Minister, shall have served on every person concerned (other than the applicant in such a case as is first above mentioned) notice, in the prescribed form, stating the effect of the order and specifying the time (not being less than twenty-one days from the date of service of the notice) within which and the manner in which objection to the making of the order may be made to the Minister; and where an objection is duly made by a person on whom the notice has been served, and is not withdrawn, the Minister shall not make the order without affording to the objector an opportunity of being heard by him, and if the objector avails himself of that opportunity, the Minister shall afford to the applicant (in the case of

an order for which an application is made under the last foregoing subsection) and any other person to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.

(4) Upon the making of an order under subsection (2) of this section, in the case of an order made on an application, the applicant, or, in any other case, the Minister, shall take such steps for notifying the persons concerned as the Minister may direct, or, as the case may be, shall think fit.

(5) If any works are executed in contravention of a condition attached to a compulsory rights order under this section, the person executing them, or, in the event of a failure by a person to comply with a requirement to carry out any works imposed on him by such a condition, that person, shall be guilty of an offence and liable—

(*a*) 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;

(*b*) 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.

(6) In this section the following expressions have the meanings hereby assigned to them respectively,—

"operational land", in the application of this section to England and Wales, has the same meaning as in the Town and Country Planning Act, 1947, and, in the application of this section to Scotland, has the same meaning as in the Town and Country Planning (Scotland) Act, 1947;

"persons concerned" means, in relation to a variation of a compulsory rights order, the person for whose benefit the order for the time being enures, and every owner, lessee and occupier (other than a tenant for a month or a period less than a month) of any land appearing to the Minister to be affected by the variation.

(7) If any question arises, in relation to this section, whether land of statutory undertakers is operational land as defined by this section, that question shall be determined by the appropriate Minister.

(8) The power conferred by subsection (2) of this section to make orders shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Compensation in respect of compulsory rights orders.

14.—(1) If a person entitled to an interest in land which comprises, or is held with, land to which a compulsory rights order applies, being an interest subsisting at the time when the order was made, proves that the value of his interest is depreciated by reason of the making of the order, the person in whose favour the order was made shall pay him compensation equal to the amount of the depreciation.

(2) Where in consequence of the exercise of any right conferred by a compulsory rights order a person suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled to compensation in respect of that loss from the person in whose favour the order was made or, where the owner of the pipe-line is not that person and the right in consequence of the exercise of which the loss was suffered was exercised by that owner, from that owner.

Pipe-lines in Streets

Power to place pipe-lines in streets.

15.—(1) Subject to the provisions of this section, any person may place a pipe-line in a street with the consent of the appropriate authority for that street, and for that purpose and the purpose of works of the following kinds, that is to say,—

(*a*) inspecting, maintaining, adjusting, repairing, altering or renewing a pipe-line placed in a street in pursuance of this subsection;

(*b*) changing the position of a pipe-line so placed or removing it,

may open and break up the street and may remove or use earth or other materials in the street.

(2) Where it is proposed that, in exercise in relation to a street of the power conferred by the foregoing subsection, a pipe-line shall be placed along a line crossing the street, the appropriate authority for that street shall not withhold their consent under this section unless there are special reasons for doing so.

(3) Where it is proposed that, in exercise in relation to a street of the power conferred by subsection (1) of this section, a pipe-line shall be placed otherwise than along a line crossing the street, the consent of the appropriate authority for the street shall not be unreasonably withheld, and, for the purposes of this subsection, the withholding of consent shall be treated as reasonable if the owner of the pipe-line fails to show that there is no reasonably practicable alternative to the placing of the pipe-line in accordance with the proposals.

(4) The consent under this section of an appropriate authority may be given subject to reasonable conditions, including, without

prejudice to the generality of the foregoing words, any one or more of the following conditions, that is to say,—

(*a*) a condition requiring payments to be made to that authority in respect of the placing of the pipe-line in the street and of its being kept there;

(*b*) where the street is a protected street—

(i) if it is reasonably practicable for the placing of the pipe-line to be carried out by a method which does not involve the opening or breaking up of the street, a condition that the placing of the pipe-line shall be carried out by such a method;

(ii) if it is reasonably practicable for any such works as are mentioned in paragraph (*a*) or (*b*) of subsection (1) of this section to be carried out by such a method as aforesaid, a condition that any such works shall be carried out by such a method;

(*c*) where the street is a highway, not being a protected street, and constitutes or comprises a carriageway and it is proposed that the pipe-line shall be placed along a line crossing the street, if it is reasonably practicable for any such works as are mentioned in paragraph (*a*) of subsection (1) of this section to be carried out by a method which does not involve the opening or breaking up of the carriageway, a condition that any such works shall be carried out by such a method;

(*d*) where the street is a highway, not being a protected street, and constitutes or comprises a carriageway and it is proposed that the pipe-line shall be placed otherwise than along a line crossing the street—

(i) if it is reasonably practicable for the placing of the pipe-line to be carried out by a method which does not involve the opening or breaking up of the carriageway, a condition that the placing of the pipe-line shall be carried out by such a method;

(ii) if it is reasonably practicable for any such works as are mentioned in paragraph (*a*) or (*b*) of subsection (1) of this section to be carried out by such a method as last aforesaid, a condition that any such works shall be carried out by such a method;

and, for the purposes of paragraph (*b*) of this subsection, the placing of a pipe-line or the carrying out of works by a method which does not involve the opening or breaking up of a street shall be taken to be reasonably practicable unless the owner of the pipe-line shows that such is not the case.

(5) The consent of an authority under this section shall not be required for the placing of a pipe-line by way of renewal of an existing pipe-line.

(6) Any dispute between the appropriate authority for a street and a person proposing to place a pipe-line in the street in respect of—

(*a*) the withholding of a consent under this section to the placing of the pipe-line in the street otherwise than along a line crossing the street; or

(*b*) the imposition of a condition under this section on the placing of the pipe-line in the street otherwise than as aforesaid,

shall be determined by the Minister and the Minister of Transport acting jointly, and the determination of the said Ministers shall not be impugned on the ground that either of them is himself a party to the dispute.

(7) Any dispute between the appropriate authority for a street and a person proposing to place a pipe-line in the street in respect of—

(*a*) the withholding of a consent under this section to the placing of the pipe-line in the street along a line crossing the street; or

(*b*) the imposition of a condition under this section on the placing of the pipe-line in the street along a line crossing the street,

shall be determined by arbitration and, where the Minister of Transport is the appropriate authority, the arbitrator shall be a single arbitrator appointed, in default of agreement between the parties concerned, by the President of the Institution of Civil Engineers.

(8) Where a street is carried by or goes under a bridge, subsection (1) of this section shall not authorise the placing of a pipe-line in, under, over, across, along or upon the bridge except in accordance with an agreement to which the authority, body or person in whom the bridge is vested is a party.

(9) For the purposes of this section a pipe-line shall be treated as placed along a line crossing a street if it is so placed that at either side of the street an angle, on a horizontal plane, of not more than forty-five degrees is formed between the line of the pipe-line inside the street and a line joining the point at which the line of the pipe-line crosses the side of the street with the point nearest to that point on the opposite side of the street.

(10) In this section the following expressions have the meanings hereby assigned to them respectively,—

"appropriate authority", in relation to a street, means—

(*a*) where the street is a maintainable highway, the highway authority;

(*b*) where the street is prospectively a maintainable highway, the appropriate local authority and the street managers;

(*c*) where the street is not a maintainable highway and is not prospectively a maintainable highway, the street managers;

"appropriate local authority", "highway authority", "maintainable highway", "street", "street authority", and "street managers" have the same meanings as in the Public Utilities Street Works Act, 1950, and any reference to a street which is prospectively a maintainable highway shall be construed in accordance with the provisions of that Act;

"protected street" means a street being a special road, a trunk road or a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class I or Class II;

"special road" means a road provided or to be provided in pursuance of a scheme under section one of the Special Roads Act, 1949, or section eleven of the Highways Act, 1959, or to which, by virtue of section nineteen of the last-mentioned Act, that Act applies as if it were a road provided in pursuance of a scheme under section eleven thereof.

(11) In the application of this section to Scotland—

(*a*) references to a street which is a highway shall be construed as references to a street over which there is a public right of way;

(*b*) the expression "carriageway" means a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

(*c*) the reference in subsection (6) to the Minister of Transport shall be construed as a reference to the Secretary of State;

(*d*) in subsection (7), for the words from "shall be determined" to the end of the subsection there shall be substituted the words "shall be referred to the arbitration of a single arbiter appointed by agreement between the parties concerned or, in default of agreement, by the sheriff; and in any such arbitration the arbiter may, and, if so directed by the Court of Session, shall, state a case for the decision of that court on any question of law arising in the arbitration.";

(*e*) the reference in subsection (10) to the Minister of Transport shall be construed as including a reference to the Secretary of State.

Modification of the street works code in the Public Utilities Street Works Act, 1950, in its application to pipe-line works in streets.

16.—(1) Section five of the Public Utilities Street Works Act, 1950 (which empowers a street authority in certain circumstances to disapprove a plan and section submitted under subsection (1) of section three of that Act of works proposed to be executed in a street which is a maintainable highway or is prospectively a maintainable highway on the ground that the works ought to be executed in controlled land abutting on the street, or to approve the plan and section subject to modifications excluding some of the works on the ground that they ought to be executed in such land), shall not have effect in relation to a plan and section of undertakers' works to be executed in exercise of the power to execute such works conferred by subsection (1) of section fifteen of this Act, and accordingly subsection (4) of section four of that Act shall, in relation to such a plan and section, have effect with the omission of proviso (i) thereto (which precludes the settlement under that subsection by an arbitrator of a plan and section of works if the case falls within the said section five and the only modifications or disapproval notified with respect to the plan and section as submitted under subsection (1) of section three of that Act are on the part of the street authority and on the ground that some or all of the works ought to be executed in controlled land).

(2) For the purposes of the application of the said section four in relation to a plan and section of undertakers' works to be executed in exercise of the power to execute such works conferred by subsection (1) of section fifteen of this Act,—

(*a*) forty-three days shall be substituted for twenty-nine days (in paragraph (*a*) of subsection (2)) as the period before the expiration of which the notice required by subsection (1) must be given in the case mentioned in that paragraph;

(*b*) any modification of a plan and section shall be disregarded in so far as the modification would involve lateral diversion of a pipe-line beyond the limits of lateral deviation permissible in relation thereto, any disapproval of a plan and section shall be disregarded in so far as the ground therefor is or involves that there ought to be such a diversion, and an arbitrator settling a plan and section shall not thereby provide for any such diversion.

Modification of the code in Part II of the Public Utilities Street Works Act, 1950, in its application to pipe-line works in streets.

17.—(1) No person shall be entitled to payment by virtue of section twenty-two of the Public Utilities Street Works Act, 1950 (undertakers' right to payment for works made necessary by, and obligation to facilitate, road etc. works), in respect of works or measures of his executed or taken in connection with a pipe-line.

(2) A promoting authority shall not be entitled under subsection (2) of the said section twenty-two to require any lateral diversion of a pipe-line beyond the limits of lateral deviation permissible in relation thereto.

Restriction on breaking up, for execution of pipe-line works, highways in London Traffic Area recently closed for repair.

18.—(1) Where works of road maintenance and improvement involving the closing to vehicular traffic of any part of a highway either absolutely or to the extent of one third or more of the width of the carriageway have been executed in accordance with a scheme confirmed under section one hundred and thirty-seven of the Highways Act, 1959, or under an authority given under section eighteen of the Road Traffic and Roads Improvement Act, 1960, it shall not, during twelve months from the date on which those works were completed, be lawful for any person in exercise of the power conferred by subsection (1) of section fifteen of this Act to break up or open (except for the execution of emergency works) the highway so closed without the previous consent of the Minister of Transport and unless he proves to the satisfaction of that Minister—

(*a*) that there were reasonable grounds for his failure or omission to execute, while the highway or part thereof was closed, the works for the execution of which he requires to break up or open the highway; and

(*b*) that it is essential that the works should be executed or begun during the said twelve months.

(2) The Minister of Transport may, if he thinks fit, make it a condition of giving his consent under the foregoing subsection to breaking up or opening a highway that all works in connection therewith shall be begun after eight o'clock in the evening and carried on without intermission.

Application of section 139 (1) of Highways Act, 1959, to pipe-line works in London Traffic Area.

19. In subsection (1) of section one hundred and thirty-nine of the Highways Act, 1959 (which empowers the highway authority for a highway in the London Traffic Area to require undertakers to take steps to mitigate or discontinue an obstruction in that highway created by undertakers in the exercise of a statutory power to break up or open that highway), after the words " that, in the exercise of a statutory power to break up or open a highway within the London Traffic Area, any undertakers ", there shall be inserted the words " or that in the exercise in relation to such a highway of the power conferred by subsection (1) of section fifteen of the Pipe-lines Act, 1962, any other persons ", and after the words " the undertakers " (wherever they occur) there shall be inserted the words " or those other persons, as the case may be ".

Safety of Pipe-lines

Power of the Minister to impose requirements with respect to mode of construction, &c., of pipe-lines.

20.—(1) The Minister may at any time if he considers it necessary so to do in the interests of safety, by notice served on a person who is executing, or is proposing to execute, works in land for the construction of a pipe-line,—

(*a*) prohibit, as regards works for the construction of the line or of any length thereof specified in the notice, the execution of the works (so far as they fall to be executed after the service of the notice) otherwise than in such a manner as may be so specified;

(*b*) prohibit, as regards any length of the line specified in the notice, the construction thereof (so far as it falls to be constructed after the service of the notice) except of such materials, and with the inclusion of such safety devices, as may be specified in the notice or the incorporation therein in the course of the construction thereof (so far as it falls as aforesaid) of component parts of a class so specified that do not comply with such requirements as may be so specified;

(*c*) prohibit, as regards the line or any length thereof specified in the notice, the placing thereof (so far as, in the course of works for the construction thereof falling to be executed after the service of the notice, it falls to be placed below the surface of the ground) at a depth below that surface less than such as may be so specified.

(2) If a person on whom a notice is served under the foregoing subsection serves on the Minister, before the expiration of twelve weeks from the date on which the notice was served, a counter-notice objecting to the notice, the Minister shall afford him an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and if the first-mentioned person avails himself of the opportunity, the Minister shall, before the expiration of twelve weeks from the date on which the hearing is concluded, consider the objection and the report of the person appointed to hear the objector and by notice served on the objector either quash the notice objected to, or confirm it without modification, or confirm it subject to such modification as appears to the Minister to meet the objection.

The quashing under this subsection of a notice served under the foregoing subsection shall neither be taken to prevent the service by the Minister of a fresh notice nor affect the previous operation of the notice.

(3) In the event of a failure, in relation to works or a pipe-line, to comply with a prohibition imposed by a notice served under subsection (1) of this section, the person who executed the works

for the construction of the line shall be guilty of an offence and shall be liable—

(*a*) 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;

(*b*) 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.

Enforcement of requirements imposed under section 20.

21.—(1) In the event of a failure, in relation to the execution of works in land for the construction of a pipe-line, to comply with any such prohibition imposed by a notice served under subsection (1) of the last foregoing section as has effect by virtue of paragraph (*a*) thereof, the Minister may serve on the person who executed the works a notice requiring him to remove so much of the works as has been executed without compliance with the prohibition or, if he so elects, to effect such alterations thereto as may be necessary to make them comply with the prohibition; and in the event of a failure, in relation to the execution of works in land for the construction of a pipe-line, to comply with any such prohibition imposed by a notice served under subsection (1) of the last foregoing section as has effect by virtue of paragraph (*b*) or (*c*) thereof, the Minister may serve on the owner of the line a notice requiring him to remove so much of the line as has been constructed without compliance with the prohibition or, if he so elects, to effect such alterations thereto as may be necessary to comply with the prohibition.

(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 as the Minister may on his application allow, to comply with the requirement imposed by the notice, the Minister may enter and remove any works or length of line with respect to which default has been made, or effect such alterations thereto as he deems necessary, 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) Where, in consequence of compliance with a requirement imposed by a notice served on a person under subsection (1) of this section or of the exercise, in consequence of the failure of a person on whom such a notice is served to comply with a requirement imposed thereby, of the power conferred by the last foregoing subsection, a person, other than the person on whom the notice was served, suffers loss by reason of damage to, 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 on whom the notice was served, 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 on whom the notice was served, in any court of competent jurisdiction, the amount of any compensation paid by the Minister under this subsection.

(4) Subsection (1) of section five of this Act shall have effect where a notice is served under subsection (1) of this section as it has effect where a notice is served under section four of this Act with the substitution, for the reference to the removal of the works required by the notice to be removed, of a reference to the removal of the works or length of line required by the notice to be removed.

(5) The service of a notice under subsection (1) of this section in consequence of any such failure as is therein mentioned shall be without prejudice to the taking of proceedings under subsection (3) of the last foregoing section in respect of the failure.

Prohibition of use of length of pipe-line not complying with requirements imposed under section 20.

22.—(1) Where, by virtue of subsection (1) of the last foregoing section, works are required to be removed or altered, it shall not be lawful for use to be made of so much of a pipeline as has been constructed in the course of the execution of the works unless and until such alterations have been effected to the works (whether by the person required to remove or alter them or by the Minister) as are necessary to make them comply with the prohibition in default of compliance with which they were executed; and where, by virtue of that subsection, a length of a pipe-line is required to be removed or altered, it shall not be lawful for use to be made of that length unless and until such alterations have been effected thereto (whether by the person required to remove or alter it or by the Minister) as are necessary to make it comply with the prohibition in default of compliance with which it was constructed.

(2) In the event of a contravention of the foregoing subsection in relation to any works, the person who executed them shall be guilty of an offence, and, in the event of a contravention of that subsection in relation to a length of a pipe-line, the owner of the line comprising the length shall be guilty of an offence; and a person guilty of an offence under this subsection shall be liable—

(*a*) 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;

(*b*) 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.

Power of the Minister to impose requirements with respect to examination, repair, &c., of pipe-lines.

23.—(1) In the case of any pipe-line, the Minister may at any time by notice served on the owner thereof impose such requirements with respect to all or any of the following matters as he thinks it expedient to impose in the interests of safety, namely,—

(*a*) the examination, repair, maintenance, adjustment and testing of the line;

(*b*) the inspection of the route taken by the line.

(2) If at any time the Minister is satisfied with respect to a pipe-line or a length of a pipe-line that, in the interests of safety, the unrestricted use of the line or length ought no longer to be permitted, he may by notice served on the owner of the line—

(*a*) require that the line shall be so operated that the pressure of its contents, or, as the case may be, the pressure of the contents of that length of it, will at no point exceed such number of pounds per square inch as may be specified in the notice; or

(*b*) prohibit the use (either absolutely or for the conveyance of any thing other than a thing of a particular kind specified in the notice or a thing of a class so specified) of the line or, as the case may be, that length of it, until there have been effected thereto such alterations as may be so specified, being alterations as to which the Minister is satisfied that the effecting thereof will suffice to permit of the resumption of the use of the line or length without restriction.

(3) Subsection (2) of section twenty of this Act shall, with the substitution, for references to subsection (1) of that section, of references to the foregoing provisions of this section, have effect for the purposes of this section as it has effect for the purposes of that section.

(4) In the event of a failure, in relation to a pipe-line or a length of a pipe-line, to comply with a requirement or prohibition imposed by a notice served under the foregoing provisions of this section, the owner of the line shall be guilty of an offence and shall be liable—

(*a*) 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;

(*b*) 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.

(5) Where, in consequence of the effecting of alterations to a pipe-line or a length of a pipe-line in consequence of the service of a notice under subsection (2) of this section a person, other than the person on whom the notice was served, suffers loss

by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled to compensation in respect of that loss from the person on whom the notice was served.

Regulations for securing pipe-line safety generally.

24.—(1) Provision may be made by regulations with respect to any matter or thing with respect to which it appears to the Minister requisite or expedient to make provision for the purpose of securing the proper construction and safe operation of pipe-lines (or any class of pipe-lines) or the proper execution of pipe-line works (or any class of such works).

(2) Regulations made by virtue of this section may make different provision with respect to different classes of pipe-lines or works and may make provision for any incidental or supplementary matters for which the Minister thinks it expedient for the purposes of the regulations to provide.

(3) A person who contravenes any provision of regulations made by virtue of this section shall be guilty of an offence and shall be liable—

(*a*) 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;

(*b*) 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.

(4) Nothing in regulations made by virtue of this section shall be taken as operating to limit the exercise by the Minister (consistently with the regulations) of any power conferred on him by the foregoing provisions of this Act.

Power of the Minister to cause steps to be taken for rendering pipe-line, or length thereof, safe on abandonment or cesser of use.

25.—(1) In either of the following events, namely,—

(*a*) the abandonment of a pipe-line or a length thereof;

(*b*) the expiration of three years from the date on which a pipe-line or a length thereof was last used;

the Minister, if he is of opinion that the line or length is, or is likely to become, a source of danger, may serve on the owner of the line a notice requiring him to do to the line or length such things as may be specified in the notice, being things the doing of which appears to the Minister requisite to stop the line's or length's being or, as the case may be, to prevent its becoming, a source of danger.

(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 as the Minister may on his application allow, to do the things specified in the notice, the Minister may enter and do them and may recover from that person, in any court of competent

jurisdiction, the expenses reasonably incurred by the Minister in doing them.

(3) Where, in consequence of compliance with a requirement to do any thing to a pipe-line or length thereof imposed by a notice under subsection (1) of this section, or of the exercise of the power to enter and do any thing to a pipe-line or length thereof conferred by the last foregoing subsection, a person, other than the owner of the line, suffers loss by reason of damage to, 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 owner of the line, 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 owner of the line, in any court of competent jurisdiction, the amount of any compensation paid by the Minister under this subsection.

Prohibition of change of use of pipe-line without previous notice to the Minister.

26.—(1) It shall not, when a pipe-line constructed pursuant to a pipe-line construction authorisation or in accordance with a notice given for the purposes of subsection (1) of section two of this Act is first brought into use, be lawful for it to be used for the conveyance of any thing other than a thing of the particular kind, or things of the particular class, stated in the application for the grant of the authorisation or, as the case may be, the notice to be the kind of thing, or the things of the class, proposed to be conveyed in the line unless, not less than three weeks before the date on which it is so brought into use, notice of intention to use it for the conveyance of that other thing when it is so brought into use has been given by the owner of the line to the Minister; nor shall it be lawful, after a pipe-line has first been brought into use, for a change to be made in the thing or class of things conveyed thereby unless, not less than three weeks before the change occurs, notice of the change (specifying in what it consists) has been given as aforesaid.

(2) In the event of a contravention, in relation to a pipe-line, of the foregoing subsection, the owner of the line shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred pounds.

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

Power of the Minister, where pipe-line imperilled by building or structure, to order demolition thereof or execution of remedial works.

27.—(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 pipe-line 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.

Time of operation and effect of demolition order.

28.—(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, or 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.

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.

29.—(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.

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

30.—(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.

Power of the Minister to remove deposits imperilling pipe-line.

31.—(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.

Compensation in respect of restrictions under sections 27 and 31.

32.—(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).

Notification and Investigation of Accidents

Notification of certain accidents.

33.—(1) Where any of the following events occurs, namely,—

(*a*) the bursting, explosion or collapse of a pipe-line or any part thereof;

(*b*) the ignition of any thing in a pipe-line or of any thing which, immediately before it ignited, was in a pipe-line;

notice of the event, in such form and accompanied by such particulars as may be specified by the Minister, shall forthwith be given by the owner of the pipe-line to the Minister.

(2) If a person fails to satisfy an obligation to which he is subject by virtue of the foregoing subsection he shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

Inquiries into accidents.

34.—(1) The Minister may, where he thinks it expedient so to do, direct an inquiry to be held in accordance with the provisions of the Fifth Schedule to this Act into an event notice of which is required by the last foregoing section to be given.

(2) An inquiry held under this section shall be held in public except where or to the extent that it appears to the Minister expedient in the interests of national security to direct otherwise.

(3) Where, in the case of an event in Scotland that causes the death of a person, the Minister directs an inquiry to be held under this section, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895.

Information

Deposit of maps of pipe-lines with local authorities.

35.—(1) A person to whom a pipe-line construction or diversion authorisation is granted shall, forthwith after the grant, deposit with each local authority within whose area lies any part of the route to be taken by the proposed pipe-line or, as the case may be, portion of pipe-line to be diverted, a copy (on the same scale) of so much of the map annexed to the authorisation as shows the part of that route that lies within that area.

(2) A person who sends to the Minister a notice for the purposes of subsection (1) of section two of this Act or paragraph (*b*) of subsection (1) of section three thereof shall, at the same time, deposit with each local authority within whose area lies any part of the route to be taken by the proposed pipe-line or, as the case may be, the portion of line to be diverted, a copy (on the same scale) of so much of the map that accompanies the notice as shows the part of that route that lies within that area.

(3) A person who executes works for the construction of a pipe-line or the diversion of a length of a pipe-line, being emergency works, shall, as soon as is reasonably practicable after

the works have been executed, deposit with each local authority within whose area lies any part of the route taken by the line constructed or, as the case may be, portion of line diverted a copy (on the same scale) of so much of the map which, by virtue of paragraph (*b*) of subsection (1) of section eight of this Act, he is under obligation to send to the Minister as shows the part of that route that lies within that area.

(4) A person who fails to satisfy an obligation to which he is subject by virtue of any of the foregoing subsections shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds.

(5) Documents deposited in pursuance of this section with a local authority shall be kept at the authority's offices and shall be open to inspection by any person at all reasonable hours free of charge.

(6) For the purpose of the application of this section to England and Wales, the expression " local authority " means the council of a county, county borough, county district or metropolitan borough and includes the Common Council of the City of London, and for the purpose of the application of this section to Scotland that expression means a county or town council.

Notification of abandonment, cesser of use and resumption of use of pipe-lines or lengths thereof.

36.—(1) Subject to the following subsection, in any of the following events, namely,—

(*a*) the beginning of the use of a pipe-line or a length thereof;

(*b*) the abandonment of a pipe-line or a length thereof;

(*c*) the expiration of three years from the date on which a pipe-line or a length thereof was last used;

(*d*) the resumption of the use of a pipe-line or a length thereof after the abandonment of the line or length (as the case may be) or after the expiration of three years from the date on which it was last used;

the owner of the line shall, within two weeks after the happening of the event, give to the Minister notice thereof specifying the date on which it happened and the line or length in question and, if he fails so to do, shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(2) Where a pipe-line or a length thereof is abandoned after the date on which the line or length (as the case may be) was last used but before the expiration of three years from that date, it shall not be necessary to give, under the foregoing subsection, notice of the expiration of that period.

Fire-brigades, police, &c., to be notified of certain pipe-line accidents and to be furnished with information.

37.—(1) It shall, in the case of every pipe-line, be the duty of the owner thereof to make, and to ensure the efficient carrying out of, arrangements whereby, in the event of the accidental escape or the ignition of any thing in the line, immediate notice of the event is given—

(*a*) to every fire and police authority by whom duties will or may fall to be discharged in consequence of the happening of the event;

(*b*) to all river boards, river purification authorities, statutory water undertakers and local water authorities who will or may have, in consequence of the happening of the event, to take steps to prevent or combat pollution of water or flooding;

(*c*) to all sewerage authorities who will or may have, in consequence of the happening of the event, to take steps to prevent injury to their sewers or sewage disposal works, interference with the free flow of the contents of any of their sewers or the prejudicial affection of the treatment and disposal of such contents or to combat the effects of any such injury, interference or affection; and

(*d*) to any other authority, board or undertakers whom the Minister, by notice served on the owner of the line, requires him to treat, for the purposes of this section, as relevant in relation to the line, being an authority or board, or undertakers, in the case of whom it is stated in the notice that the Minister is satisfied that they will or may have, in consequence of the happening of the event, to take in the public interest steps for such purpose as may be specified in the notice.

(2) It shall be the duty of the owner of a pipe-line if requested so to do by any authority, board or undertakers for whose notification, in the event specified in the last foregoing subsection, arrangements are thereby required to be made, to furnish the authority, board or undertakers with such maps, and to give them such information, as they may reasonably require in order—

(*a*) in the case of a fire or police authority, to enable them efficiently to discharge the duties falling to be discharged by them in consequence of the happening of the event;

(*b*) in the case of any river board, river purification authority, statutory water undertakers or local water authority, to enable them efficiently to take, in consequence of the happening of the event, steps to prevent or combat pollution of water or flooding;

(*c*) in the case of a sewerage authority, to enable them efficiently to take, in consequence of the happening of the event, steps for either of the purposes mentioned in paragraph (*c*) of that subsection;

(*d*) in the case of any authority, board or undertakers whom the owner is, by a notice served under paragraph (*d*) of that subsection, required to treat, for the purposes of this section, as relevant in relation to the line, to enable them efficiently to take, in consequence of the happening of the event, steps for the purpose specified in the notice.

(3) A person who fails to satisfy an obligation to which he is subject by virtue of either of the foregoing subsections shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(4) In this section—

(*a*) "fire authority" means, in relation to any area, the authority discharging therein the functions of fire authority under the Fire Services Act, 1947;

(*b*) "river board" and "river purification authority" mean respectively a river board within the meaning of the Rivers (Prevention of Pollution) Act, 1951, and a river purification authority within the meaning of the Rivers (Prevention of Pollution) (Scotland) Act, 1951;

(*c*) "sewerage authority" means an authority which is a sewerage authority for the purposes of Part II of the Public Health Act, 1936, the Common Council of the City of London, the council of a county in Scotland, the town council of a burgh, a development corporation established under the New Towns Act, 1946, and the Commission for the New Towns;

and any reference in this section to a sewer shall be construed as including a reference to any manholes, ventilating shafts, pumps or other accessories belonging to that sewer, and any reference in this section to sewage disposal works shall be construed as including a reference to the machinery and equipment of those works and any necessary pumping stations and outfall pipes.

Notification of change of ownership of pipe-line.

38.—(1) Where a change occurs in the ownership of a pipe-line, the owner of the line shall, within three weeks from the date on which the change occurs, give to the Minister and to every person who is an owner, lessee or occupier of land in which any part of the line is situate (except a tenant for a month or any period less than a month) a notice stating the particulars of the change.

(2) A person who fails to satisfy an obligation to which he is subject by virtue of the foregoing subsection shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

Provisions for avoiding Obstructions to Navigation and Interference with telegraphic, &c., Lines

Avoidance of obstruction or danger to navigation by pipe-lines over or under harbour waters.

39.—(1) No person shall place a length of pipe-line above or beneath the surface of waters over which a harbour authority have jurisdiction except with the consent of the authority and subject to such (if any) reasonable conditions as they may impose for securing that the length does not constitute an obstruction or danger to navigation.

(2) Consent, for the purposes of this section, of a harbour authority shall not be unreasonably withheld, and if a dispute arises—

(*a*) whether consent, for those purposes, of such an authority is unreasonably withheld, or

(*b*) whether conditions imposed under this section by such an authority are reasonable,

it shall be referred to and determined by the Minister and the Minister of Transport jointly.

(3) A person who contravenes subsection (1) of this section shall be liable, on summary conviction, to a fine not exceeding one hundred pounds.

(4) In this section " harbour authority " has the same meaning as in section three of the Oil in Navigable Waters Act, 1955.

Avoidance of interference with telegraphic, &c., lines.

40.—(1) Electrical apparatus forming part of a pipe-line shall be so constructed, installed and used as to prevent interference with any telegraphic line belonging to, or used by, the Postmaster General or with communication by means of any such line or with any apparatus used by railway undertakers for the purpose of signalling, or of controlling, directing or securing the safety of, traffic on their railway or the proper functioning of such apparatus.

(2) The expression " Act of Parliament " in section seven of the Telegraph Act, 1878 (which makes provision as to work done in pursuance of Acts of Parliament involving any telegraphic lines), shall be construed as including a compulsory rights order.

(3) In this section " telegraphic line " has the same meaning as in the Telegraph Act, 1878.

Rating of Pipe-lines in England and Wales

Certain pipe-lines to be plant or machinery for rating purposes in England and Wales.

41.—(1) The Third Schedule to the Rating and Valuation Act, 1925 (which specifies the classes of plant and machinery which are required by section twenty-four of that Act to be treated as part of certain hereditaments for the purposes of valuation lists), shall have effect with the addition at the end thereof of the following paragraph:—

"5. A pipe-line, that is to say, a pipe or system of pipes for the conveyance of any thing, not being—

(*a*) a drain or sewer;

(*b*) a pipe or system of pipes vested in an area board established by the Gas Act, 1948, or in a board established by the Electricity Act, 1947, or in the Central Electricity Generating Board;

(*c*) a pipe or system of pipes forming part of the equipment of, and wholly situate within, a factory or petroleum storage depot or premises comprised in a mine, quarry or mineral field;

and exclusive of so much of a pipe or system of pipes forming part of the equipment of, and situate partly within and partly outside, a factory or petroleum storage depot or premises comprised in a mine, quarry or mineral field as is situate within, as the case may be, the factory or petroleum storage depot or those premises.

In this paragraph—

(i) 'factory' has the same meaning as in the Factories Act, 1961;

(ii) 'mine' and 'quarry' have the same meanings as in the Mines and Quarries Act, 1954;

(iii) 'mineral field' means an area comprising an excavation being a well or bore-hole or a well and bore-hole combined, or a system of such excavations, used for the purpose of pumping or raising brine or oil, and so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the excavation or system as is occupied, together with the excavation or system, for the purpose of the working of the excavation or system;

(iv) 'petroleum storage depot' means premises used primarily for the storage of petroleum or petroleum products (including chemicals derived from petroleum) or of materials used in the manufacture of petroleum products (including chemicals derived from petroleum)".

(2) The Schedule to the Plant and Machinery (Rating) Order, 1960 (which is to the like effect as the said Third Schedule), shall have effect with the insertion, after the paragraph headed "Class 4" therein, of a paragraph headed "Class 5", in the same terms as the paragraph numbered 5 set out in the foregoing subsection.

(3) An alteration in a valuation list made in pursuance of a proposal made for the purpose of giving effect to the amendments made by the foregoing provisions of this section, being an alteration which would by virtue of subsection (1) of section forty-two of the Local Government Act, 1948 (alterations retrospective to beginning of current rate period), be deemed, apart from the provisions of this subsection, to have had effect as from a date before the passing of this Act, shall be deemed to have had effect as from the passing of this Act.

Supplementary Provisions

Inspectors.

42.—(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.

Preservation of amenity.

43. 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.

Protection of water against pollution.

44. 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.

Obligation to restore agricultural land.

45.—(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.

Penalties for uttering false documents and giving false information.

46. 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.

Provisions as to inquiries and hearings.

47.—(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 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.

Determination by Lands Tribunal of questions as to compensation.

48. 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.

Service of documents.

49.—(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.

Provisions as to requirements and prohibitions imposed under this Act.

50. 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.

Provisions as to ecclesiastical property.

51.—(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.

Reckoning of periods.

52. 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.

Regulations.

53.—(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.

Offences by corporations.

54.—(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.

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

55. 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".

Access to pipe-lines by customs officers.

56.—(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.

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

57. 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.

Exclusion of certain Pipe-lines and Works from Scope of Act

Exclusion of application of Act to, and in relation to, pipe-lines of certain statutory bodies.

58.—(1) The bodies to which this section applies are—

(*a*) the area boards established by the Gas Act, 1948;

(*b*) the Gas Council;

(*c*) the boards established by the Electricity Act, 1947;

(*d*) the boards established by the Electricity (Scotland) Acts, 1943 to 1957;

(*e*) the Central Electricity Generating Board; and

(*f*) the United Kingdom Atomic Energy Authority.

(2) Sections one and two of this Act shall not apply to works executed by a body to which this section applies.

(3) The following provisions of this Act shall not apply to a body to which this section applies, namely, sections eleven, twelve and fifteen, subsection (1) of section seventeen, and sections twenty, twenty-three, twenty-five, thirty-nine, and forty-five.

(4) In the following provisions of this Act, namely, subsection (2) of section seventeen, subsection (1) of section twenty-four, section twenty-six, subsection (1) of section twenty-seven, subsection (1) of section thirty-one, subsection (1) of section thirty-three, subsection (1) of section thirty-six, and sections thirty-seven, thirty-eight, forty and forty-two, references to a pipe-line shall be construed as not including references to a pipe-line vested in a body to which this section applies.

(5) In subsection (1) of section twenty-four and in section forty-two of this Act the references to pipe-line works shall be construed as not including references to such works executed by a body to which this section applies.

Exclusion of application of Act to, and in relation to, certain pipe-lines of railway undertakers, &c.

59.—(1) Sections one and two of this Act shall not apply to works executed by railway undertakers for the purposes of their business other than the operation of pipe-lines.

(2) Sections eleven and twelve of this Act shall not have effect for the purpose of authorising railway undertakers to purchase land for the placing therein of a pipe-line to be constructed for the purposes aforesaid or a length of pipe-line to be so constructed or to place in land a pipe-line to be so constructed or a length of a pipe-line to be so constructed.

(3) Section fifteen of this Act shall not operate to empower railway undertakers to place in a street a pipe-line constructed for the purposes aforesaid.

(4) In subsection (1) of section twenty of this Act the reference to works in land for the construction of a pipe-line shall be construed as not including a reference to works for the construction of a pipe-line by railway undertakers for the purposes aforesaid.

(5) In the following provisions of this Act, namely, section twenty-three, subsection (1) of section twenty-four, sections twenty-five and twenty-six, subsection (1) of section twenty-seven, subsection (1) of section thirty-one, subsection (1) of section thirty-three, subsection (1) of section thirty-six and sections thirty-seven, thirty-eight, forty and forty-two, references to a pipe-line shall be construed as not including a pipe-line vested in railway undertakers for the purposes aforesaid.

(6) In subsection (1) of section twenty-four and in section forty-two of this Act the references to pipe-line works shall be construed as not including references to pipe-line works executed by railway undertakers for the purposes aforesaid.

Exclusion of application of Act to, and in relation to pipe-lines in factories, mine or quarry premises or petroleum depots.

60.—(1) References in sections one to forty and forty-two of this Act to a pipe-line shall be construed as not including references to a pipe-line forming part of the equipment of, and situate wholly within, a factory, to a pipe-line forming part of the equipment of, and situate wholly within premises comprised in, a mine or quarry, or to a pipe-line forming part of the equipment of, and situate wholly within, a petroleum depot, and references in subsection (1) of section twenty-four of this Act and in the said section forty-two to pipe-line works shall be construed as not including references to such works executed in or at a factory, mine, quarry or petroleum depot in connection with any such pipe-line as aforesaid.

(2) References in the said sections one to forty of this Act to a pipe-line shall be construed as not including references—

(*a*) to so much of a pipe-line forming part of the equipment of, and situate partly within and partly outside a factory, as is situate within the factory,

(*b*) to so much of a pipe-line forming part of the equipment of, and situate partly within and partly outside premises comprised in, a mine or quarry, as is situate within those premises, or

(*c*) to so much of a pipe-line forming part of the equipment of, and situate partly within and partly outside, a petroleum depot, as is situate within the depot;

the references in subsection (1) of section twenty-four of this Act and in the said section forty-two to pipe-line works shall be construed as not including references to such works executed in or at a factory, mine, quarry or petroleum depot in connection with so much of any such pipe-line as aforesaid as is or will be situate within, as the case may be, the factory, the said premises or the depot; and in computing for the purposes of this Act the length of a pipe-line that is or will be one to which the foregoing provisions of this subsection apply there shall be disregarded so much of the line as is or will be situate within, as the case may be, the factory of whose equipment it forms or will form part, the premises comprised in the mine or quarry of whose equipment it forms or will form part or the petroleum depot of whose equipment it forms or will form part.

(3) In this section—

(*a*) "factory" has the same meaning as in the Factories Act, 1961;

(*b*) "mine" and "quarry" have the same meanings as in the Mines and Quarries Act, 1954;

(*c*) "petroleum depot" means premises used or appropriated for use wholly or mainly for the storage of petroleum spirit and includes a petroleum filling station, and "petroleum filling station" and "petroleum spirit" have the meanings assigned to these expressions

respectively by section twenty-three of the Petroleum (Consolidation) Act, 1928.

Exclusion of application of Act to, and in relation to, dock, &c., pipe-lines.

61. References in sections one to forty and forty-two of this Act to a pipe-line and to pipe-line works shall be construed as respectively not including references to a pipe-line wholly situate in premises to which certain provisions of the Factories Act, 1961, apply by virtue of subsection (1) of section one hundred and twenty-five (docks, &c.) of that Act, and to pipe-line works executed in connection with a pipe-line that is or will be wholly so situate.

Sections 27 and 31 not to apply to government pipe-lines.

62. References in sections twenty-seven and thirty-one of this Act to a pipe-line shall be construed as not including references to a pipe-line that is a government oil pipe-line within the meaning of the Requisitioned Land and War Works Act, 1948, or to a pipe-line that was laid under a wayleave order made under section fourteen of the Land Powers (Defence) Act, 1958.

Exclusion of application of certain provisions of Act to pipe-lines whose construction has been begun or authorised by Act.

63.—(1) Sections one and two of this Act shall not apply to works the execution of which has been begun before the date on which those sections come into operation or to works the execution of which has been authorised by an Act passed before that date.

(2) References in sections fifteen, seventeen, twenty-seven and thirty-one of this Act to a pipe-line shall be construed as not including references to a pipe-line for the construction of which the execution of works has been authorised as aforesaid.

Power of Minister to exclude application of sections 1 and 2 in relation to certain pipe-lines in particular localities.

64. The Minister, on an application in that behalf being made to him, and after causing if he thinks fit a public inquiry to be held, may by order (made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament) direct that sections one and two of this Act shall not apply to works executed for the construction of a pipe-line designed for the conveyance of a thing of a particular kind specified in the order or things of a class so specified, being a pipe-line wholly situate within such area as may be specified in, or described by, the order.

Interpretation

Meaning of "pipe-line".

65.—(1) In this Act "pipe-line" (except where the context otherwise requires) means a pipe (together with any apparatus and works associated therewith), or system of pipes (together with any apparatus and works associated therewith), for the conveyance of any thing other than air, water, water vapour or steam, not being—

(*a*) a drain or sewer; or

(*b*) a pipe or system of pipes constituting or comprised in apparatus for heating or cooling or for domestic purposes; or

(*c*) a pipe or system of pipes on the site of any operations or works to which certain provisions of the Factories Act, 1961, apply by virtue of subsection (1) of section one hundred and twenty-seven (building operations and works of engineering construction) of that Act; or

(*d*) a pipe or system of pipes wholly situate within the boundaries of an agricultural unit and designed for use for purposes of agriculture; or

(*e*) a pipe or system of pipes wholly situate in premises used for the purposes of education or research; or

(*f*) a pneumatic dispatch-tube.

(2) For the purposes of the foregoing subsection, the following apparatus and works, and none other, shall be treated as being associated with a pipe, or system of pipes, namely,—

(*a*) apparatus for inducing or facilitating the flow of any thing through the pipe or, as the case may be, through the system or any part thereof;

(*b*) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the course of, the pipe or system;

(*c*) apparatus for supplying energy for the operation of any such apparatus as is mentioned in paragraph (*a*) of this subsection or of any such works as are mentioned in paragraph (*b*) thereof;

(*d*) apparatus for the transmission of information for the operation of the pipe or system;

(*e*) apparatus for affording cathodic protection to the pipe or system;

(*f*) a structure for the exclusive support of a part of the line or system.

General interpretation provisions.

66.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"agriculture" includes dairy farming, the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not), and the use of land as grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds, and "agricultural" shall be construed accordingly;

" agricultural unit " means land which is occupied as a unit for agricultural purposes ;

" appropriate Minister " means—

(*a*) in relation to any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, the Minister of Transport,

(*b*) in relation to any undertaking for the supply of electricity, gas or hydraulic power (other than the undertakings of the boards established by the Electricity (Scotland) Acts, 1943 to 1957), the Minister, and in relation to the undertakings of the said boards, the Secretary of State ;

(*c*) in relation to any undertaking for the supply of water in England or Wales, the Minister of Housing and Local Government, and in relation to any such undertaking in Scotland, the Secretary of State ;

" carriageway " has the meaning assigned to it by subsection (1) of section two hundred and ninety-five of the Highways Act, 1959 ;

" compulsory purchase order " has the meaning assigned to it by subsection (1) of section eleven of this Act ;

" compulsory rights order " has the meaning assigned to it by subsection (1) of section twelve of this Act ;

" construction ", in relation to a pipe-line, includes placing, and " construct " and " constructed " shall, in relation to a pipe-line, be construed accordingly ;

" cross-country pipe-line " means a pipe-line whose length exceeds, or is intended to exceed, ten miles ;

" emergency works " means works whose execution at the time when they are executed is requisite in order to put an end to, or to prevent the arising of, circumstances then existing or imminent which are calculated to cause danger to persons or property, interruption of the conveyance by a pipe-line of any thing or a service afforded by undertakers (within the meaning of the Public Utilities Street Works Act, 1950), or substantial loss to the owner of a pipe-line or to such undertakers ;

" in ", in a context referring to a pipe-line or a length thereof or works or operations in land or a street, includes a reference to a pipe-line, length, works or operations under, over, across, along or upon it ;

" inspector " means an inspector appointed under this Act;

" land " includes land covered by water and in Scotland includes salmon fishings;

" local pipe-line " means a pipe-line other than a cross-country one;

" local water authority " means a local water authority within the meaning of the Water (Scotland) Act, 1946;

" the Minister " means the Minister of Power;

" notice " means a notice in writing;

" owner "—

(*a*) in relation to any land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term of which exceeds three years;

(*b*) in relation to land in Scotland, includes any person who, under the Lands Clauses Acts, would be enabled to sell and convey the land to the promoters of an undertaking and a tenant of the land under a lease the unexpired term of which exceeds three years;

(*c*) in relation to a pipe-line, means the person in whom the pipe-line is vested;

(*d*) in relation to a structure, means a person who, in relation to land being the site of the structure, is an owner thereof by virtue of paragraph (*a*) or (*b*) of this definition;

" pipe-line construction authorisation " has the meaning assigned to it by subsection (1) of section one of this Act;

" pipe-line diversion authorisation " has the meaning assigned to it by paragraph (*a*) of subsection (1) of section three of this Act;

" pipe-line works " means works of any of the following kinds, that is to say,—

(*a*) placing a pipe-line or a length of pipe-line;

inspecting, maintaining, adjusting, repairing, altering or renewing a pipe-line or a length of pipe-line;

changing the position of a pipe-line or a length of pipe-line or removing a pipe-line or a length of pipe-line;

(*b*) breaking up or opening land for the purposes of works mentioned in the foregoing paragraph and tunnelling or boring for those purposes and other works requisite for or incidental to those purposes;

"prescribed" means prescribed by regulations made under this Act;

"railway undertakers" means any persons authorised by an enactment or provision of an order or scheme made under or confirmed by an Act to construct, work or carry on a railway;

"river works consent" means a consent given under section thirty-one of the Land Drainage Act, 1961;

"statutory undertakers" means any person authorised by any Act (whether public general or local) or by any order or scheme made under or confirmed by an Act to construct, work or carry on a railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of electricity, gas, hydraulic power or water;

"statutory water undertakers" has the same meaning as it has for the purposes of the provisions of the Water Act, 1945, other than Part II of that Act;

"street works consent" means a consent given under section fifteen of this Act.

(2) For the purposes of this Act the length of a pipe-line shall be taken to be the total length of pipe comprised in it; but where, in a system of pipes, a number of adjacent parallel lengths of pipe serve the same purpose as would be served by a single pipe of a diameter greater than that of any of those lengths, that number shall be taken to constitute a single pipe.

(3) For the purposes of this Act the execution of works in land for the purpose of determining whether or not it is suitable for the placing in it of a pipe-line and the carrying out of surveying operations for the purpose of settling the route of a proposed pipe-line shall be deemed not to constitute the execution of works for the construction of a pipe-line.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any other Act.

General Application to Scotland

General application to Scotland.

67.—(1) The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.

(2) For any reference in this Act to chattels there shall be substituted a reference to corporeal moveables.

(3) As soon as may be after a compulsory rights order has become operative under the Statutory Orders (Special Procedure) Act, 1945, it shall be recorded by the Minister in the Register of Sasines; and any order varying or revoking a compulsory rights order in whole or in part shall be so recorded.

(4) For the purposes of sections twenty-seven to twenty-nine of this Act, a tenant, crofter, small landholder or statutory small tenant shall be deemed to be an owner of any building or structure on his holding or croft if he would, on the termination of his tenancy, be entitled to compensation under the Agricultural Holdings (Scotland) Act, 1949, the Crofters (Scotland) Acts, 1955 and 1961, or the Small Landholders (Scotland) Acts, 1886 to 1931, as the case may be, for such building or structure as an improvement; and any proceedings under subsection (5) of section twenty-eight, or subsection (2) of section twenty-nine, of this Act which relate to any such building or structure shall be brought in the Scottish Land Court and not before the sheriff.

(5) For any reference in this Act to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

Provided that until sections one to three of the Lands Tribunal Act, 1949, come into force as regards Scotland, this subsection shall have effect as if for the reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919; and sections three, five and six of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Act by an arbiter so appointed.

Expenses, Saving, Short Title, &c.

Expenses and receipts.

68.—(1) There shall be defrayed out of moneys provided by Parliament—

(*a*) any increase attributable to this Act in the expenses of the Minister which, by virtue of subsection (3) of section three of the Ministry of Fuel and Power Act, 1945, are defrayed out of such moneys;

(*b*) any increase attributable to this Act in the sums payable out of moneys so provided by way of Rate Deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.

(2) Any sums received under this Act by a Minister of the Crown (other than the Postmaster General) shall be paid into the Exchequer.

Saving for law of nuisance.

69. Nothing in this Act or in a compulsory rights order shall exonerate a person from any action or other proceeding for nuisance.

Short title, extent and commencement.

70.—(1) This Act may be cited as the Pipe-lines Act, 1962.

(2) This Act shall not extend to Northern Ireland.

(3) Section forty-one of this Act shall come into operation on the passing of this Act, and the remainder of this Act shall come into operation on such day as Her Majesty may by Order in Council appoint.

SCHEDULES

Sections 1, 3 and 47.

FIRST SCHEDULE

APPLICATIONS FOR GRANT OF PIPE-LINE CONSTRUCTION AND DIVERSION AUTHORISATIONS

PART I

APPLICATIONS FOR GRANT OF PIPE-LINE CONSTRUCTION AUTHORISATIONS

1. An application for the grant of a pipe-line construction authorisation must be made to the Minister in writing and must—

(*a*) state the name and address of the person who will be the owner of the proposed pipe-line;

(*b*) specify the points between which the proposed pipe-line is to run and be accompanied by three copies of a map (whereof the scale shall be not less than that of six inches to the mile) on which is delineated the route between those points which, subject to lateral deviation therefrom within such limits (if any) as may be specified in the authorisation, it is to take;

(*c*) state whether or not the grant of any rights or the giving of any street or river works consents is requisite to enable the proposed pipe-line to be constructed and to be, during the period during which it may reasonably be expected to remain, inspected, maintained, adjusted, repaired and renewed and, if it be the case that the grant of any rights or the giving of any such consents is requisite for that purpose, specify the rights and consents the grant or giving of which is so requisite and state, with respect to each of them, whether the grant or giving thereof has been, or can be, obtained;

(*d*) state what is proposed to be conveyed in the proposed pipe-line;

(*e*) contain such other (if any) particulars as may be prescribed.

2. Where an application for the grant of a pipe-line construction authorisation is duly made to the Minister, he shall take it into consideration and shall give notice to the applicant of his decision either that he refuses to grant the application or that the application is (without prejudice, however, to subsequent refusal thereof in the exercise of his discretion) to be allowed to proceed.

3.—(1) Where an applicant for the grant of a pipe-line construction authorisation is given notice under the last foregoing paragraph that his application is to be allowed to proceed, compliance with the following requirements shall be a condition precedent to the taking by the Minister of further steps in the matter of the application, namely,—

(*a*) there must be published by the applicant in the Gazette and thereafter also in such other manner as the Minister may direct (being the manner appearing to him to be best

calculated for informing persons inhabiting land in the vicinity of the route to be taken by the proposed pipe-line) a notice stating that application has been made to the Minister for the grant of the authorisation, naming a place where a copy of the map that accompanied the application can be inspected and stating the time (not being less than twenty-eight days from the date of the happening of the relevant event) within which, and the manner in which, objections to the application can be sent to the Minister;

(*b*) a like notice must be served by the applicant on every local planning authority in whose area any part of the route of the proposed pipe-line will lie and on such (if any) other persons as may be specified by the Minister.

(2) In the foregoing sub-paragraph "relevant event" means, in relation to a notice published in compliance with the requirement of head (*a*), the publication or first publication of the notice in the manner directed by the Minister, and, in relation to a notice served in compliance with the requirement of head (*b*), the service of the notice, and "the Gazette" means—

(*a*) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying wholly in England and Wales, the London Gazette;

(*b*) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying wholly in Scotland, the Edinburgh Gazette;

(*c*) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying partly in England and Wales and partly in Scotland, the London Gazette and the Edinburgh Gazette.

4.—(1) Where the proper notices concerning an application for the grant of a pipe-line construction authorisation have been published and served under the last foregoing paragraph, and an objection to the application is duly made by a local planning authority within whose area the route to be taken by the proposed pipe-line or any part thereof will lie, and is not withdrawn, the Minister shall in no event grant the application without causing a public inquiry to be held with respect to the objection and considering the report of the person who held it; and where such notices as aforesaid have been so published and served and an objection to the application is duly made by a person other than a local planning authority, and is not withdrawn, the Minister shall in no event grant the application without either causing a public inquiry to be held with respect to the objection and considering the report of the person who held it or affording to the person making the objection an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose and considering the report of the person so appointed.

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(2) The Minister may, if he thinks fit, cause a public inquiry to be held with respect to an application for the grant of a pipe-line construction authorisation notwithstanding that no objection to the application has been duly made by a local planning authority or that every objection duly so made has been withdrawn.

5. Where the Minister refuses an application for the grant of a pipe-line construction authorisation, he shall give to the applicant a written statement of his reasons for so doing.

6.—(1) A pipe-line construction authorisation may authorise the execution of works for the placing of the proposed pipe-line along the route delineated on the map whereof copies accompanied the application for the grant of the authorisation or along a modified route, but shall not authorise the execution of works for the placing of it along a modified route unless the Minister is satisfied that full opportunity for objection to departure from the route delineated as aforesaid has been afforded at a public inquiry.

(2) A pipe-line construction authorisation may specify limits within which lateral deviation from the route to be taken by the proposed pipe-line is permissible.

7. There shall be annexed to every pipe-line construction authorisation a map (whereof the scale shall be not less than that of six inches to the mile) on which is delineated the route along which the proposed pipe-line is authorised to be placed by means of the execution of works whose execution is authorised by the authorisation.

8. In this Part of this Schedule " local planning authority " means an authority which for the purposes of the Town and Country Planning Act, 1947, or the Town and Country Planning (Scotland) Act, 1947, is a local planning authority.

PART II

MODIFICATIONS SUBJECT TO WHICH PART I HAS EFFECT IN ITS APPLICATION TO APPLICATIONS FOR PIPE-LINE DIVERSION AUTHORISATIONS

9. The modifications subject to which Part I of this Schedule has effect as applied by subsection (4) of section three of this Act are the following :—

(*a*) for references to a pipe-line construction authorisation there shall be substituted references to a pipe-line diversion authorisation ;

(*b*) the name and address required by sub-paragraph (*a*) of paragraph 1 shall, instead of being that therein specified, be that of the person who (according to the circumstances of the case) is or will be the owner of the pipe-line in question and sub-paragraph (*d*) of that paragraph shall be omitted ;

(*c*) for references to the proposed pipe-line there shall be substituted references to the portion of pipe-line to be diverted.

SECOND SCHEDULE

Sections 11, 12 and 47.

APPLICATIONS FOR GRANT OF COMPULSORY PURCHASE ORDERS AND COMPULSORY RIGHTS ORDERS

PART I

APPLICATIONS FOR GRANT OF COMPULSORY PURCHASE ORDERS

1. An application for a compulsory purchase order must be made to the Minister in writing and must—

(*a*) state the name and address of the person in whose favour the order whose making is sought by the application is to be made;

(*b*) be accompanied by three copies of a map (whereof the scale shall be not less than that of six inches to the mile) on which are delineated the boundaries of the land proposed to be comprised in the order;

(*c*) contain such other (if any) particulars as may be prescribed.

2. Where an application for a compulsory purchase order is duly made to the Minister, he shall take it into consideration and shall give notice to the applicant of his decision either that he refuses to make the order or that the application is (without prejudice, however, to subsequent refusal thereof in the exercise of his discretion) to be allowed to proceed.

3. Where an applicant for a compulsory purchase order is given notice under the last foregoing paragraph that his application is to be allowed to proceed, compliance with the following requirements of this sub-paragraph (and, where subsection (1) of section fifty-one of this Act applies, with the requirement specified therein) shall be a condition precedent to the taking by the Minister of further steps in the matter of the application, namely,—

(*a*) there must be published by the applicant in two successive weeks in one or more local newspapers circulating in the locality in which the land proposed to be comprised in the order is situate a notice in the prescribed form stating that application has been made to the Minister for the making of the order, describing the land, naming a place in the locality where a copy of the map that accompanied the application may be inspected, and specifying the time (not being less than twenty-eight days from the date on which the notice is first published) within which and the manner in which objections to the application may be made to the Minister;

(*b*) there must be served by the applicant on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land proposed to be comprised in the order a notice in the prescribed form stating the effect of the order and that application for the making thereof has been made to the Minister, and specifying the time (not being less than twenty-eight days

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from the date on which the notice is served) within which and the manner in which objection to the application may be made to the Minister.

4.—(1) Where the proper notices concerning an application for the making of a compulsory purchase order have been published and served under the last foregoing paragraph, and an objection to the application is duly made by any such owner, lessee or occupier as aforesaid and is not withdrawn, the Minister shall in no event grant the application without either causing a public inquiry to be held with respect to the objection and considering the report of the person who held it or affording to the objector an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose and considering the report of the person so appointed.

(2) If any such owner, lessee or occupier as aforesaid by whom an objection has been made avails himself of the opportunity of being heard, the Minister shall afford to the applicant for the order, and to any other persons to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.

(3) Notwithstanding anything in the two last foregoing sub-paragraphs, the Minister may require any such owner, lessee or occupier as aforesaid who has made an objection to state in writing the grounds thereof, and may disregard for the purposes of this paragraph an objection made by any such owner, lessee or occupier as aforesaid if he is satisfied that the objection relates exclusively to matters which can be dealt with by the Lands Tribunal.

(4) In relation to Scotland any inquiry required by sub-paragraph (1) of this paragraph shall, if the Minister so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936, and where any direction is so given—

(*a*) it shall be deemed to have been given under section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945;

(*b*) the publication and service under the last foregoing paragraph of the proper notices concerning the application for the making of the order shall be deemed to be sufficient compliance with the requirements of subsection (1) of the said section two with regard to the giving of notice by advertisement; and

(*c*) subsection (2) of section forty-seven of this Act shall not apply to such inquiry.

5. Where the Minister refuses to make a compulsory purchase order, he shall give to the applicant therefor a written statement of his reasons for so doing.

6. A compulsory purchase order may be made with or without modification as regards the land sought to be comprised therein, but shall not, unless all persons interested consent, be so made

as to authorise the person in whose favour it is made to purchase any land which the order would not have authorised that person to purchase if it had been made without modification.

7.—(1) There shall be annexed to every compulsory purchase order a map (whereof the scale shall be not less than that of six inches to the mile) on which is plainly delineated the boundaries of the land comprised in the order.

(2) So soon as may be after a compulsory purchase order has been made the person in whose favour it has been made shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situate a notice in the prescribed form, describing the land, stating that the order has been made and naming a place where a copy of the order and of the map annexed thereto may be inspected at all reasonable hours, and shall serve a like notice, a copy of the order and a copy (on the same scale) of the map annexed to the order on every person who is an owner, lessee or occupier of any land comprised in the order.

8. Where application is made to the Minister for the making of a compulsory purchase order applicable to land which includes land which has been acquired by statutory undertakers for the purposes of their undertaking, then if on a representation made to the appropriate Minister before the expiration of the time specified in the notice published, as regards that application, in pursuance of sub-paragraph (*a*) of paragraph 3 of this Schedule that Minister is satisfied—

(*a*) that any of the said land is used for the purposes of the carrying on of their undertaking, or

(*b*) that an interest in any of the said land is held for those purposes,

the order shall not be made so as to authorise the purchase of any land as to which that Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—

(i) that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or

(ii) that, if purchased, it can be replaced by other land belonging to, or available for acquisition by, the undertakers without such detriment as aforesaid,

and certifies accordingly.

9.—(1) If a person aggrieved by a compulsory purchase order (not being one confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, or under subsection (4) of section two, as read with section ten, of that Act) desires to question the validity thereof or of any provision contained therein on the ground that the making of the order or the inclusion of that provision was not authorised by this Act or on the ground that any requirement of this Act or of any regulation thereunder has not been complied with in relation to the order,

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(2) On an application under the foregoing sub-paragraph, the court—

(*a*) may, by interim order, suspend the operation of the order whose validity is questioned, or of any provision of that order, either generally or so far as it affects any property of the applicant or a part of any such property, until the final determination of the proceedings; and

(*b*) if satisfied that the making of the order whose validity is questioned or the inclusion of any provision therein was not authorised by this Act or that the interests of the applicant have been substantially prejudiced by failure to comply in relation to the order with any such requirement as aforesaid, may quash the order, or any provision thereof, either generally or so far as it affects any property of the applicant or a part of any such property.

(3) Except as provided by this paragraph a compulsory purchase order shall not, either before or after it is made, be questioned in any legal proceedings whatever.

PART II

MODIFICATIONS SUBJECT TO WHICH PART I HAS EFFECT IN ITS APPLICATION TO APPLICATIONS FOR GRANT OF COMPULSORY RIGHTS ORDERS

10.—(1) The modifications subject to which Part I of this Schedule has effect as applied by subsection (3) of section twelve of this Act are those set out in the following provisions of this paragraph.

(2) For references to a compulsory purchase order there shall be substituted references to a compulsory rights order.

(3) There shall be included amongst the requirements with which, by virtue of paragraph 1, the application must comply a requirement that it shall state what rights are sought to be obtained by the application.

(4) There shall be included amongst the particulars to be included in a notice published in pursuance of paragraph 3 particulars of the rights sought to be obtained by the application.

(5) For paragraph 6 there shall be substituted the following paragraph:—

"6. A compulsory rights order may be made with or without modification as regards the land sought to be comprised therein or the nature of the rights for the exercise of which authorisation is sought by the order but shall not, unless all persons

interested consent, be so made as to authorise the person in whose favour it is made to exercise any right which the order would not have authorised him to exercise if it had been made without modification or to exercise rights in relation to any land in relation to which the order would not have authorised him to exercise rights if it had been so made."

(6) There shall be included amongst the particulars to be included in a notice published in pursuance of sub-paragraph (2) of paragraph 7 a statement of the rights of which the exercise is authorised by the order.

(7) In paragraph 8, for the words from "the order shall not be made" to the end of the paragraph there shall be substituted the words "the order shall not be made so as to authorise the exercise of a right over any land as to which that Minister is satisfied as aforesaid unless he is also satisfied—

(*a*) that the nature and situation of the land are such that the exercise thereover of that right will not cause serious detriment to the carrying on of the undertaking, or

(*b*) that such conditions will be attached to the order under section thirteen of this Act as will ensure that the exercise over the land of that right will not cause such serious detriment as aforesaid,

and certifies accordingly".

THIRD SCHEDULE

Section 11.

PROVISIONS FOR RENDERING COMPULSORY PURCHASE ORDERS EFFECTUAL, &C.

1.—(1) In relation to a compulsory purchase order, the Lands Clauses Acts are hereby incorporated with this Act, with the exception of the following provisions of the Lands Clauses Consolidation Act, 1845, namely,—

(*a*) sections eighty-five to eighty-eight (entry on land before purchase, on making deposit by way of security and giving bond);

(*b*) sections one hundred and fifty and one hundred and fifty-one (access to the special Act).

(2) In construing the Lands Clauses Acts as incorporated with this Act—

(*a*) this Act and the compulsory purchase order shall be deemed to be the special Act;

(*b*) references to the promoters of the undertaking shall be construed as references to the person authorised by the compulsory purchase order to purchase the land comprised therein.

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2. For the purposes of the incorporation with this Act in relation to a compulsory purchase order of the Lands Clauses Acts the following provisions shall be deemed to be included in the Lands Clauses Consolidation Act, 1845, in substitution for section ninety-two thereof, that is to say, that no person shall be required to sell a part only of any house, building or manufactory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the Lands Tribunal determines that, in the case of a house, building or manufactory, such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house, and, if the Lands Tribunal so determines, it shall award compensation in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part, and thereupon the party interested shall be required to sell to the person in whose favour the compulsory purchase order is made that part of the house, building, manufactory, park or garden.

3. In determining a question with respect to compensation claimed in consequence of the making of a compulsory purchase order the Lands Tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made, whether on the land comprised in the order or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the Tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works, or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

4. In the application of this Schedule to Scotland, for references to the Lands Clauses Consolidation Act, 1845, and to sections eighty-five, eighty-eight, ninety-two, one hundred and fifty and one hundred and fifty-one thereof, there shall be substituted respectively references to the Lands Clauses Consolidation (Scotland) Act, 1845, and to sections eighty-four, eighty-six, ninety, one hundred and forty-two and one hundred and forty-three thereof.

Section 12.

FOURTH SCHEDULE

ANCILLARY RIGHTS THAT MAY BE CONFERRED BY A COMPULSORY RIGHTS ORDER

1. A right for any person authorised by the person for whose benefit the compulsory rights order enures to pass over the land comprised in the order for the purpose of getting to or from the pipe-line on foot or with vehicles, and, where the right specified by the order is one of passing with vehicles, to transport materials, plant and apparatus therein.

2. A right to place, continue or renew markers for indicating the position of the pipe-line in so far as it is placed below the surface of the land comprised in the order.

3. A right to erect stiles, gates, bridges or culverts for the facilitation of access to the pipe-line.

4. A right to construct such works accessory to the pipe-line as may be specified in the order, being works for the facilitation of maintenance or inspection of the pipe-line or for protecting it from damage.

5. A right temporarily to place on the land comprised in the order materials, plant or apparatus required in connection with the pipe-line and brought on to the land by a vehicle in pursuance of such a right as is mentioned in paragraph 1 of this Schedule.

FIFTH SCHEDULE

Section 34.

INQUIRIES INTO PIPE-LINE ACCIDENTS

1. An inquiry in pursuance of a direction under section thirty-four of this Act with respect to an event shall be held by a competent person appointed by the Minister, and that person may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

2. The Minister may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.

3. The person appointed to hold the inquiry (hereafter in this Schedule referred to as " the court ") shall hold the inquiry in such manner and under such conditions as the court thinks most effectual for ascertaining the causes, circumstances and effects of the event and for enabling the court to make the report hereafter in this Schedule mentioned.

4. The court shall, for the purposes of the inquiry, have power—

(*a*) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes;

(*b*) by summons signed by the court to require any person to attend, at such time and place as is specified in the summons, to give evidence or produce any documents in his custody or under his control which the court considers it necessary for the purposes of the inquiry to examine;

(*c*) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the court thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person;

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(*d*) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;

(*e*) to adjourn the inquiry from time to time; and

(*f*) subject to the foregoing sub-paragraphs, to regulate the procedure of the court.

5. A person attending as a witness before the court shall be entitled to be paid by the Minister such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the court to a master of the Supreme Court who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.

6. The court shall make a report to the Minister stating the causes, circumstances and effects of the event, adding any observations which the court thinks it right to make, and the Minister shall cause copies of the report, or so much thereof as it is not in his opinion inconsistent with the interests of national security to disclose, to be laid before Parliament.

7. If any person—

(*a*) without reasonable excuse (proof whereof shall lie on him), and after having the expenses (if any) to which he is entitled tendered to him, fails to comply with any summons or requisition of the court; or

(*b*) does any other thing which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court,

the court may, by instrument signed by the court, certify the offence of that person to the High Court or, in Scotland, the Court of Session, and the High Court or Court of Session may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court or, as the case may be, the Court of Session.

8. In the application of this Schedule to Scotland, for references to a master of the Supreme Court, to a witness attending on subpoena before a court of record, and to a summons there shall be respectively substituted references to the Auditor of the Court of Session, to a witness attending on citation the High Court of Justiciary, and to an order.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845 ...	7 & 8 Vict. c. 18.
Lands Clauses Consolidation (Scotland) Act, 1845	7 & 8 Vict. c. 19.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Fatal Accidents Inquiry (Scotland) Act, 1895...	58 & 59 Vict. c. 36.
Ministry of Transport Act, 1919	9 & 10 Geo. 5. c. 50.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Mines (Working Facilities and Support) Act, 1923	13 & 14 Geo. 5. c. 20.
Rating and Valuation Act, 1925	15 & 16 Geo. 5. c. 90.
Petroleum (Consolidation) Act, 1928	18 & 19 Geo. 5. c. 32.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936...	26 Geo. 5 & 1 Edw. 8. c. 49.
Private Legislature Procedure (Scotland) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 52.
Ministry of Fuel and Power Act, 1945 ...	8 & 9 Geo. 6. c. 19.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Statutory Orders (Special Procedure) Act, 1945	9 & 10 Geo. 6. c. 18.
Water (Scotland) Act, 1946	9 & 10 Geo. 6. c. 42.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 43.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Electricity Act, 1947	10 & 11 Geo. 6. c. 54.
Requisitioned Land and War Works Act, 1948	11 & 12 Geo. 6. c. 17.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Gas Act, 1948	11 & 12 Geo. 6. c. 67.
Special Roads Act, 1949	12, 13 & 14 Geo. 6. c. 32.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Agricultural Holdings (Scotland) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 75.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6. c. 39.
Rivers (Prevention of Pollution) Act, 1951 ...	14 & 15 Geo. 6. c. 64.
Rivers (Prevention of Pollution) (Scotland) Act, 1951	14 & 15 Geo. 6. c. 66.
Customs and Excise Act, 1952...	15 & 16 Geo. 5 & 1 Eliz. 2. c. 44.
Mines and Quarries Act, 1954	2 & 3 Eliz. 2. c. 70.
Oil in Navigable Waters Act, 1955	3 & 4 Eliz. 2. c. 25.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
Land Powers (Defence) Act, 1958	6 & 7 Eliz. 2. c. 30.
Highways Act, 1959	7 & 8 Eliz. 2. c. 25.
Road Traffic and Roads Improvement Act, 1960	8 & 9 Eliz. 2. c. 63.
Land Compensation Act, 1961...	9 & 10 Eliz. 2. c. 33.
Factories Act, 1961	9 & 10 Eliz. 2. c. 34.
Land Drainage Act, 1961	9 & 10 Eliz. 2. c. 48.