



# Pipe-Lines Act 1962

1962 CHAPTER 58 10 and 11 Eliz 2

## *Safety of Pipe-lines*

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

- (1) [<sup>F1</sup>The Health and Safety Executive] may at any time if [<sup>F1</sup>the Executive] 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 [<sup>F1</sup>the Executive], before the expiration of twelve weeks from the date on which the notice was served, a counter-notice objecting to the notice, [<sup>F1</sup>the Executive] shall afford him an opportunity of appearing before and being heard by a person appointed by [<sup>F1</sup>the Executive] for the purpose, and if the first-mentioned person avails himself of the opportunity, [<sup>F1</sup>the Executive] shall, before the expiration of twelve weeks from the date on which the hearing is concluded, consider the objection and the report of

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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 [<sup>F1</sup>the Executive] 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 [<sup>F1</sup>the Executive] 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 . . . <sup>F2</sup>

#### Textual Amendments

- F1** Words substituted by virtue of S.I. 1974/1986, [Sch. 2 para. 2](#)  
**F2** Words repealed by S.I. 1974/1986, [Sch. 7](#)

#### Modifications etc. (not altering text)

- C1** Unreliable marginal note  
**C2** [Ss. 20–22](#) amended by S.I. 1990/1380, [art. 3, 4](#)  
**C3** [S. 20](#) saved by virtue of Health and Safety at [Work etc. Act 1974 \(c. 37, SIF 43:3\)](#), [s. 53](#), [Sch. 1](#) and [Tay Road Bridge Order Confirmation Act 1991 \(c. iv\)](#), [Sch. s. 62](#)

## 21 Enforcement of requirements imposed under section 20.

- (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, [<sup>F3</sup>the Health and Safety Executive] 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, [<sup>F3</sup>the Executive] 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 [<sup>F3</sup>the Executive] may on his application allow, to comply with the requirement imposed by the notice, [<sup>F3</sup>the Executive] 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 [<sup>F3</sup>the Executive] 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,

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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 [F3the Executive]; and [F3the Executive] may recover from the person on whom the notice was served, in any court of competent jurisdiction, the amount of any compensation paid by [F3the Executive] 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.

#### Textual Amendments

F3 Words substituted by virtue of S.I. 1974/1986, Sch. 2 para. 2

#### Modifications etc. (not altering text)

C4 Ss. 20–22 amended by S.I. 1990/1380, art. 3, 4

C5 S. 21 saved by virtue of Health and Safety at Work etc. Act 1974 (c. 37, SIF 43:3), s. 53, Sch. 1 and Tay Road Bridge Order Confirmation Act 1991 (c. iv), Sch. s. 62

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

- (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 pipe-line 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 [F4the Health and Safety Executive]) 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 [F4the Executive]) 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; . . . F5

#### Textual Amendments

F4 Words substituted by virtue of S.I. 1974/1986, Sch. 2 para. 2

F5 Words repealed by S.I. 1974/1986, Sch. 7

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**Modifications etc. (not altering text)**

- C6 Ss. 20–22 amended by S.I. 1990/1380, **art. 3, 4**
- C7 S.22 saved by virtue of Health and Safety at Work etc. Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv), **Sch. s. 62**

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

- (1) In the case of any pipe-line, [<sup>F6</sup>the Health and Safety Executive] 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 [<sup>F6</sup>the Executive] 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 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 [<sup>F7</sup>such number of bars 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 [<sup>F6</sup>the Executive] 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 . . . <sup>F8</sup>
- (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.

**Textual Amendments**

- F6 Words substituted by virtue of S.I. 1974/1986, **Sch. 2 para. 2**
- F7 Words substituted by S.I. 1981/695, **art. 2**
- F8 Words repealed by S.I. 1974/1986, **Sch. 7**

**Modifications etc. (not altering text)**

- C8 S. 23 amended by S.I. 1990/1380, **art. 3, 4**

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**C9** S. 23 saved by virtue of Health and Safety at Work etc. Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv), **Sch. s.62**

**24** ..... **F9**

**Textual Amendments**

**F9** Ss. 24, 34 repealed by S.I. 1974/1986, **Sch. 1**

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

- (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.

**Modifications etc. (not altering text)**

**C10** Ss. 25, 26 amended by S.I. 1990/1380, **art. 3, 4**

**C11** S. 25 saved by virtue of Health and Safety at Work etc. Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv), **Sch. s. 62**

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

- (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 [<sup>F10</sup>the Health and Safety Executive]; 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 . . . <sup>F11</sup>

### Textual Amendments

**F10** Words substituted by virtue of S.I. 1974/1986, [Sch. 2 para. 2](#)

**F11** Words repealed by S.I. 1974/1986, [Sch. 7](#)

### Modifications etc. (not altering text)

**C12** Unreliable marginal note

**C13** [Ss. 25, 26](#) amended by S.I. 1990/1380, [art. 3, 4](#)

**C14** [S. 26](#) saved by virtue of Health and Safety at [Work etc. Act 1974 \(c. 37, SIF 43:3\)](#), [s. 53](#), [Sch. 1](#) and [Tay Road Bridge Order Confirmation Act 1991 \(c. iv\)](#), [Sch. s.62](#)

## [<sup>F12</sup>26A Availability of funds.

- (1) The Secretary of State may at any time by notice served on the owner of a pipe-line prohibit the use or testing of the pipe-line, or of any length of the pipe-line, unless there are satisfied such requirements as may be specified in the notice for the purpose mentioned in subsection (2).
- (2) The purpose referred to in subsection (1) is that of ensuring that funds are available to discharge any liability that may arise in respect of damage attributable to the release or escape of anything from the pipe-line or length.
- (3) If, before the expiration of twelve weeks from the date on which a notice is served on any person under subsection (1), he serves a counter-notice on the Secretary of State objecting to the notice, the Secretary of State shall afford him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) Before the expiration of twelve weeks from the date on which any hearing under subsection (3) is concluded, the Secretary of State shall consider the objection and the report of the person appointed to hear the objector and, by notice served on the objector,—
- (a) quash the notice objected to, or

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- (b) confirm it without modification, or
  - (c) confirm it with such modification as appears to the Secretary of State to meet the objection.
- (5) The quashing of a notice served under subsection (1) shall not affect the previous operation of the notice or be taken to prevent the service of a fresh notice.
- (6) If a pipe-line is used or tested in contravention of a prohibition imposed by a notice under this section then, unless he shows that he used due diligence to avoid contravention, the owner shall be guilty of an offence.
- (7) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.]

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**Textual Amendments**

**F12** S. 26A inserted by [Petroleum Act 1987 \(c. 12, SIF 86\)](#), **s. 26(1)**

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**Modifications etc. (not altering text)**

**C15** S. 26A: transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, **Sch. 1** (with art. 7)  
S. 26A: certain functions exercisable (30.6.1999) by [S.I. 1999/1756](#), arts. 1, 2, **Sch. para. 1** (with art. 8))

**Status:**

Point in time view as at 09/05/1991.

**Changes to legislation:**

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