



Land Powers (Defence) Act 1958

1958 CHAPTER 30 6 and 7 Eliz 2

Storage and transmission of oil

[^{F1}12 Extension of provisions of Requisitioned Land and War Works Acts.

- (1) In the ^{M1}Requisitioned Land and War Works Acts, 1945 ^{M2} and 1948, the expression “government war works” shall include, and be deemed always to have included, any oil pipe-line or works accessory thereto laid, installed or constructed by or under the authority of a Minister—
- (a) in pursuance of Regulation 50 of the Defence (General) Regulations, 1939; or
 - (b) in pursuance of an agreement in such circumstances that, if the agreement had not been made, the like pipe-line or works could have been laid, installed or constructed in pursuance of the said Regulation 50,
- and completed before the end of the year nineteen hundred and fifty-eight; and the expression “government oil pipe-line” in the said Act of 1948 and in any regulations made thereunder shall be construed accordingly.
- (2) In subsection (1) of section fourteen of the said Act of 1948 (which provides that, after the thirty-first day of December, nineteen hundred and forty-nine, section twelve of that Act shall not apply to any pipe-line or works accessory thereto unless the rights conferred by subsection (1) of the said section twelve have been registered in the [^{F2}local land charges register]), for the words “forty-nine” there shall be substituted the word “sixty”.
- (3) In relation to any pipe-line or works accessory thereto with respect to which, at the date of the passing of this Act—
- (a) rights conferred as aforesaid have not been registered as aforesaid; and
 - (b) no such evidence of endorsement of documents of title as is required by regulations made under subsection (2) of the said section fourteen has been produced in accordance with those regulations,
- the date as from which the rights conferred by section thirteen of the said Act of 1948 (which relates to compensation) are to be substituted for the rights conferred by subsection (2) of section three of the ^{M3}Compensation (Defence) Act, 1939, shall be the date of the passing of this Act or the date of the completion of the pipe-line or

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works in question, whichever of those dates is the later, and accordingly, in relation to any such pipe-line or works—

- (i) subsection (2) of the said section thirteen shall apply as if the said section twelve had come into operation at the later of the dates aforesaid;
- (ii) in subsections (4) and (5) of the said section thirteen the references to the commencement of the said Act of 1948 shall be construed as references to the later of the dates aforesaid; and
- (iii) in subsection (6) of the said section thirteen, the reference to the exercise of the powers therein mentioned shall be construed as a reference to the exercise of those powers after the later of the dates aforesaid.

(4) Where under any agreement made before the passing of this Act—

- (a) payments (whether referred to as compensation, rent or otherwise) are to be made in respect of a pipe-line or works to which the last foregoing subsection applies; and
- (b) any such payments become payable in respect of a period after the passing of this Act,

the right to those payments shall be taken to be in substitution for the right to any corresponding payment of compensation in respect of that period under section thirteen of the said Act of 1948.

(5) In the application of this section to Scotland, for any reference to the registration of rights in the [^{F3}local land charges register] there shall be substituted a reference to the recording in the appropriate register of sasines of a deed granting such rights.]

Textual Amendments

- F1** S. 12 ceases to have effect (30.4.2015) by virtue of [Energy Act 2013 \(c. 32\)](#), **ss. 128(2)(e)**, 156(1) (with s. 130); S.I. 2015/817, art. 2(a)
- F2** Words in s. 12(2) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), **Sch. 5 para. 25** (with Sch. 5 Pt. 4)
- F3** Words in s. 12(5) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), **Sch. 5 para. 25** (with Sch. 5 Pt. 4)

Marginal Citations

- M1** 1945 c. 53.
- M2** 1948 c. 17.
- M3** 1939 c. 75

13 Acquisition of land for oil installations.

The Minister of Power may acquire by agreement, or, subject to the provisions of Part I of the Second Schedule to this Act, may by order provide that Part II of that Schedule shall have effect for the purpose of the acquisition by him of—

- (a) any land required for the construction of oil installations which in his opinion are essential for the defence of the realm;
- (b) any land on or under which there are oil installations which, immediately before the passing of this Act, were government war works for the purposes of Part II of the ^{M4}Requisitioned Land and War Works Act, 1945;
- (c) any easement over or right restrictive of the user of any other land, being an easement or right which in the opinion of that Minister is essential to the

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full enjoyment of any land on or under which such an oil installation as is mentioned in either of the two foregoing paragraphs is to be or has been constructed.

Marginal Citations

M4 1945 c. 43.

14 Wayleave orders for oil pipe-lines and accessory works.

- (1) Subject to the provisions of Part I of the Second Schedule to this Act, a Minister specified in subsection (3) of this section may, for any purpose specified in relation to him in that subsection, by order (in this Act referred to as a “wayleave order”) and without further assurance vest in himself with respect to any land specified in the order the right—
- (a) in such positions (subject to any minor deviations found to be necessary or expedient) under or above the surface of that land, or partly under and partly above the surface thereof, as may be specified by the order, to carry out all or any of the following operations, that is to say—
 - (i) the laying of an oil pipe-line;
 - (ii) the installation or construction of such minor works accessory to an oil pipe-line, whether laid under that wayleave order or otherwise, as may be so specified,and from time to time maintain or remove any pipe-line or works so laid, installed or constructed;
 - (b) to use any such pipe-line or works for any purpose appearing to that Minister to be expedient and not to be inconsistent with the purposes for which the order was made.
- (2) For the purposes of the foregoing subsection, the expression “minor works accessory to an oil pipe-line” shall include works so accessory of any of the following descriptions, that is to say—
- (a) manholes, inspection pits and similar works;
 - (b) electrical apparatus for the operation or maintenance of an oil pipe-line, and electric lines (within the meaning of the [^{F4}Electricity Act 1989]) provided mainly for the purpose of supplying electricity to such apparatus;
 - (c) markers for indicating the position of an oil pipe-line or of any such apparatus or electric line as is mentioned in the last foregoing paragraph, in so far as the pipe-line, apparatus or electric line is placed below the surface of the land;
 - (d) stiles, bridges, gates or other works for affording access to an oil pipe-line.
- (3) The Ministers and purposes referred to in subsection (1) of this section are—
- (a) a Secretary of State . . . ^{F5} for defence purposes;
 - (b) the Minister of Power, for the purpose of the provision and maintenance of facilities which in his opinion are essential for the defence of the realm;
 - (c) any of the Ministers aforesaid, for the purpose of any diversion appearing to that Minister to be necessary or expedient of an oil pipe-line which—
 - (i) is vested in or under the control of that Minister; and

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- (ii) either is a government oil pipe-line within the meaning of the ^{M5}Requisitioned Land and War Works Act, 1948, or was laid under a wayleave order made by that Minister.

Textual Amendments

- F4** Words substituted by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 9, Sch. 17 paras. 33, **35(1)**
- F5** Words repealed with saving by [S.I. 1964/488](#)

Modifications etc. (not altering text)

- C1** [S. 14](#) saved by [Pipe-Lines Act 1962 \(c. 58\)](#), s. 62
- C2** [S. 14](#) amended by [S.I. 1989/150](#), art. 2(3)(4)

Marginal Citations

- M5** 1948 c. 17.

15 Supplementary provisions as to wayleave orders.

- (1) Any person authorised in that behalf by the Minister by whom a wayleave order was made may, for the purpose of—
- (a) exercising any rights under the order; or
 - (b) restoring land where a pipe-line or works laid, installed or constructed under the order are removed or abandoned; or
 - (c) inspecting any land, pipe-line or works to which the order relates,
- enter upon any land of which that Minister is not in possession: and paragraphs 2 and 3 of the Fourth Schedule to this Act shall apply in relation to the powers conferred by this subsection:
- Provided that—
- (i) except in a case of emergency or for the purpose of inspection by a person producing, if required, written evidence of his authority so to do, entry upon any land shall not be demanded as of right unless not less than seven days' notice in writing of the intended entry has been served on the occupier of the land;
 - (ii) where otherwise than for the purpose of inspection only any land has been entered upon in pursuance of this subsection without notice being served as aforesaid on the occupier of the land, that Minister shall forthwith cause notice in writing of the entry to be served on the occupier.
- (2) Sections seventy-eight to eighty-five of the ^{M6}Railways Clauses Consolidation Act, 1845, as originally enacted (which restrict the working of minerals, subject to the payment of compensation) shall apply to any pipe-line or works laid, installed or constructed under a wayleave order as if—
- (a) any reference to the railway were a reference to the pipe-line or works in question;
 - (b) any reference to the company were a reference to the Minister by whom the wayleave order was made.
- (3) The Treasury may make regulations—
- (a) for the protection of persons affected by the laying, installation construction, maintenance or use under a wayleave order of pipe-lines or accessory works, and in particular for requiring the Minister by whom the order was made

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to keep in good repair any pipe-line or works laid, installed or constructed under the order, to take such steps as may be prescribed by the regulations for restoring land where any such pipe-line or works are removed or abandoned, and to indemnify persons against loss or damage caused by any failure to keep any such pipe-line or works in good repair, and for relieving statutory undertakers and other persons of liabilities or obligations arising in consequence of any such failure or any exercise of the rights conferred by the wayleave order;

- (b) for requiring notice to be given where a pipe-line or works laid, installed or constructed under a wayleave order are removed or abandoned.
- (4) In the application of this section to Scotland, for the reference to sections seventy-eight to eighty-five of the ^{M7}Railways Clauses Consolidation Act, 1845, there shall be substituted a reference to sections seventy-one to seventy-eight of the ^{M8}Railways Clauses Consolidation (Scotland) Act, 1845.

Modifications etc. (not altering text)

C3 Ss. 15–17 amended by S.I. 1989/150, art. 2(3)(4)

Marginal Citations

M6 1845 c. 20.

M7 1845 c. 20.

M8 1845 c. 33.

16 Protection of oil pipe-lines and accessory works.

- (1) ^{M9}Subject to the next following section, where, in the case of any oil pipe-line or works accessory thereto, rights are for the time being exercisable with respect thereto by a Minister under subsection (1) of section twelve of the Requisitioned Land and War Works Act, 1948, or under a wayleave order, no person shall without the consent of that Minister—
- (a) erect or construct any building or structure, or execute any works providing passage or hard standing for vehicles, persons or animals, in such a way that any part of the building, structure or works is situated within an area falling within ten feet of, or of the portion of the surface of the land lying immediately above, any part of the pipe-line or accessory works or the proposed site thereof; or
 - (b) carry out any excavation, or deposit any earth, refuse, spoil or other materials, on any land within such an area as aforesaid:

Provided that nothing in paragraph (b) of this subsection shall require the consent of that Minister to any agricultural operations other than—

- (i) operations for the storage of crops, grass or silage; and
 - (ii) ploughing for purposes of drainage.
- (2) If the provisions of the foregoing subsection are contravened, the Minister concerned may remove anything erected, constructed or deposited, and fill in any excavation made, in contravention of those provisions, and carry out all such other work (if any) as may appear to him to be requisite in consequence of the contravention; and for the purposes of the exercise of the powers conferred by this subsection any person authorised in that behalf by that Minister may enter upon any land upon which the

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occupier of the land on which the contravention was committed is entitled or permitted to enter, and paragraphs 1 and 2 of the Fourth Schedule to this Act shall apply.

- (3) Any expenses incurred by a Minister under the last foregoing subsection shall be recoverable by him from the occupier of the land on which the contravention was committed:

Provided that where the occupier occupies that land—

- (a) as tenant under a lease or as licensee under a licence to occupy that land for use as agricultural land and the contravention was committed by some other person who, at the time of its commission, was an owner or lessee of that land; or
- (b) as tenant under a lease granted to the occupier and—
 - (i) the grantor has not given the occupier notice that subsection (1) of this section has taken effect as respects the land; and
 - (ii) the occupier has not been served in connection with the land with any document such as is mentioned in sub-paragraph (i) or (ii) of paragraph (b) of subsection (2), (5) or (6) of the next following section,

the expenses aforesaid shall not be recoverable from the occupier, but, except where that other person or, as the case may be, the grantor is a person in relation to whom, by virtue of the said subsection (2), (5) or (6), the said subsection (1) has not taken effect, shall be recoverable from that other person or, as the case may be, from the grantor.

In this subsection the expression “lease” includes an agreement for a lease and the expression “grantor” shall be construed accordingly.

- (4) Where anything has been done in contravention of subsection (1) of this section, the Minister concerned, instead of exercising the powers conferred by subsection (2) of this section, may, if he thinks fit, direct that, during such period and subject to such conditions as may be specified in the direction, that thing shall be deemed to have been done with his consent.

^{F6}(5)

- (6) Subsection (6) of the said section twelve (which restricts the erection of buildings or structures over or near certain pipe-lines or works accessory thereto) shall cease to apply to any land as from the time when subsection (1) of this section takes effect as respects that land in accordance with the next following section.

Textual Amendments

F6 S. 16(5) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 108\)](#), s. 168(2), [Sch.9](#); (E.W.) [S.I. 1992/2984](#), art. 2(2), [Sch.2](#) and (S.) [S.I. 1992/2990](#), art. 2(2), [Sch.2](#).

Modifications etc. (not altering text)

C4 Ss. 15–17 amended by [S.I. 1989/150](#), [art. 2\(3\)\(4\)](#)

Marginal Citations

M9 1845 c. 17.

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[^{F7}17 Registration of wayleave orders and restrictions under s. 16.

(1) The rights conferred by a wayleave order shall not be exercisable against a purchaser for money or money's worth of a legal estate in any of the land to which the order applies unless, before the completion of the purchase, either—

- (a) the order; or
- (b) the draft order referred to in the notice served in pursuance of paragraph 2 of the Second Schedule to this Act of the proposal to make the order,

has been registered in the prescribed manner in the register of local land charges of the council of the county borough, metropolitan borough or county district in which the land which is the subject of the purchase is situated; and such a draft order as aforesaid may be so registered at any time after such a notice as aforesaid referring to it has been served:

Provided that the registration of a draft order shall not be effective for the purposes of this subsection in relation to any land to which the draft order did not apply.]

[^{F7}(1) A wayleave order shall be local land charge.

(1A) Notwithstanding subsection (1) of this section and subject to subsection (1B) of this section, where, before the commencement of the Local Land Charges Act 1975, a draft wayleave order was registered in the appropriate local land charges register there shall be no duty to register, or to apply for the registration of, any wayleave order made pursuant to the draft order, and section 10 of the said Act shall not apply in relation to any such wayleave order.

(1B) Subsection (1A) of this section shall not apply to any wayleave order so far as the order applies to land not affected by the draft wayleave order or, where the registration of the draft order was, before the commencement of the said Act of 1975, varied in consequence of the order as made differing from the draft, so far as it applies to land not shown as affected in the registered particulars of the draft order as varied.]

(2) Except in the case of land to which a wayleave order applies, subsection (1) of the last foregoing section shall not take effect—

- (a) as respects any land until notice of the restrictions imposed on that land by that subsection is registered [^{F8}in the prescribed manner in the register of local land charges of the council of the county borough, metropolitan borough or county district in which that land is situated][^{F8}in the ^{F9}... local land charges register];
- (b) in relation to any person who is an owner, lessee or occupier of that land at the time when the application for registration is made unless either—
 - (i) notice of the application or of the registration has been served on him; or
 - (ii) the said restrictions arise from a wayleave order of which a copy was served on him under paragraph 7 of the Second Schedule to this Act.

[^{F10}(2A) Where an application is made for the registration of a notice in the ^{F11}... local land charges register in pursuance of subsection (2) of this section, the [^{F12}Chief Land Registrar] shall register the notice accordingly.]

[^{F13}(3) The power conferred by subsection (6) of section fifteen of the ^{M10} Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the foregoing provisions of this section; and in the said foregoing provisions the expression “ prescribed ” means prescribed by rules made in the exercise of that power.]

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- [^{F13}(3) A notice registered in [^{F14}the local land charges register] in pursuance of subsection (2) of this section shall be a local land charge, but—
- (a) section 5(2) and section 10 of the Local Land Charges Act 1975 shall not apply in relation thereto; and
 - (b) a certificate setting out the result of an official search of the ^{F15}... local land charges register shall, as respects any land, be conclusive of the question whether, at the time of the issue of the certificate, a notice registrable in pursuance of subsection (2) of this section was registered in the register.]
- (4) Any rules made under [^{F16}the said subsection (6)] [^{F16}section 14 of the Local Land Charges Act 1975] for the purposes of this section shall include provision—
- [^{F17}(a) for cancelling the registration under this section of a draft wayleave order in a case where it is decided not to make any order;
- (b) for varying the registration of a draft wayleave order in a case where the order as made differs from that draft:]
 - (c) for varying or cancelling any registration [^{F18}under this section] in a case where—
 - (i) the wayleave order to which it relates is varied or revoked; or
 - (ii) any restriction imposed by subsection (1) of the last foregoing section is modified or ceases to have effect.
- (5) The foregoing provisions of this section shall not apply to Scotland, but as respects land in Scotland—
- (a) the Minister by whom a wayleave order is made shall as soon as may be record in the appropriate register of sasines the wayleave order and any order varying or revoking that order; and the rights conferred by any such order shall not be exercisable against any person acquiring any interest in any land to which the order applies unless the order has been so recorded before the completion of the acquisition;
 - (b) except in the case of land to which a wayleave order applies, the Minister with whose consent restrictions imposed on any land by subsection (1) of the last foregoing section may be disregarded shall record as aforesaid notice of those restrictions and of any modification or cesser thereof, and the said subsection (1) shall not take effect as respects that land until the said notice has been so recorded and shall not take effect in relation to any person who is an owner, lessee or occupier of that land at the time when the notice is so recorded unless either—
 - (i) such a notice has also been served on him; or
 - (ii) the restrictions arise from a wayleave order of which a copy has been served on him under paragraph 7 of the Second Schedule to this Act.
- (6) The foregoing provisions of this section shall not apply to Northern Ireland, but as respects land in Northern Ireland—
- (a) a wayleave order and restrictions imposed by subsection (1) of the last foregoing section shall be included amongst the matters which are required to be registered in the Statutory Charges Register; and accordingly the following paragraph shall be added after paragraph (m) of subsection (1) of section two of the Statutory Charges Register Act (Northern Ireland), 1951, that is to say—
 - “(n) a wayleave order made under section fourteen of the Lands Powers (Defence) Act, 1958, and restrictions imposed by subsection (1) of section sixteen of that Act”;

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- (b) except in the case of land to which a wayleave order applies, subsection (1) of the last foregoing section shall not take effect as respects any land until the restrictions imposed on that land by that subsection have been registered as aforesaid and shall not take effect in relation to any person who is an owner, lessee or occupier of that land at the time when the application for that registration is made unless either—
- (i) there has been served on him notice either of the application or of the registration or of the giving of a priority notice in connection therewith under section four of the said Act of 1951; or
 - (ii) the said restrictions arise from a wayleave order of which a copy was served on him under paragraph 7 of the Second Schedule to this Act.

Textual Amendments

- F7** S. 17(1)(1A)(1B) substituted (with savings) (E.W.), for s.17(1) by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\), ss. 17\(2\), 19\(2\)–\(4\), Sch. 1](#)
- F8** Words “in the appropriate local land charges register” substituted with savings (E.W.) for words commencing “in the prescribed manner” by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\), ss. 17\(2\), 19\(2\)–\(4\), Sch. 1](#)
- F9** Word in s. 17(2)(a) omitted (12.4.2015) by virtue of [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\), Sch. 5 para. 26\(a\)](#) (with [Sch. 5 Pt. 4](#))
- F10** S. 17(2A) inserted (with savings) (E.W.), by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\), ss. 17\(2\), 19\(2\)–\(4\), Sch. 1](#)
- F11** Word in s. 17(2A) omitted (12.4.2015) by virtue of [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\), Sch. 5 para. 26\(a\)](#) (with [Sch. 5 Pt. 4](#))
- F12** Words in s. 17(2A) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\), Sch. 5 para. 26\(b\)](#) (with [Sch. 5 Pt. 4](#))
- F13** S. 17(3) commencing “A notice registered” substituted (with savings) (E.W.) for s. 17(3) commencing “The power conferred” by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\), ss. 17\(2\), 19\(2\)–\(4\), Sch. 1](#)
- F14** Words in s. 17(3) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\), Sch. 5 para. 26\(c\)](#) (with [Sch. 5 Pt. 4](#))
- F15** Word in s. 17(3)(b) omitted (12.4.2015) by virtue of [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\), Sch. 5 para. 26\(a\)](#) (with [Sch. 5 Pt. 4](#))
- F16** Words “section 14 of the Local Land Charges Act 1975” substituted (with savings) (E.W.) for words “the said subsection (6)” by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\), ss. 17\(2\), 19\(2\)–\(4\), Sch. 1](#)
- F17** S. 17(4)(a)(b) repealed (with savings) (E.W.), by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\), ss. 17\(2\), 19, Sch. 1, Sch. 2](#)
- F18** Words repealed (with saving) (E.W.), by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\), ss. 17\(2\), 19, Sch. 1, Sch. 2](#)

Modifications etc. (not altering text)

- C5** Ss. 15–17 amended by [S.I. 1989/150, art. 2\(3\)\(4\)](#)

Marginal Citations

- M10** [1925 c. 22.](#)

18 Compensation in respect of wayleave orders and restrictions under s. 16.

- (1) If by virtue of a wayleave order the value of any interest in land which comprises, or is held with, land to which the order applies is depreciated, being an interest subsisting

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at the time when the order was made, there shall be payable in respect of that interest by the Minister by whom the order was made compensation of an amount equal to the amount of the depreciation.

- (2) If, in the case of any land other than land which comprises, or is held with, land to which a wayleave order applies, the value of any interest in that land is depreciated in consequence of restrictions imposed by subsection (1) of section sixteen of this Act, being an interest subsisting at the time when that subsection takes effect as respects that land, there shall be payable in respect of that interest by the Minister with whose consent those restrictions may be disregarded compensation of an amount equal to the amount of the depreciation:

Provided that compensation under this subsection shall not be payable in respect of any land if compensation in respect of that land has been paid under section thirteen of the ^{M11}Requisitioned Land and War Works Act, 1948, and it is shown that the whole or part of that compensation is attributable to the provisions of subsection (6) of section twelve of that Act.

- (3) Any person who, in consequence of the exercise of the rights conferred by a wayleave order, suffers loss by reason of damage to, or is disturbed in the enjoyment of, any land or chattels shall be entitled to compensation in respect of that damage or disturbance from the Minister by whom the order was made.
- (4) The Treasury may by regulations require, as a condition of the payment of compensation under this section, that, except in such circumstances as may be prescribed by the regulations, a claim shall be made in the form and manner so prescribed, and within such period as may be determined by or under the regulations.
- (5) Any dispute as to a right to compensation under this section, or as to the amount of any such compensation, shall be determined by the [^{F19}appropriate tribunal].

Textual Amendments

F19 Words in s. 18(5) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 26** (with Sch. 5)

Modifications etc. (not altering text)

C6 S. 18 amended by [S.I. 1989/150](#), **art. 2(3)(4)**

Marginal Citations

M11 1948 c. 17.

[^{F20}18A Modification of street works or road works provisions.

- (1) In relation to works in exercise of the powers under a wayleave order, or the powers conferred by section 12 of the Requisitioned Land and War Works Act 1948, the provisions of Part III or IV of the New Roads and Street Works Act 1991 (street works in England and Wales or road works in Scotland) have effect subject to the provisions of this section.
- (2) The provisions of Schedule 4 or 6 of that Act (settlement of plan and section for works in streets or roads with special engineering difficulties) have effect subject as follows—

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- (a) an objection to a plan and section in form shall be disregarded if a Minister certifies that in his opinion it would be against the national interest to submit a plan and section on a larger scale or giving further particulars;
 - (b) no modification of a plan and section shall be made which would involve an unacceptable diversion or change; and
 - (c) a plan and section shall not be disapproved on the ground that there should be such a diversion or change.
- (3) An arbitrator or arbiter appointed in pursuance of—
- (a) paragraph 8(3) of Schedule 4 or 6 of that Act (settlement of plan and section in case of works in street or road with special engineering difficulties), or
 - (b) section 84(3) or 143(3) of that Act (settlement of necessary measures in case of apparatus affected by certain major works),
- shall not provide for an unacceptable diversion or change.
- (4) In subsections (2) and (3) above an “unacceptable diversion or change” means—
- (a) a lateral diversion of a government oil pipe-line to which the Minister on whose behalf the works are to be executed does not consent, or
 - (b) a change of the site of accessory works which would necessitate such a diversion.]

Textual Amendments

F20 S. 18A inserted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 108\)](#), s. 168(1), [Sch. 8 Pt. IV para.100](#); (E.W.) [S.I. 1992/2984](#), art. 2(2), [Sch.2](#) and (S.) [S.I. 1992/2990](#), art. 2(2), [Sch.2](#).

[^{F21}18B Modification of street works provisions in Northern Ireland

- (1) In relation to works in Northern Ireland in exercise of the powers under a wayleave order, the provisions of the Street Works (Northern Ireland) Order 1995 have effect subject to the provisions of this section.
- (2) The provisions of Schedule 2 to that Order (settlement of plan and section for works in streets with special engineering difficulties) have effect subject as follows—
- (a) an objection to a plan and section in form shall be disregarded if a Minister certifies that in his opinion it would be against the national interest to submit a plan and section on a larger scale or giving further particulars;
 - (b) no modification of a plan and section shall be made which would involve an unacceptable diversion or change; and
 - (c) a plan and section shall not be disapproved on the ground that there should be such a diversion or change.
- (3) An arbitrator appointed in pursuance of—
- (a) paragraph 8(2) of Schedule 2 to that Order (settlement of plan and section in case of works in street with special engineering difficulties), or
 - (b) Article 44(3) of that Order (settlement of necessary measures in case of apparatus affected by certain major works),
- shall not provide for an unacceptable diversion or change.
- (4) In subsections (2) and (3) above an “unacceptable diversion or change” means—

Changes to legislation: There are currently no known outstanding effects for the Land Powers (Defence) Act 1958, Cross Heading: Storage and transmission of oil. (See end of Document for details)

- (a) a lateral diversion of a government oil pipe-line to which the Minister on whose behalf the works are to be executed does not consent, or
- (b) a change of the site of accessory works which would necessitate such a diversion.]

Textual Amendments

F21 S. 18B inserted (18.11.2001) by S.I. 1995/3210 (N.I. 19), art. 60(1), **Sch. 3 para. 1**; S.R. 2001/388, art. 2, **Sch.**

Changes to legislation:

There are currently no known outstanding effects for the Land Powers (Defence) Act 1958, Cross Heading: Storage and transmission of oil.