



Petroleum and Submarine Pipe- lines Act 1975 (repealed 15/02/1999)

1975 CHAPTER 74

PART III

SUBMARINE PIPE-LINES

Construction and use of pipe-lines

20 Control of construction and use of pipe-lines in territorial and continental-shelf waters.

(1) No person shall—

- (a) execute in, under or over any controlled waters any works for the construction of a pipe-line except works for the completion of a pipe-line of which the construction was begun before the coming into force of this subsection; or
- (b) use a controlled pipe-line of which the construction was begun after the coming into force of this subsection,

unless he is authorised in writing by the Secretary of State to do so and the works are or the use is in accordance with the terms of the authorisation.

(2) In this Act—

“controlled pipe-line” means so much of any pipe-line as is in, under or over controlled waters; and

“controlled waters” means the territorial sea adjacent to the United Kingdom and the sea in any designated area within the meaning of the^{MI}Continental Shelf Act 1964.

Modifications etc. (not altering text)

- C1** S. 20(2) modified (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\), s. 1\(5\)\(b\)](#)
S. 20(2) modified (N.I.) (15.9.1992) by [S.I. 1992/1728 \(N.I. 17\), arts. 1\(2\), 3\(5\)\(b\)](#)

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Changes to legislation: There are currently no known outstanding effects for the Petroleum and Submarine Pipe-lines Act 1975 (repealed 15/02/1999), Part III. (See end of Document for details)

C2 S. 20(1) excluded by S.I. 1981/750, reg. 2

Marginal Citations

M1 1964 c. 29(86).

21 Authorisations for pipe-lines.

- (1) The provisions of Part I of Schedule 4 to this Act shall have effect with respect to applications for and notice of works authorisations, and the provisions of Part II of that Schedule shall have effect with respect to notice of other authorisations.
- (2) It shall be the duty of the Secretary of State not to issue an authorisation to a person other than a body corporate.
- (3) Any authorisation in respect of a controlled pipe-line may contain such terms as the Secretary of State thinks appropriate including in particular, without prejudice to the generality of the preceding provisions of this subsection, terms as to—
 - (a) the duration of the authorisation, including the method of ascertaining its duration;
 - (b) the persons or kinds of persons who are authorised to execute the works in question or to use the pipe-line or are so authorised if the Secretary of State consents to the execution of the works or the use of the pipe-line by them;
 - (c) in the case of a works authorisation, the route of the pipe-line, the boundaries within which any works may be executed in pursuance of the authorisation, the design and capacity of the pipe-line or of part of it and the steps to be taken to avoid or reduce interference by the pipe-line with fishing or with other activities connected with the sea or the sea bed or subsoil;
 - (d) the things authorised to be conveyed by the pipe-line;
 - (e) the steps to be taken for the purpose of ensuring that funds are available to discharge any liability for damage attributable to the release or escape of any thing from the pipe-line;
 - (f) the transactions relating to the pipe-line which are not to be entered into, and the other things relating to the pipe-line which are not to be done, without the consent of the Secretary of State;
 - (g) the persons who may be permitted to acquire an interest in the pipe-line and who may not be permitted to retain such an interest;
 - (h) the operation of the pipe-line, including the methods by which it is to be operated and the persons by whom it may be operated;
 - (i) the information to be furnished in respect of the pipe-line; and
 - (j) the giving by the Secretary of State, with respect to matters specified in the authorisation, of directions which shall have effect as terms of the authorisation.
- (4) Except in a case where the Secretary of State considers that there are special circumstances by reason of which the duration of an authorisation should be limited, the terms as to its duration which are included in an authorisation shall provide for its duration to be unlimited unless the authorisation ceases to be in force by virtue of the following provisions of this Part of this Act.
- (5) Where a works authorisation contains a term requiring that the capacity of the controlled pipe-line to which it relates or of any part of the pipe-line shall be greater than that proposed in the application for the authorisation or requiring that any of

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the route of the pipe-line shall be different from that so proposed then, subject to section 23(4) of this Act, the Secretary of State may serve on the holder of the authorisation, and on any other person who made representations to the Secretary of State that the capacity proposed as aforesaid should be greater or that any of the route so proposed should be different, a notice—

- (a) specifying the sums or the method of determining the sums which the Secretary of State considers should be paid to the holder by the other person for the purpose of defraying so much of the cost of constructing the pipe-line as is attributable to the term;
 - (b) requiring the other person to make, within a period specified in that behalf in the notice, arrangements which the Secretary of State considers are appropriate for the purpose of securing that those sums will be paid to the holder if he constructs the pipe-line or a relevant part of it in accordance with the term or satisfies the Secretary of State that he will so construct it;
 - (c) providing that the holder may, if such arrangements are not made by the other person within that period, elect in the manner specified in the notice that—
 - (i) the term shall have effect with such modifications as are so specified with a view to eliminating the consequences of the representations of the other person, and
 - (ii) the provisions included in the notice by virtue of the following paragraph shall cease to have effect;
- and
- (d) authorising the holder, if he satisfies the Secretary of State that the pipe-line or a relevant part of it has been or will be constructed in accordance with the term, to recover those sums from the other person.

22 Compulsory increases in capacity etc. of pipe-lines.

(1) If in the case of a controlled pipe-line it appears to the Secretary of State, on the application of a person other than the owner of the pipe-line—

- (a) that the capacity of the pipe-line can and should be increased by modifying apparatus and works associated with the pipe-line; or
- (b) that the pipe-line can and should be modified by installing in it a junction through which [^{F1}another pipe-line] may be connected to the pipe-line,

then, subject to subsection (5) of the following section, the Secretary of State may, after giving to the owner of the pipe-line an opportunity of being heard about the matter, serve on the owner and the applicant a notice—

- (i) specifying the modifications . . . ^{F2} which the Secretary of State considers should be made in consequence of the application;
- (ii) specifying the sums or the method of determining the sums which the Secretary of State considers should be paid to the owner by the applicant for the purpose of defraying the cost of the modifications;
- (iii) requiring the applicant to make, within a period specified in that behalf in the notice, arrangements which the Secretary of State considers appropriate for the purpose of securing that those sums will be paid to the owner if he carries out the modifications or satisfies the Secretary of State that he will carry them out;
- (iv) requiring the owner, if the applicant makes those arrangements within the period aforesaid, to carry out the modifications within a period specified in that behalf in the notice; and

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- (v) authorising the owner, if he satisfies the Secretary of State that he has carried out or will carry out the modifications, to recover those sums from the applicant.
- (2) References in the preceding subsection to modifications include, in the case of modifications of any apparatus and works, references to changes in, substitutions for and additions to the apparatus and works.
- (3) It is hereby declared that for the purposes of section 20(1) of this Act a notice in pursuance of this section requiring a person to carry out modifications authorises him to carry out the modifications; but nothing in Schedule 4 to this Act shall apply to such a notice.

Textual Amendments

- F1** Words substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\), s. 25\(2\)\(a\)](#)
- F2** Words repealed by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\), ss. 25\(2\)\(b\), 37, Sch. 4](#)

Modifications etc. (not altering text)

- C3** [S. 22](#) excluded by [S.I. 1981/750, reg. 2](#)

23 Acquisition by persons of rights to use pipe-lines belonging to others.

- (1) If a person applies to the Secretary of State for a notice in pursuance of this section which secures to the applicant a right to have conveyed, by a controlled pipe-line of which he is not the owner, quantities specified in the application of things which are of a kind so specified and which the pipe-line is designed to convey, it shall be the duty of the Secretary of State to consider the application and, before he considers it, to give to the owner of the pipe-line and the applicant—
- (a) notice that he proposes to consider it; and
 - (b) an opportunity, after the expiration of the period of twenty-one days beginning with the date of service of the notice, of being heard with respect to the application.
- (2) Where after considering an application in pursuance of the preceding subsection the Secretary of State is satisfied that, if he served notice in accordance with the following subsection in consequence of the application, the pipe-line in question could be operated in accordance with the notice without prejudicing the efficient operation of it for the purpose of conveying, on behalf of its owner, the quantities which the owner requires or may reasonably be expected to require of the things which may be conveyed by it in pursuance of an authorisation (or, if no authorisation for the use of the pipe-line is required by section 20 of this Act, of the things which the pipe-line is designed to convey), the Secretary of State may serve such a notice on the owner and the applicant.
- (3) A notice served in pursuance of the preceding subsection may contain such provisions as the Secretary of State considers appropriate for all or any of the following purposes, namely—
- (a) for securing to the applicant, without prejudicing the efficient operation of the pipe-line for the purpose mentioned in the preceding subsection, the right to have conveyed by the pipe-line the quantities specified in the application of the things so specified;

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- (b) for securing that the exercise of the right is not prevented or impeded;
- (c) for regulating the charges which may be made for the conveyance of things by virtue of the right;
- (d) for securing to the applicant the right to have [^{F3}a pipe-line] of his connected to the pipe-line by the applicant or the owner;

and such a notice may also authorise the owner to recover from the applicant payments by way of consideration for any such right of such amounts as may be specified in the notice or determined in accordance with provisions in that behalf contained in the notice.

- (4) Where the Secretary of State proposes to serve a notice in pursuance of subsection (5) of section 21 of this Act on a person other than the holder of the relevant authorisation, it shall be his duty before doing so to give that person an opportunity of making an application in pursuance of subsection (1) of this section in respect of the proposed pipe-line to which the authorisation relates; and subsections (1) to (3) of this section shall have effect in relation to such an application made by virtue of this subsection as if for references to a pipe-line and the owner of it there were substituted references to the proposed pipe-line and the proposed owner of it.
- (5) Where the Secretary of State proposes to serve a notice in pursuance of subsection (1) of the preceding section on a person other than the owner of the relevant pipe-line, it shall be his duty before doing so to give that person particulars of the modifications which he proposes to specify in the notice and an opportunity of making an application in pursuance of subsection (1) of this section in respect of the pipe-line; and subsections (1) to (3) of this section shall have effect in relation to such an application made by virtue of this subsection as if for references to a pipe-line there were substituted references to the pipe-line as it would be with those modifications.
- (6) The use of a pipe-line by any person in accordance with a right secured to him by virtue of this section is not a contravention of section 20(1) of this Act; but a person to whom a right is so secured shall not be entitled to assign the right to any other person.

Textual Amendments

F3 Words substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\), s. 25\(3\)](#)

Modifications etc. (not altering text)

C4 [S. 23](#) excluded by [S.I. 1981/750, reg. 2](#)

24 Termination of authorisations.

- (1) An authorisation shall cease to be in force—
 - (a) in the case of an authorisation which does not contain terms providing for its duration to be unlimited, on the expiration of the period of its duration as specified by or ascertained under the terms of the authorisation unless it has previously ceased to be in force by virtue of the following provisions of this subsection; or
 - (b) if the holder and the Secretary of State agree in writing that the authorisation is to cease to be in force at a particular time during its currency, at that time; or
 - (c) if the Secretary of State serves a notice on the holder in pursuance of—

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- (i) the duty imposed on the Secretary of State by the following subsection, or
 - (ii) the provisions of subsection (4) of this section,

at the time specified in the notice.
- (2) If it appears to the Secretary of State that the execution of works authorised by a works authorisation (disregarding the execution of any of the works which he considers should be disregarded for the purposes of this subsection) has not been begun at the expiration of—
 - (a) the period of three years beginning with the date when the authorisation is expressed to come into force; or
 - (b) such longer period beginning with that date as the Secretary of State has, on the application of the holder, specified in a notice served for the purposes of this paragraph on the holder during the said period of three years,

it shall be the duty of the Secretary of State to serve on the holder a notice stating that the authorisation is to cease to be in force at a time specified in the notice.
- (3) the Secretary of State shall not serve notice in pursuance of an application made by virtue of paragraph (b) of the preceding subsection unless—
 - (a) he is satisfied that notice of the application has been served on—
 - (i) the persons on whom, in pursuance of Schedule 4 to this Act, notice was served of the application in consequence of which the relevant authorisation was issued or on such of those persons as the Secretary of State considers appropriate in the circumstances, and
 - (ii) such other persons, if any, as he considers appropriate in the circumstances; and
 - (b) he has considered any representations about the application made by virtue of the said paragraph (b) which were made to him in writing, during such a period as he considers reasonable, by any of the persons as to whom he is satisfied as mentioned in the preceding paragraph.
- (4) If the Secretary of State is of opinion, after giving the holder of an authorisation an opportunity of making representations in writing to him about the matter and considering any such representations then made by the holder, that the holder—
 - (a) has contravened a term of the authorisation; or
 - (b) has contravened any provision of a notice which, in pursuance of section 22 or 23 of this Act, was served on him in his capacity as the owner of the pipe-line or the proposed owner of the proposed pipe-line to which the authorisation relates,

the Secretary of State may serve on the holder a notice stating that the authorisation is to cease to be in force at a time specified in the notice; but the Secretary of State shall not serve such a notice on the holder in consequence of a contravention if the Secretary of State considers that, having regard to the nature and consequences of the contravention and to any previous contravention, it would be unreasonable to terminate the authorisation in consequence of the contravention and that the holder has taken adequate steps to prevent similar contraventions in future.
- (5) When an authorisation ceases to be in force it shall be the duty of the Secretary of State to publish in the London and Edinburgh and Belfast Gazettes, or in such of them as he considers appropriate, a notice stating that it has ceased to be in force.

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Modifications etc. (not altering text)

C5 S. 24(4) excluded by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 25(4)

25 Vesting of pipe-lines on termination or subsequent issue of authorisations.

- (1) When an authorisation ceases to be in force the controlled pipe-line to which it relates shall, by virtue of this subsection, be transferred to and vest in the Secretary of State free from encumbrances, except that nothing in this subsection prejudices—
 - (a) any interest belonging to the Crown Estate or to Her Majesty in right of the Duchy of Lancaster or to the Duchy of Cornwall; or
 - (b) any right conferred by a notice served in respect of the pipe-line in pursuance of section 23 of this Act.
- (2) Where the Secretary of State proposes to issue an authorisation to any person in respect of a pipe-line vested in the Secretary of State by virtue of the preceding subsection he may agree with that person, on terms which may include provision for the making of payments by that person to the Secretary of State, that the authorisation is to include a statement that this subsection applies to the authorisation; and where an authorisation includes such a statement the pipe-line to which the authorisation relates shall, by virtue of this subsection and at the time specified in that behalf in the authorisation, be transferred to and vest in the holder of the authorisation subject to any interest or right then subsisting in respect of the pipe-line by virtue of paragraph (a) or (b) of the preceding subsection.
- (3) It shall be the duty of the Secretary of State to pay into [^{F4}the Consolidated Fund] any sums received by him by way of such payments as are mentioned in the preceding subsection.

Textual Amendments

F4 Words substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 8(2)–(5)

Modifications etc. (not altering text)

C6 S. 25(1) excluded by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 25(4)

Safety and inspection

[^{F5}26 Safety.

- (1) The Secretary of State may by regulations make such provision as he considers appropriate for the purpose of securing the proper construction and safe operation of pipe-lines, preventing damage to pipe-lines and securing the safety, health and welfare of persons engaged on pipe-line works; and, without prejudice to the generality of the preceding provisions of this subsection, regulations in pursuance of this subsection may include provision with respect to the use of any aircraft, vessel, vehicle, structure, plant, equipment or other thing for the purposes of any pipe-line works and with respect to the movement of and the precautions to be taken on or in connection with any of those things which are used for the purposes of any pipe-line works or are in the vicinity of a pipe-line or pipe-line works.

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Changes to legislation: There are currently no known outstanding effects for the Petroleum and Submarine Pipe-lines Act 1975 (repealed 15/02/1999), Part III. (See end of Document for details)

- (2) In the preceding subsection “pipe-line works” means works of any of the following kinds, namely—
- (a) assembling or placing a pipe-line or length of pipe-line;
 - (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipe-line or length of pipe-line;
 - (c) changing the position of or dismantling or removing a pipe-line or length of pipe-line;
 - (d) opening the bed of the sea for the purposes of works mentioned in the preceding paragraphs, tunnelling or boring for those purposes and other works needed for or incidental to those purposes;
 - (e) works for the purpose of determining whether a place is suitable as part of the site of a proposed pipe-line, and the carrying out of surveying operations for the purpose of settling the route of a proposed pipe-line.
- (3) References to a pipe-line in the preceding provisions of this section are to a controlled pipe-line but shall be construed as excluding—
- (a) any pipe-line so far as it forms part of—
 - (i) F6
 - (ii) F6
 - (iii) the equipment of a vessel or vehicle; and
 - (b) any apparatus and works associated with a pipe or system of pipes and prescribed for the purposes of this paragraph.]

Subordinate Legislation Made

- P1** S. 26: s. 26(1) (with s. 27(2)) power exercised by [S.I. 1991/680](#)
S. 26: for previous exercises of this power see Index to Government Orders

Textual Amendments

- F5** S. 26 repealed (E.W.S.) (23.8.1993) (with saving) by [S.I. 1993/1823](#), reg. 3(2)(a)
F6 S. 26(3)(a)(i)(ii) repealed by [Oil and Gas \(Enterprise\) Act 1982](#) (c. 23, SIF 86), ss. 25(5), 37, [Sch. 4](#)

Modifications etc. (not altering text)

- C7** S. 26 modified (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992](#) (c. 15), [s. 1\(5\)\(b\)](#)
C8 Power to repeal or modify conferred (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992](#) (c. 15), [s. 1\(2\)\(3\)](#) (amending [1974 c. 37](#), [s.15](#))
C9 Power to repeal or modify conferred (N.I.) (15.9.1992) by [S.I. 1992/1728](#) (N.I. 17), [arts. 1\(2\)](#), 3(2)(3)(b)
C10 S. 26 modified (N.I.) (15.7.1992) by [S.I. 1992/1728](#) (N.I.), arts. 1(2), 3(3)(b)

27 Inspectors etc.

- (1) The Secretary of State may appoint, as inspectors to assist him in the execution of this Part of this Act, such number of persons appearing to him to be qualified for the purposes as he considers appropriate from time to time; and the Secretary of State may make, to or in respect of any person appointed in pursuance of this subsection, such payments by way of remuneration or otherwise as the Secretary of State determines with the approval of [^{F7}the Treasury].

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- (2) Provision may be made by regulations with respect to the powers and duties of inspectors appointed in pursuance of the preceding subsection and of any other persons acting on the directions of the Secretary of State in connection with the execution of this Part of this Act and with respect to the facilities to be accorded to such inspectors and other persons; [^{F8}and, without prejudice to the generality of the power conferred by the preceding provisions of this subsection, regulations made in the exercise of that power may include provisions as to—
- (a) powers to inspect pipe-lines;
 - (b) powers to enter upon premises, vessels and installations used or intended to be used in connection with a pipe-line or with activities relating to a pipe-line or a proposed pipe-line;
 - (c) powers to inspect and test equipment and, in special circumstances, to dismantle, test to destruction or take possession of articles of equipment;
 - (d) powers to require, in connection with the inspection of a pipe-line, the carrying out of procedures and the conduct of tests and, in special circumstances, the shutting down of the pipe-line or the discontinuance of the conveyance of things through the pipe-line;
 - (e) powers exercisable in case of immediate or apprehended danger;
 - (f) powers to require the conveyance of persons and things to and from, and the provision for persons of reasonable accommodation and means of subsistence while they are on or in transit to or from, any vessel or installation;
 - (g) duties of persons to keep and produce records and to furnish information.]

[^{F9}(2A) For the purpose of enforcing regulations made under subsection (2) above, an inspector appointed under subsection (1) above shall have the same powers under section 38 of the Health and Safety at Work etc. Act 1974 (institution of proceedings in England and Wales) as he would have if he were an inspector appointed by the Health and Safety Executive under section 19 of that Act who is authorised to act for the purposes of the regulations.]

^{F8}(3) Provision may also be made by regulations with respect to the notification of and the holding of public inquiries into accidents connected with pipe-lines; and, without prejudice to the generality of the power conferred by the preceding provisions of this subsection, regulations made in the exercise of that power may include provisions as to—

- (a) powers of entry and inspection for the purposes of an inquiry;
- (b) powers for such purposes of summoning witnesses to give evidence or produce documents, of taking evidence on oath and of administering oaths or requiring the making of declarations;
- (c) the making by the Secretary of State of payments to a person holding an inquiry, to any assessor appointed to assist him and to witnesses at an inquiry;
- (d) the persons by whom and the manner in which the costs of an inquiry, including the remuneration of a person holding the inquiry, are to be defrayed.]

^{F8}(4) The provision as to costs in pursuance of paragraph (d) of the preceding subsection may include—

- (a) provision for the payment of any costs out of money provided by Parliament;
- (b) provision requiring any costs to be defrayed by any person who appears to the person holding the inquiry to be responsible in any degree for the accident in question by reason of any act or default of the first-mentioned person or of any servant or agent of his.]

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^{F8}(5) If an inquiry is held by virtue of subsection (3) of this section into an accident which causes the death of any person, no inquiry in respect of the death shall be held in pursuance of the ^{M2}Fatal Accidents [^{F10}and Sudden Deaths Inquiry (Scotland) Act 1976] unless the Lord Advocate directs that such an inquiry is to be held in pursuance of that Act.]

^{F8}(6) References to a pipe-line in the preceding provisions of this section are to a controlled pipe-line.]

Subordinate Legislation Made

- P2** S. 27: s. 26(1) (with s. 27(2)) power exercised by S.I. 1991/680
S. 27: for previous exercises of this power see Index to Government Orders

Textual Amendments

- F7** Words substituted by virtue of S.I. 1981/1670, arts. 2(1)(a), 3(5)
F8 Words in s. 27(2) and s. 27(3)-(6) repealed (E.W.S.) (23.8.1993) by S.I. 1993/1823, reg. 3(2)(b) (with savings in reg. 6)
F9 S. 27(2A) inserted (E.W.S.) (23.8.1993) by S.I. 1993/1823, reg. 5(3)
F10 Words substituted by Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c. 14, SIF 36:3), Sch. 1 para. 5

Modifications etc. (not altering text)

- C11** S. 27 modified (E.W.S.) (6.3.1992) by Offshore Safety Act 1992 (c. 15), s. 1(5)(b)
C12 Power to repeal or modify conferred (E.W.S.) (6.3.1992) by Offshore Safety Act 1992 (c. 15), s. 1(2)(3) (amending 1974 c. 37, s. 15)
C13 Power to repeal or modify conferred (N.I.) (15.9.1992) by S.I. 1992/1728 (N.I. 17), arts. 1(2), 3(2)(3)(b)
C14 S. 27 modified (N.I.) (15.9.1992) by S.I. 1992/1728 (N.I. 17), arts. 1(2), 3(3)(b)

Marginal Citations

- M2** 1976 c. 14(36:3).

Criminal and civil liability

28 Enforcement.

- (1) Any person who—
- (a) contravenes any provision of section 20(1) of this Act; or
 - (b) contravenes any provision of a notice which, in pursuance of section 22 or 23 of this Act, was served on him in his capacity as the owner of the pipe-line or the proposed owner of the proposed pipe-line to which the notice relates in a case where no authorisation for the use of the pipe-line is required by section 20(1) of this Act; or
 - (c) makes a statement which he knows is false in a material particular, or recklessly makes a statement which is false in a material particular, for the purpose of inducing the Secretary of State—
 - (i) to issue any authorisation; or
 - (ii) to agree in pursuance of section 24(1)(b) of this Act that an authorisation is to cease to be in force; or

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- (iii) to specify a period in pursuance of section 24(2)(b) of this Act; or
(iv) not to serve a notice in pursuance of section 24(4) of this Act,
shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine.
- (2) If a person executes any works in contravention of section 20(1) of this Act the Secretary of State may at any time serve on him a notice requiring him to comply with one or both of the following requirements, namely—
- (a) to remove such of the works as are specified in the notice as works to be removed;
- ^{F11F12}(b)
- (3) It shall be the duty of the recipient of a notice in pursuance of the preceding subsection to comply with the notice within the period specified in that behalf in the notice; and if he fails to perform that duty the Secretary of State may comply with the notice on his behalf and recover from him any expenses reasonably incurred in doing so.
- (4) If a person executes any works in contravention of section 20(1) of this Act and the Secretary of State considers that it is urgently necessary to do such things in relation to the works as he could have required that person to do by a notice in pursuance of subsection (2) of this section, the Secretary of State may do those things and recover from that person any expenses reasonably incurred in doing so.
- (5) The fact that any thing is done or omitted—
- (a) by the recipient of a notice served in pursuance of subsection (2) of this section for the purpose of complying with the notice; or
- (b) by the Secretary of State in pursuance of subsection (3) or (4) of this section, shall not relieve him from liability for any damage which is attributable to the act or omission and for which he would have been liable had the act or omission not been authorised by this section; but the Secretary of State shall be entitled to recover from the person who executed the works in question the amount of any damages which, in consequence of the works, are paid by the Secretary of State by virtue of this subsection.

Textual Amendments

F11 S. 28(2)(b) repealed (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\)](#), ss. 3(1)(c), 7(2), [Sch. 2](#)

F12 S. 28(2)(b) repealed (N.I.) (15.9.1992) by [S.I. 1992/1728 \(N.I. 17\)](#), arts. 1(2), 5(1)(a), 8, [Sch.2](#)

29 Criminal proceedings.

- (1) Proceedings for an offence under subsection (1) of the preceding section or created by regulations made by virtue of this Part of this Act (hereafter in this section referred to as a “relevant offence”) may be taken, and the offence may for incidental purposes be treated as having been committed, in any place in the United Kingdom.
- ^{F13F14}(2) No proceedings shall be instituted in England and Wales or Northern Ireland for a relevant offence alleged to have been committed in, under or over controlled waters except—
- (a) in the case of proceedings in England and Wales, by or with the consent of the Director of Public Prosecutions; or

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- (b) in the case of proceedings in Northern Ireland, by or with the consent of the Director of Public Prosecutions for Northern Ireland; or
 - (c) in any case, by the Secretary of State or a person authorised by him in that behalf.]
- (3) In proceedings for a relevant offence an averment in the information, complaint or indictment that anything was done or situated in, under or over controlled waters shall, unless the contrary is proved, be sufficient evidence of the matter stated in the averment.
- (4) Where a relevant offence has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a 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.

In this subsection “director”, in relation to a body corporate which—

- (a) is established by or under any enactment for the purpose of carrying on under public ownership any industry or part of an industry or undertaking; and
 - (b) is a body whose affairs are managed by its members,
- means a member of the body corporate.
- (5) In any proceedings for—
- (a) an offence under subsection (1)(a) of the preceding section of executing works or using a pipe-line otherwise than in accordance with the terms of the relevant authorisation; or
 - (b) an offence under subsection (1)(b) of that section of contravening any provision of a notice.

it shall be a defence to prove that the accused used all due diligence to comply with those terms or, as the case may be, with that provision.

- (6) Section 3 of the ^{M3}Territorial Waters Jurisdiction Act 1878 (which relates to consents for prosecutions) shall not apply to any proceedings for a relevant offence.

Textual Amendments

- F13** S. 29(2) repealed in part (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\)](#), ss. 3(1)(c), 7(2), [Sch. 2](#)
- F14** S. 29(2) repealed in part (N.I.) (15.9.1992) by [S.I. 1992/1728 \(N.I. 17\)](#), arts. 1(2), 5(1)(a), 8, [Sch. 2](#)

Marginal Citations

- M3** 1878 c. 73(39:1).

30 Civil liability for breach of statutory duty.

- (1) Breach of a duty imposed on any person by a provision of regulations which are made in pursuance of this Part of this Act and which state that this subsection applies to such a breach shall be actionable so far, and only so far, as the breach causes personal injury; and references in section 1 of the ^{M4}Fatal Accidents Act 1846, as it applies in England, Wales [^{F15}and in Article 3(1) of the ^{M5}Fatal Accidents (Northern Ireland)

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Order 1977], to a wrongful act, neglect or default shall include references to any such breach which is so actionable.

- (2) Nothing in the preceding subsection prejudices any action which lies apart from the provisions of that subsection.
- (3) A defence to a charge which is available by virtue of section 32(3)(c) of this Act shall not be a defence in any civil proceedings which are brought either in pursuance of this section or otherwise.
- (4) For the purposes of subsection (1) of this section any such regulations as are mentioned in that subsection shall bind the Crown, and references in those regulations to employees shall for those purposes include persons in the service of the Crown; but nothing in this subsection confers any right of action on a person as a member of the armed forces of the Crown or authorises proceedings against Her Majesty in her private capacity or in right of the Duchy of Lancaster or against the Duke of Cornwall.
- (5) In subsection (1) of this section “personal injury” includes any disease, any impairment of a person’s physical or mental condition and any fatal injury.

Textual Amendments

F15 Words substituted by [S.I. 1977/1251](#), [Sch. 1 para. 8](#)

Modifications etc. (not altering text)

C15 [S. 30\(1\)](#) amended by [Fatal Accidents Act 1976 \(c. 30, SIF 122:3\)](#), [Sch. 1 para. 2](#)

Marginal Citations

M4 [1846 c. 93](#).

M5 [1977/1251](#).

Supplemental

31 Exclusion etc. of application of Part III.

- (1) A pipe-line of which no initial or terminal point is situated in the United Kingdom or controlled waters shall be disregarded for the purposes of this Part of this Act except this subsection and the following subsection.
- (2) The Secretary of State may by order provide that provisions of this Part of this Act which are specified in the order shall apply, with such modifications as are so specified or without modification, to the whole or any part of such a pipe-line as is mentioned in the preceding subsection; but an order in pursuance of this subsection shall contain only such provisions as the Secretary of State considers are consistent with the jurisdiction which belongs to the United Kingdom under international law.
- (3) Regulations may provide that prescribed provisions of this Part of this Act shall not apply to a pipe-line of a prescribed kind or shall not apply to such a pipe-line while any condition specified in the regulations is satisfied.

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32 Regulations.

- (1) It shall be the duty of the Secretary of State, before he makes any regulations in pursuance of this Part of this Act, to consult such organisations in the United Kingdom as he considers are representative of persons who will be affected by the regulations.
- (2) It shall be the duty of the Secretary of State, in making regulations in pursuance of section 26 or 27 of this Act, to have regard to the extent of the jurisdiction which belongs to the United Kingdom under international law.
- (3) Any regulations in pursuance of this Part of this Act may provide—
 - (a) for the creation of offences which, subject to the following paragraph, are punishable on summary conviction by a fine not exceeding £400 and on conviction on indictment by imprisonment for a term not exceeding two years and a fine;
 - (b) for the maximum punishment for an offence created by the regulations to be less than that authorised by the preceding paragraph and for such an offence to be punishable only on summary conviction;
 - (c) for the matters which are to be a defence to a charge of an offence created by the regulations.
- (4) Regulations in pursuance of this Part of this Act—
 - (a) may be limited so as to apply only in prescribed cases or may exclude prescribed cases from the application of the regulations;
 - (b) may specify the conditions which must be satisfied in order that a case may be excluded from the application of the regulations and may provide for any exclusion to cease to operate in a case where the conditions are contravened;
 and the Secretary of State may, by directions given to such persons as he considers appropriate, provide for a case specified in the directions to be excluded from the application of any such regulations and specify the conditions which must be satisfied in order that the exclusion may take effect and provide for the exclusion to cease to operate if the conditions are contravened.

Modifications etc. (not altering text)

- C16** S. 32 modified (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\), s. 1\(5\)\(b\)](#)
- C17** Power to repeal or modify conferred (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\), s. 1\(2\)\(3\)\(b\)](#) (amending [1974 c. 37, s. 15](#))
- C18** Power to repeal or modify conferred (N.I.) (15.9.1992) by [S.I. 1992/1728 \(N.I. 17\), arts. 1\(2\), 3\(2\)\(3\)\(b\)](#)
- C19** S. 32 modified (N.I.) (15.7.1992) by [S.I. 1992/1728 \(N.I. 17\), arts. 1\(2\), 3\(3\)\(b\)](#)
- C20** S. 32(4) amended (E.W.S.) (23.8.1993) by [S.I. 1993/1823 reg. 4\(3\)](#)
S. 32(4) amended (N.I.) (1.1.1993) by [S.R. 1993/384 reg. 4\(2\)](#)

33 Interpretation etc. of Part III.

- (1) Except where the context otherwise requires, in this Part of this Act “pipe-line” means a pipe or system of pipes (excluding a drain or sewer) for the conveyance of any thing, together with any apparatus and works associated with such a pipe or system; and for the purposes of this Part of this Act the following apparatus and works and no other shall be treated as associated with such a pipe or system, namely—

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- (a) any apparatus for inducing or facilitating the flow of any thing through, or through a part of, the pipe or system;
 - [^{F16}(aa) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;]
 - (b) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
 - (c) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in the preceding paragraphs;
 - (d) apparatus for the transmission of information for the operation of the pipe or system;
 - (e) apparatus for the cathodic protection of the pipe or system; and
 - (f) a structure used or to be used solely for the support of a part of the pipe or system.
- (2) The Secretary of State may by order provide that a part of a pipe-line specified in the order shall be treated for the purposes of this Part of this Act, except this subsection, as a pipe-line.
- (3) For the purposes of this Part of this Act “owner” in relation to a pipe-line, and “proposed owner” in relation to a proposed pipe-line, mean the person for the time being designated as the owner of the pipe-line, or as the case may be as the proposed owner of the proposed pipe-line, by an order made by the Secretary of State, and an order designating a person as the proposed owner of a proposed pipe-line may also contain provision for him to be designated as the owner of the pipe-line in question at a time determined by or under the order; but it shall be the duty of the Secretary of State—
 - (a) before designating a person in pursuance of this subsection, to give him an opportunity of being heard with respect to the matter; and
 - (b) if a person for the time being designated in pursuance of this subsection requests the Secretary of State in writing to cancel the designation, to consider the request and, if the Secretary of State considers it appropriate to do so, to give that person an opportunity of being heard in connection with the request.
- (4) The Secretary of State may by order revoke any order made in pursuance of subsection (2) or (3) of this section.
- (5) Except where the context otherwise requires, in this Part of this Act the following expressions have the following meanings—
 - “authorisation” means an authorisation required by section 20 of this Act;
 - “construction”, in relation to a pipe-line, includes placing, and cognate expressions shall be construed accordingly;
 - “heard” means heard on behalf of the Secretary of State by a person appointed by him for the purpose;
 - “holder”, in relation to an authorisation, means the person to whom the authorisation was issued;
 - “pipe-line”, in relation to an application for a works authorisation, means the proposed pipe-line in respect of which the application is made; and
 - “works authorisation” means an authorisation for works for the construction of a pipe-line or for such works and for the use of the pipe-line.
- (6) For the purposes of this Part of this Act, works at any place in, under or over controlled waters for the purpose of determining whether the place is suitable as part of the site

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of a proposed pipe-line and the carrying out of surveying operations for the purpose of settling the route of a proposed pipe-line are not works for the construction of a pipe-line.

- (7) Any reference in this Part of this Act to a contravention of a provision of that Part or of regulations made or directions given by virtue of that Part includes a reference to a failure to comply with that provision.
- (8) Any reference in this Part of this Act, except this subsection, to that Part includes a reference to Schedule 4 to this Act.
- (9) This Part of this Act, so far as it applies to individuals or bodies corporate, applies to them notwithstanding that they are not British subjects or, as the case may be, are not incorporated under the law of any part of the United Kingdom.

Textual Amendments

F16 S. 33(1)(aa) inserted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), **s. 25(1)**

Modifications etc. (not altering text)

C21 S. 33(9): words “British subjects” explained by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), **s. 51**

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Changes to legislation:

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