



Energy Act 2013

2013 CHAPTER 32

VALID FROM 30/04/2015

PART 4

GOVERNMENT PIPE-LINE AND STORAGE SYSTEM

119 Meaning of “government pipe-line and storage system”

- (1) In this Part “the government pipe-line and storage system” means any property to which subsection (2), (3), (4) or (5) applies and which is vested in the Secretary of State, including any land held by the Secretary of State for the purposes of such property.
- (2) This subsection applies to any oil installations—
 - (a) which are government war works, within the meaning of the Requisitioned Land and War Works Act 1945, or
 - (b) to which section 28 of that Act applies by virtue of section 12(4) or (5) of the Requisitioned Land and War Works Act 1948.
- (3) This subsection applies to any oil installations which have been, are being or are intended to be, laid, installed or constructed, in or on land acquired for the purpose by virtue of section 13(a) of the 1958 Act.
- (4) This subsection applies to anything which has been, is being or is intended to be, laid, installed or constructed by virtue of a wayleave order under the 1958 Act.
- (5) This subsection applies to any other oil installations or other property—
 - (a) relating to oil installations to which subsection (2) or (3) applies, or
 - (b) relating to anything to which subsection (4) applies.
- (6) In this section—
 - “the 1958 Act” means the Land Powers (Defence) Act 1958;
 - “oil installations” has the meaning given by section 25(1) of that Act.

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120 Rights in relation to the government pipe-line and storage system

- (1) The Secretary of State may maintain and use the government pipe-line and storage system or any part of it for any purpose for which it is suitable.
- (2) The Secretary of State may remove, replace or renew the system or any part of it.
- (3) The Secretary of State may restore land if the system or any part of it has been removed or abandoned.
- (4) The Secretary of State may inspect or survey the system, any part of it or any land on or under which the system or any part of it is situated.
- (5) The rights conferred by this section include in particular the right—
 - (a) to place, continue or renew markers for indicating the position of the system or any part of it in so far as it is placed under land;
 - (b) to erect and maintain stiles, gates, bridges or culverts for the facilitation of access to the system or any part of it;
 - (c) to construct works for the facilitation of maintenance or inspection, or protection from damage, of the system or any part of it;
 - (d) temporarily to place on land on or under which the system or any part of it is situated materials, plant or apparatus required in connection with the system or any part of it.

121 Right of entry

- (1) For the purpose of exercising a right conferred by section 120, the Secretary of State may enter—
 - (a) any land on or under which is situated any part of the government pipe-line and storage system, or
 - (b) any land which is held with that land.
- (2) The right conferred by subsection (1) is a right to enter on foot or with vehicles and includes a right to transport materials, plant and apparatus.
- (3) For the purpose of accessing any land mentioned in subsection (1) (“the system land”), the Secretary of State may pass over any other land (“the access land”) so far as it is necessary to do so for that purpose.
- (4) But the right conferred by subsection (3) may be exercised only if, and to the extent that, the occupier or owner of the system land is entitled to exercise a corresponding right of access (whether by virtue of an easement, under an agreement or otherwise) to pass over the access land.
- (5) Except in an emergency the rights conferred by this section may be exercised only—
 - (a) at a reasonable time and with the consent of the occupier of the land, or
 - (b) under the authority of a warrant (see section 122).
- (6) “An emergency” means that urgent action is required to prevent or limit serious damage to health or to the environment.
- (7) The rights conferred by this section do not include a right to enter premises used wholly or mainly as a private dwelling house.

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122 Warrants for the purposes of section 121

- (1) A justice of the peace or, in Scotland, a sheriff, may issue a warrant to authorise entry on to land in the exercise of a right conferred by section 121 (including such a right exercisable by virtue of provision made by or under section 125).
- (2) The justice of the peace or the sheriff must be satisfied, on information on oath—
 - (a) that—
 - (i) at least 7 days' notice of intention to apply for a warrant has been given to the occupier of the land,
 - (ii) the occupier cannot be found, or
 - (iii) urgent action is required to prevent or limit serious damage to health or to the environment,
 - (b) (except where the occupier cannot be found) that entry to the land has been or is likely to be refused, and
 - (c) that there are reasonable grounds for exercising the right.
- (3) A warrant under this section may authorise the use of reasonable force.
- (4) It is an offence for a person intentionally to obstruct the exercise of any right conferred by a warrant under this section; and a person guilty of such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In the application of this section to Scotland the reference to information on oath is to be read as a reference to evidence on oath.

123 Registration of rights

- (1) In this section a “GPSS right” is a right conferred by section 120, 121 or 125(1).
- (2) A GPSS right in respect of any land—
 - (a) is not subject to any enactment requiring the registration or recording of interests in, charges over or other obligations affecting land;
 - (b) binds any person who is at any time the owner or occupier of the land.
- (3) But a GPSS right in respect of any land in England or Wales is a local land charge and subsection (2)(a) does not apply to subsection (2) of section 5 of the Local Land Charges Act 1975 (duty to register local land charge).
- (4) For the purposes of the operation in relation to a GPSS right of the duty under that subsection to register a local land charge, the Secretary of State is the originating authority.
- (5) A GPSS right in respect of any land in Scotland may be registered in the Land Register of Scotland or recorded in the Register of Sasines.

124 Compensation

- (1) The Secretary of State must pay compensation to a person who proves that the value of a relevant interest to which the person is entitled is depreciated by reason of the coming into force of section 120, 121 or 125.
- (2) A “relevant interest” means an interest in land which—

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- (a) comprises, or is held with, land in respect of which a right conferred by section 120, 121 or 125 is exercisable, and
 - (b) subsisted at the time of the coming into force of the section.
- (3) The amount of compensation payable under subsection (1) is the amount that is equal to the amount of the depreciation.
- (4) If a person proves loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels (or in Scotland corporeal moveables) as a result of the exercise of any right conferred by section 120 or 121, the person on whose behalf the right is exercised must pay compensation in respect of that loss.
- (5) Any dispute about entitlement to, or amount of, compensation under this section is to be determined by—
- (a) in the application of this Act to England and Wales, the Upper Tribunal;
 - (b) in the application of this Act to Scotland, the Lands Tribunal for Scotland.
- (6) In relation to the assessment of compensation under subsection (1)—
- (a) for the purposes of an interest in land in England and Wales and the application of section 5A of the Land Compensation Act 1961 (relevant valuation date) the “relevant valuation date” is the date on which the section concerned comes into force;
 - (b) for the purposes of an interest in land in Scotland and the operation of rule 2 in section 12 of the Land Compensation (Scotland) Act 1963 (value of land) the valuation must be made as at the date the section concerned comes into force.

125 Right to transfer the government pipe-line and storage system

- (1) The Secretary of State may—
- (a) sell or lease the government pipe-line and storage system or any part of it;
 - (b) transfer for valuable consideration or otherwise the ownership of the system or any part of it;
 - (c) transfer for valuable consideration or otherwise any right relating to the system or any part of it (whether a right conferred by this Part or otherwise);
 - (d) transfer any liability relating to the system or any part of it.
- (2) Any sale, lease or transfer by virtue of subsection (1) may be subject to such conditions, if any, as the Secretary of State considers appropriate.

126 Application of the Pipe-lines Act 1962

- (1) Subsection (3) applies in relation to any part of the government pipe-line and storage system which is for the time being owned otherwise than by the Secretary of State.
- (2) In subsection (1) “owned” is to be construed in accordance with the definition of “owner” in section 66(1) of the Pipe-lines Act 1962.
- (3) The following sections of that Act, namely—
- (a) section 10 (provisions for securing that a pipe-line is so used as to reduce necessity for construction of others),
 - (b) section 36 (notification of abandonment, cesser of use and resumption of use of pipe-lines or lengths thereof),

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apply in relation to any such part as if it were a pipe-line constructed pursuant to a pipe-line construction authorisation.

(4) Section 40(2) of that Act (application of the electronic communications code) applies—

- (a) for the purposes of GPSS works as it applies for the purposes of works in pursuance of a compulsory rights order,
- (b) to a person executing GPSS works as it applies to a person authorised to execute works in pursuance of such an order.

(5) In subsection (4) “GPSS works” means—

- (a) works for inspecting, maintaining, adjusting, repairing, altering or renewing the government pipe-line and storage system or any part of it;
- (b) works for changing the position of the system or any part of it;
- (c) works for removing the system or any part of it;
- (d) breaking up or opening land for the purpose of works falling within paragraph (a), (b) or (c), or tunnelling or boring for that purpose;
- (e) other works incidental to anything falling within paragraph (a), (b), (c) or (d).

(6) To the extent that anything done under or by virtue of this Part constitutes the execution of pipe-line works for the purposes of section 45 of the Pipe-lines Act 1962 (obligation to restore agricultural land), subsection (3) of that section has effect as if after “this Act” there were inserted “ or any provision of Part 4 of the Energy Act 2013 ”.

127 Rights apart from Part 4

- (1) Nothing in this Part affects any other rights of the Secretary of State in relation to the government pipe-line and storage system (whether conferred under another enactment, by agreement or otherwise, and whether or not existing upon the coming into force of this section).
- (2) For the purposes of sections 120, 121 and 125, it is immaterial whether a right corresponding to a right conferred by the section was exercisable by the Secretary of State before the coming into force of the section.

128 Repeals

- (1) The provisions mentioned in subsection (2) cease to have effect.
- (2) The provisions are—
 - (a) section 12 of the Requisitioned Land and War Works Act 1948 (permanent power to maintain government oil pipe-lines);
 - (b) section 13 of that Act (compensation in respect of government oil pipe-lines);
 - (c) section 14 of that Act (registration of rights as to government oil pipe-lines);
 - (d) section 15 of that Act (supplementary provisions as to government oil pipe-lines);
 - (e) section 12 of the Land Powers (Defence) Act 1958 (extension of provisions of Requisitioned Land and War Works Acts).

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129 Power to dissolve the Oil and Pipelines Agency by order

- (1) The Secretary of State may provide by order for—
 - (a) the repeal of the Oil and Pipelines Act 1985;
 - (b) the dissolution of the Oil and Pipelines Agency.
- (2) If the Oil and Pipelines Agency is dissolved under subsection (1), the Secretary of State may make one or more schemes for the transfer to the Secretary of State of property, rights and liabilities (a “transfer scheme”).
- (3) Schedule 13 makes further provision about any transfer scheme under subsection (2).
- (4) An order under this section may—
 - (a) include incidental, supplementary and consequential provision;
 - (b) make transitory or transitional provision or savings;
 - (c) make different provision for different cases or circumstances or for different purposes;
 - (d) make provision subject to exceptions.
- (5) An order under this section is to be made by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.

130 Crown application: Part 4

- (1) This Part binds the Crown.
- (2) No contravention by the Crown of section 122(4) makes the Crown criminally liable; but the High Court or, in Scotland, the Court of Session may declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) But subsection (2) does not affect the criminal liability of persons in the service of the Crown.

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