



Land Powers (Defence) Act 1958

1958 CHAPTER 30 6 and 7 Eliz 2

Storage and transmission of oil

16 Protection of oil pipe-lines and accessory works.

(1) ^{M1}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 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.

Changes to legislation: There are currently no known outstanding effects for the Land Powers (Defence) Act 1958, Section 16. (See end of Document for details)

(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.

^{F1}(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	
F1	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)	
C1	Ss. 15–17 amended by S.I. 1989/150 , art. 2(3)(4)
Marginal Citations	
M1	1845 c. 17 .

Changes to legislation:

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