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John Haley  
John Edwardson  
John Simpson  
Act to Libear  
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HOME OFFICE CR (Copy of

(FIRE SERVICE DEPARTMENT) Act to Libear

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Please address any reply to

THE UNDER SECRETARY  
OF STATE

and quote: FIR 747/2/1  
62  
Your reference:

6th December, 1962.

83634

Sir,

FIRE SERVICE CIRCULAR NO. 45/1962

Pipe-lines Act, 1962

I am directed by the Secretary of State to say that the above Act, which received the Royal Assent on 1st August, provides for the regulation of the construction and safe operation of pipe-lines.

- ... 2. Enclosed with this circular are a copy of the Act and a memorandum by the Ministry of Power giving an outline of the provisions of the Act and of the procedure that will be required to be followed before pipe-lines, coming within the scope of the Act, may be developed.
- 3. Fire authorities will have an interest in three separate aspects of pipe-line proposals;
  - (a) the route to be followed;
  - (b) the safety requirements to be imposed; and
  - (c) measures to deal with pipe-line accidents.

The route to be followed

- ... 4. In the case of cross country pipe-lines (see paragraph 5 of the enclosed memorandum), the intending developer is required to seek from the Minister of Power an authorisation to proceed with the construction of the line. In all cases where a proposed cross country pipe-line may offer a risk which may involve a fire brigade, the fire authority will be notified at the earliest possible stage as to the points between which the proposed line is to run, the proposed route to be followed and the material(s) to be conveyed. This notification may be made either through the Home Office (when a formal application has been lodged) or by the intending developer during the course of preceding informal consultations. In the latter case the approach may be made directly to the fire authority or through the appropriate planning authority.
- 5. Where an approach has been made to the fire authority by an intending developer in advance of formal application, it will be sufficient for any observations which the fire authority may wish to offer at this stage to be submitted only to the intending developer. When it is known that a formal application has been made, however, the fire authority may wish to send observations to the Ministry of Power, in which case a copy should be sent, for information, to the Fire Service Department of the Home Office. It is unlikely that considerations of possible fire risks would normally be decisive in determining whether or not permission to lay a pipe-line should be granted, or the general route which such a pipe-line should follow, but it is clearly desirable that the route should avoid close proximity to any hazard, which, in the light of the products to be carried in the pipe-line, would constitute an exceptional order of risk. Considerations of access and other facilities for fire brigades operations may also be relevant to the detailed planning of the route.

The Clerk of the County Council.  
The Town Clerk.

6. When, in the case of cross country pipe-lines, the first stage of this procedure has been completed and it is proposed to allow applications to proceed, the applicants will, in appropriate cases, be required by the Minister of Power to serve notice of their proposals on, inter alios, any fire authorities concerned.

7. Notwithstanding any representations that may have been made by the fire authority at an earlier stage, it will still be open to the authority to make objection to the Minister of Power following the notification of the applicant's formal proposals. In consequence of any objections lodged at this stage a public inquiry may be held, at which the fire authority may be called upon to give evidence as to any questions of fire safety to which it has drawn attention in connexion with the routeing of the pipe-line.

8. In the case of local pipe-lines (see paragraph 7 of the enclosed memorandum), although the determination of the route to be followed is a matter for the planning authorities concerned, the developer must give suitable notice to the Minister of Power of his intention to execute the work and provide the same information as in the case of cross country pipe-lines as to the route and the purpose of the pipe-line. The Minister will, in appropriate cases, pass this information to the Home Office for transmission to fire authorities. The information should also, however, be in the possession of the planning authorities, and arrangements should be made for liaison between Chief Fire Officers and Planning Officers to ensure consultation at an early stage, so that any fire considerations that may affect the route may be brought to the notice of the planning authorities.

#### Safety considerations

9. The imposition of safety requirements on the construction and operation of pipe-lines, is, as regards both cross country and local pipe-lines, the responsibility of the Minister of Power, who will be able to impose different requirements for different sections of a pipe-line. He will, for example, be able to require that, in areas where the hazards are greater, additional valves should be provided to ensure that a suitably limited section of the pipe-line can be isolated in the event of a leakage or other emergency. Before exercising these powers the Minister of Power will, where the question of such hazards arises, consult fire authorities through the Home Office.

#### Pipe-line accidents

10. As paragraph 12 of the enclosed memorandum indicates, the Act provides that it shall be the duty of the owner of every pipe-line to ensure that efficient arrangements exist to give immediate notice of the accidental escape or ignition of any thing in the line to every fire authority by whom duties may consequently have to be discharged. It is also the duty of the owner of the pipe-line to provide the fire authority, on request, with such maps and other information as they may reasonably require in order to enable them to discharge their duties in such an event.

#### Date of operation

11. The date on which the provisions of the Act referred to above will come into operation will be determined by Order in Council (see paragraph 16 of the enclosed memorandum). Fire authorities will be notified when the necessary Order in Council is made.

12. An additional copy of this circular (and of the enclosures thereto) is enclosed for the information of the Chief Fire Officer.

I am, Sir,  
Your obedient Servant,

*K. P. Whitney*

Issued to: County Councils, County Borough Councils, and  
Combined Fire Authorities in England and Wales.

Copies sent for information to: Regional Directors of  
Civil Defence and Director of Civil Defence  
for Wales, the County Councils Association  
and the Association of Municipal Corporations.

THE PIPE-LINES ACT, 1962

General

1. The Pipe-lines Act, 1962, fulfils a Government undertaking given in 1961 to introduce legislation to regulate and facilitate the development of privately-owned industrial pipe-lines. Previously, pipe-line promoters who were unable to obtain by negotiation all the facilities they needed have introduced private Bills, and there has been no general legislation covering the safety aspects of transport by pipe-line. This memorandum has been prepared as a general introduction to the provisions of the Act; much detail has necessarily had to be omitted, and it is not intended to obviate the need for reference to the Act itself, which can only authoritatively be interpreted by a competent Court.

2. Pipe-lines have long been used for transporting crude oil to refineries and to shipping terminals, and petroleum and its derivatives are still the main fluids moved by pipe-line. In recent years with the growth in consumption of goods and the development of technology pipe-lines have increasingly been used for transporting various industrial materials and products, in particular those of the chemical industry. Progress is also being made with the transportation of solid materials as slurries in water or other fluids. The advantages of pipe-line transport include the reduction of costs, the easing of congestion on roads, the maintenance of delivery 'round the clock' irrespective of season or weather conditions, the elimination of handling losses and of contamination during transport, greater freedom from the need to site works near refineries and other sources of materials, and the promotion of public safety by removing dangerous cargoes from the roads and by reducing the need to hold stocks in crowded areas.

Outline of the Act

3. The Act has four main objects. The first is to provide the Minister of Power with the means of controlling the development of cross-country pipe-lines in the public interest and of arranging for objections to such projects to be heard and considered. The second is to enable a pipe-line promoter to obtain compulsorily the land and rights he needs, without having to promote a private Bill. The third is to empower the Minister to regulate in the interests of safety the construction, operation and maintenance of both cross-country and local pipe-lines. The fourth is to establish that pipe-lines in England and Wales are rateable.

4. The provisions of the Act are substantially directed towards industrial pipe-lines except where these are already covered by existing legislation. Pipes conveying air, water and steam are specifically excluded, together with those for domestic purposes or for heating or cooling or (within certain limits) for agriculture, building, education or research. Government strategic pipe-lines and those owned by certain statutory bodies (notably the Gas Boards, the Gas Council, the Electricity Boards and the Atomic Energy Authority) are also excluded. Pipe-lines laid by transport undertakings for the purpose of conveying other persons' traffic will come within the scope of the Act.

5. The Act provides that pipe-lines more than 10 miles long (cross-country pipe-lines) may not be constructed without authorisation by the Minister. There must be appropriate publicity for a project, including publication in the Gazette and the notification of every local planning authority affected and of any other person the Minister may specify. If a local planning authority objects, the Minister is bound to hold a public inquiry; in other cases he has discretion to do so or to have a less formal hearing instead. Authorisation by the Minister will normally carry deemed planning permission.

6. To avoid unnecessary multiplicity of pipe-lines, the Minister may make it a condition that a cross-country pipe-line be constructed to a certain capacity and may impose requirements to secure the right of others to use it on fair terms, and may oblige the owner of a cross-country pipe-line who is not using it fully to share it with others.

7. If a pipe-line does not exceed 10 miles in length, it is called a local pipe-line and may be constructed without authorisation, but the Minister must normally be given 16 weeks' notice of the laying so that he may draw up such constructional and other requirements as may be necessary in the interests of safety. Planning permission for local pipe-lines will be the responsibility of local planning authorities in the ordinary way. For both local and cross-country pipe-lines there are provisions covering diversions and emergency works.

8. If the Minister considers that for any reason the construction of any class of local pipe-line ought to be subject to the same controls as cross-country pipe-lines he may make a statutory order to that effect. He may also make an order excluding the application of the controls relating to cross-country or local pipe-lines if he considers these controls unnecessary for certain pipe-lines in particular areas.

9. If a pipe-line promoter is unable to secure by negotiation the purchase of any land or rights he needs, he may be authorised by the Minister to acquire them compulsorily, subject to special Parliamentary procedure, and to appropriate compensation. If there are objections, the Minister must hold either a public inquiry or a hearing. He may attach conditions to a compulsory rights order.

10. Subject to certain restrictions a pipe-line promoter may place a pipe-line in a street with the consent of the street authority and in compliance with their reasonable conditions. The exercise of this right will, like the exercise of other statutory rights to place and maintain apparatus in streets, be regulated by the codes in the Public Utilities Street Works Act, 1950, subject to certain modifications.

11. Provisions are made for the Minister to specify in the interests of safety how works are to be carried out, what materials and components must be included, and at what depth underground pipe-lines must be laid. The Minister may also impose on the owner of a pipe-line requirements regarding the operation and maintenance of a pipe-line and may take steps to prevent abandoned or disused pipe-lines from becoming a source of danger. He may also take steps to rectify the effects of encroachment on the pipe-line route and he may make regulations for securing pipe-line safety generally. There is provision for the appointment of inspectors to assist the Minister in the execution of the Act.

12. The owner of a pipe-line must inform the Minister at once if the pipe-line bursts, explodes or collapses or if its contents catch fire. He has also to make arrangements in advance to ensure that water authorities, fire brigades, police, etc., are notified of the occurrence of accidents and must provide them with information and maps for this purpose. The Minister may set up a court of inquiry to enquire into an accident.

13. There are special provisions for the preservation of amenities, the protection of water against pollution, and the restoration of agricultural land after the construction of pipe-lines.

14. Pipe-line constructors must deposit with local authorities maps showing where their lines lie within the areas of the authorities.

15. There is provision to ensure that pipe-lines in England and Wales are subject to the payment of rates under Section 24 of the Rating and Valuation Act, 1925.

#### Operation of the Act

16. The provision concerning the rating of pipe-lines came into force on the passing of the Act on 1st August, 1962, and the remaining provisions come into force on a day to be appointed by Order in Council.



