

# ENERGY ACT 2013

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4: Government Pipe-Line and Storage System**

##### ***Section 119: Meaning of “government pipe-line and storage system”***

508. This section defines, for the purposes of Part 4, what the term “the government pipe-line and storage system” means.

##### ***Section 120: Rights in relation to the government pipe-line and storage system***

509. This section provides that 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.
510. It also provides that the Secretary of State may inspect or survey the system or any land on or under which it is situated and may remove, replace or renew the system or any part of it. If the system, or any part of it, is removed or abandoned, he or she may restore the land.

##### ***Section 121: Right of entry***

511. This section provides that for the purpose of exercising a right conferred by section 120, the Secretary of State may enter any land on or under which the government pipe-line and storage system is situated or any land held with that land (“the system land”).
512. *Subsections (3) and (4)* provide that if the owner or occupier of the system land is entitled to exercise a right to pass over other land (“the access land”), the Secretary of State may exercise a corresponding right of access over that land for the purpose of accessing the system land.
513. Except in an emergency, the rights may be exercised only at a reasonable time and with the consent of the occupier of the land or under the Authority of a warrant.
514. The rights do not include a right to enter dwellings.

##### ***Section 122: Warrants for the purposes of section 121***

515. This section provides for the issue of a warrant to authorise entry on to land in the exercise of a right conferred by section 121, if necessary using reasonable force.
516. A justice of the peace (or a sheriff in Scotland) may issue a warrant if satisfied that: at least seven days’ notice has been given to the occupier of the land, the occupier cannot be found, or urgent action is required to prevent or limit serious damage to health or the environment; entry to the land has been or is likely to be refused (except where the occupier cannot be found); and, there are reasonable grounds for exercising the right.

517. It is an offence to intentionally obstruct the exercise of such a warrant and a person guilty of that offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### ***Section 123: Registration of rights***

518. This section provides that the rights conferred by *sections 120* (rights in relation to the government pipe-line and storage system), *121* (right of entry) and *125(1)* (right to transfer the government pipe-line and storage system) are not subject to any enactment requiring the registration or recording of interests in, charges over or other obligations affecting land but that they bind any person who is at any time the owner or occupier of the land.
519. However, *subsections (3) and (5)* provide that in England and Wales such rights are local land charges, and it will be the duty of the Secretary of State to apply for their registration and in Scotland the rights may be registered in the Land Register of Scotland or recorded in the Register of Sasines.

### ***Section 124: Compensation***

520. *Subsection (1)* provides that the Secretary of State must pay compensation to a person who proves that the value of a relevant interest in land to which that person is entitled is depreciated by the creation of rights by *sections 120* (rights in relation to the government pipe-line and storage system), *121* (right of entry) and *125* (right to transfer the government pipe-line and storage system).
521. *Subsection (2)* defines “relevant interest”.
522. *Subsection (3)* provides that the amount of compensation is equal to the amount of the depreciation.
523. *Subsection (4)* provides that if a person proves loss by reason of damage to, or disturbance in the enjoyment of, any land or certain property as a result of the exercise of any right conferred by *section 120* (rights in relation to the government pipe-line and storage system) or *121* (right of entry), the person on whose behalf the right was exercised must pay compensation in respect of that loss.
524. *Subsection (5)* provides that any dispute about entitlement to, or amount of, compensation is to be determined by the Upper Tribunal or, in Scotland, the Lands Tribunal for Scotland.

### ***Section 125: Right to transfer the government pipe-line and storage system***

525. This section provides that the Secretary of State may sell, lease or transfer the government pipe-line and storage system or any part of it and transfer any right or liability relating to the system or any part of it, subject to such conditions, if any, as he or she considers appropriate.

### ***Section 126: Application of the Pipe-lines Act 1962***

526. This section modifies the application of certain provisions of the *Pipe-lines Act 1962 (c. 58)* to the government pipe-line and storage system.
527. *Subsection (3)* only modifies the application of section 10 (provisions for securing that a pipe-line is so used as to reduce the necessity for construction of others) and section 36 (notification of abandonment, cesser of use and resumption of use of pipe-lines or lengths thereof) of the 1962 Act to any part of the system which is for the time being owned otherwise than by the Secretary of State.
528. *Subsection (4)* modifies section 40(2) of the 1962 Act (application of the electronic communications code).

529. *Subsection (5)* defines “GPSS works” for the purposes of *subsection (4)*.
530. *Subsection (6)* modifies the effect of *subsection (3)* of section 45 of the 1962 Act (obligation to restore agricultural land) to the extent that anything done under or by virtue of Part 4 constitutes the execution of pipe-line works for the purposes of section 45.

#### ***Section 127: Rights apart from Part 4***

531. *Subsection (1)* provides that nothing in Part 4 affects any other rights of the Secretary of State in relation to the government pipe-line and storage system.
532. *Subsection (2)* provides that the creation of rights to maintain and use, remove, replace or renew the government pipe-line and storage system or restore any land (section 120), of entry (section 121) and to transfer the system (section 125), is not reliant on whether a corresponding right was exercisable by the Secretary of State before the coming into force of the section.

#### ***Section 128: Repeals***

533. This section repeals sections 12 (permanent power to maintain government oil pipe-lines), 13 (compensation in respect of government oil pipe-lines), 14 (registration of rights as to government oil pipe-lines) and 15 (supplementary provisions as to government oil pipe-lines) of the [Requisitioned Land and War Works Act 1948 \(c. 17\)](#) and section 12 of the [Land Powers \(Defence\) Act 1958 \(c. 30\)](#) (extension of provisions of Requisitioned Land and War Works Acts).

#### ***Section 129: Power to dissolve the Oil and Pipelines Agency by order***

534. The Oil and Pipelines Agency is a statutory corporation set up for the purposes of exercising and performing functions assigned to it by the [Oil and Pipelines Act 1985 \(c.62\)](#). The primary function of the Agency is the management of the government pipe-line and storage system.
535. Because section 125 provides that the Secretary of State may sell, lease or transfer the government pipe-line and storage system or any part of it, *subsection (1)* provides that the Secretary of State may, by order, repeal the Oil and Pipelines Act 1985 and dissolve the Oil and Pipelines Agency.
536. *Subsection (2)* provides that if the Agency is dissolved under *subsection (1)*, the Secretary of State may make a scheme for the transfer to the Secretary of State of property, rights and liabilities (a “transfer scheme”).
537. *Subsection (3)* provides that Schedule 13 makes further provision about such a transfer scheme.
538. *Paragraph 1* of Schedule 13 makes further provision for the effect of a transfer scheme and for what the things that may be transferred under a transfer scheme include. *Paragraph 2* provides that a transfer scheme may make certain kinds of provision.
539. [Section 153](#) makes provision in relation to the modification of a transfer scheme and provides that a transfer scheme may make incidental, supplementary and consequential provision.

#### ***Section 130: Crown application: Part 4***

540. This provides that Part 4 binds the Crown but that no contravention by the Crown of section 122(4) makes the Crown criminally liable.