

PIPELINES ACT

CHAPTER 35:51

Act

29 of 1933

Amended by

8 of 1945

8 of 1956

46 of 1969

*24 of 1981

**15 of 2000

*See Note on Amendment on page 2

**See Note on page 2

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Note on Amendment

This Act has been amended by Act No. 24 of 1981, but Act No. 24 of 1981 had not up to the date of the last revision of this Act been brought into operation.

Note on Act No. 15 of 2000

See section 12 of Act No. 15 of 2000 and the Schedule thereto for the extention of jurisdiction of the Land Tribunal established under Act No. 15 of 2000.

Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 35:51

PIPELINES ACT

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE.

CHAPTER 35:51

PIPELINES ACT

An Act relating to the laying of Pipelines.*

1950 Ed.
Ch. 26, No. 9,
29 of 1933.

Commencement.

[21ST DECEMBER 1933]

Short title.

1. This Act may be cited as the Pipelines Act.

Interpretation.
[8 of 1956].

2. In this Act—

Ch. 48:01.

“main road” means a main road as defined in section 3 of the Highways Act;

“pipeline” means a pipeline laid and connected or used or intended to be used for conveying any substance to which this Act applies or shall be made to apply by Order of the Minister, in the manner hereinafter provided;

“railway” means the former railway owned by the Government and any railway which by any Act may be authorised to be constructed by the Government as public property, and includes all the land occupied by or used for the purposes of the former railway;

Ch. 16, No. 1.
(1950 Ed.).

“road” or “public road” means a public road as defined in section 2 of the repealed Roads Ordinance;

“telephone line” means a telephone line erected along a pipeline to be used in connection therewith, and includes the posts to which the telephone wires are attached, which posts shall be erected within the area allotted for the laying of such pipeline;

“trace” means any track or bye-way, other than a public road, directed under the repealed Roads Ordinance to be maintained and kept in good order for purposes of traffic or otherwise;

*The Petroleum Act Ch. 62:01 repealed this Act in its application to petroleum operations.

“waterway” includes any navigable river, watercourse or canal directed under the repealed Roads Ordinance to be maintained and kept in good order for the purposes of traffic, navigation or otherwise.

3. (1) The Minister may by Order declare that this Act shall apply to any particular substance or substances as shall be specified in such Order and which the Minister considers expedient to bring within the purview of this Act; and the Minister may by the same or any other Order limit the application of this Act as regards any particular substance to any specified area of Trinidad and Tobago.

Minister may, by Order, extend or limit application of Act.

(2) Until the publication of any such Order this Act shall apply to the following substances only, namely—Mineral oil and natural gas and any of their derivatives or components, and also any substance (including steam and water) when used or intended to be used in the production or refining of mineral oil or natural gas, and their derivatives or components.

Application of Act pending Order.

4. (1) No person shall lay or connect any pipeline, in, along, across, over or under any road, trace, waterway, railway or land vested in the State unless he first obtains a licence in writing to do so under this section, and unless he complies with all conditions, if any, attaching to such licence.

Licence to lay pipelines. [8 of 1956].

(2) A licence authorising a person to lay or connect a pipeline, in, along, across, over, or under any road, trace, waterway, railway or land vested in the State may be granted—

- (a) in the case of any main road or waterway, by the Chief Technical Officer (Works);
- (b) in the case of any public road or State trace the formation, maintenance and repair of which are functions of a Municipal Corporation by virtue of section 125 of the Municipal Corporations Act, by the Chief Executive Officer of the Corporation of the electoral district in which such road or State trace is situate;

Ch. 25:04.

- (c) in the case of any railway, by the General Manager of the Railway;
- (d) in the case of any other land vested in the State, by the Commissioner of State Lands,

or by such other officer or officers as may be authorised by any of the above-mentioned persons or by the Minister to grant such licence.

(3) A licence under subsection (2) shall not be unreasonably withheld but shall be subject to such conditions, if any, as may be specified therein.

(4) Notwithstanding any provision of this section to the contrary, the powers conferred by this section on the Chief Executive Officer of a Corporation, or any other officer authorised in that behalf, to grant or to refuse a licence in the case of any public road or State trace mentioned in subsection (2)(b) shall be exercised in accordance with the directions of the Corporation concerned and not otherwise.

(5) Where a licence under this section is granted by the Chief Executive Officer of a Corporation or any other officer authorised to grant such a licence in respect of any public road or State trace mentioned in subsection (2)(b), the provisions of subsection (4) shall be deemed, so far as the validity of the licence is concerned, to have been complied with.

(6) If a licence is refused, or the applicant considers that any condition attached thereto is unreasonable, he may, within twenty-one days of notification of refusal to grant a licence or of the grant of a licence subject to conditions, as the case may be, appeal in writing to the Minister who shall consider the matter, and, in his discretion, direct that the licence shall be granted free of conditions or subject to such conditions as to him may seem fit, or withheld, as the case may be; and on communication of such decision to the officer concerned such officer shall forthwith give effect thereto.

(7) Notwithstanding any provision of this section to the contrary, the Minister may by Order specify the fees which may be charged as a condition of the grant of a licence under this section, and no fee shall be charged for any such licence, except in accordance with the provisions of such Order. The said fees shall be paid into public funds.

5. (1) Where any pipeline is used or laid down and connected in contravention of the provisions of section 4 the relevant officer mentioned in section 4(2) or any person authorised in writing by him may, by notice in writing to be served upon the person who has laid or connected such pipeline, require that such pipeline be immediately disconnected and rendered useless as a pipeline.

Notice to disconnect pipeline laid without licence.

(2) Should the requirements of any such notice not be complied with within forty-eight hours of the service thereof, any person authorised in writing by the relevant officer may, with such workmen and assistants as may be necessary, enter upon any land and carry out the requirements of such notice, and thereafter re-enter from time to time to enforce and keep enforced such requirements without other or further authority. Production of such written authority shall be sufficient evidence of the issue thereof, and no proof of the signature thereon shall be necessary.

(3) Any person who obstructs the execution by any person so authorised, his workmen or assistants, of any thing required to be done to give effect to the requirements of any such notice so long as the same is in operation is liable on summary conviction to a fine of one thousand dollars.

6. Any person who, after any pipeline has been disconnected in accordance with section 5, reconnects the same without having been granted a licence under section 4, is liable on summary conviction to a fine of two thousand dollars, and to a further fine of four hundred dollars for each day during which such pipeline continues so reconnected.

Penalty for reconnecting without licence.

Notice to landowner of desire to lay pipeline.

7. (1) Any person who desires to lay a pipeline in, along, across, over or under any lands other than roads, traces, waterways or railways or lands vested in the State shall—

(a) notify in writing the owners of the lands over which he desires way-leave of his intention at the expiration of two weeks from the date of the notice to enter on such lands on a specified day for the purpose of fixing the location of the proposed pipelines; and

(b) within six weeks of such entry serve each of such owners with a statement in writing containing full particulars of the description and proposed location of such pipelines, and a notice requiring such owners to execute a deed or instrument of assent under section 8.

(2) Any such owner may waive service of the notices called for in subsection (1) and permit entry within the said period of two weeks.

Assent by landowner to proposal to lay pipeline. Schedule.

8. (1) Any such owner, after service of such notices (unless service thereof is waived) and statement of particulars may by deed or instrument in the forms prescribed in the Schedule, with such variations and additions as the circumstances of the particular case may require, assent to the laying of such pipelines, and to the erecting of telephone lines, upon payment of such compensation as may be agreed upon, and any assent so given shall be binding on all parties having any estate or interest in the land.

Ch. 28:02.

(2) It shall be lawful for guardians on behalf of their wards, and for committees on behalf of patients under the Mental Health Act, and for persons having the care and custody of illegitimate persons not of full age on behalf of such last mentioned persons, to accept service of the notices and statement of particulars mentioned in section 7, or to waive service of such notices, to grant the assent in this section mentioned, and that to the same extent as such wards, patients or illegitimate persons, respectively, could have exercised the same powers under the authority of this

Act, if they had been respectively under no disability or incapacity. The person executing such deed or instrument shall annex thereto a statutory declaration to the effect that he stands in one of the aforesaid relations to the owner, and such declaration shall be sufficient evidence till the contrary be proved of the truth of the facts contained therein.

(3) Any compensation to be paid by the person giving notice to the owner, in cases where such owner is under any disability or incapacity or has not power to assent, except under the provisions of this Act, or is absent from Trinidad and Tobago, shall be dealt with in the manner in which the compensation awarded to parties under disability or incapacity is payable under the Land Acquisition Act.

Ch. 58:01.

(4) Any occupier or person, other than the owner, interested in the lands shall be entitled to compensation for any injury he may sustain by the laying of such pipelines, provided that the claim therefor be made within twelve months after the laying of such pipelines, the amount of such compensation to be determined in case of dispute in the manner in which disputed compensation for land is required to be determined by the Land Acquisition Act.

(5) On presentation to the Registrar General of any instrument relating to lands under the Real Property Act in the form set out as Form 2 in the Schedule with such variations and additions as the circumstances of the particular case may require and executed and proved in accordance with the provisions of the Real Property Act and of this Act, and on payment of the appropriate fees, the Registrar General shall register such instrument and shall endorse the same on the certificate of title and on the proper page of the Register; and every such instrument when registered shall operate as an encumbrance on the lands therein specified and shall be binding against the registered proprietor and against all persons claiming under him except that no such encumbrance shall be valid and binding against a prior mortgagee or encumbrancer, unless such mortgagee or encumbrancer shall have assented thereto prior to the same being registered, and a note of such assent entered in the Register.

Ch. 56:02.
Schedule.
Form 2.

Ch. 56:02

(6) Where such assent relates to lands under the Real Property Act, then upon production of a memorandum signed by the person to whom such assent has been granted or his transferee and attested by a witness to the satisfaction of the Registrar General discharging the land from such assent, and on payment of the appropriate fees, the Registrar General shall enter such memorandum in the Register and upon such entry having been made the land shall cease to be subject to such assent.

Dissent by land-owner from proposal to lay pipeline and power of Magistrate to adjudicate.

9. (1) An owner shall be deemed to have dissented from the proposal to lay pipelines on his land if he fails to execute a deed or instrument of assent under section 8 within one month after the service of the notice on him under section 7; and in the event of such dissent there shall be decided by the Magistrate of the district, on the application of the person desiring to lay such pipelines, the question whether the proposed pipelines will cause any injury to such owner or to the occupier or other person interested in the lands which is or is not of a nature to admit of being fully compensated by money.

(2) The result of any such decision shall be as follows:

- (a) if the decision is that injury will be caused to the owner, occupier, or other person interested in the lands, which is of a nature to admit of being fully compensated by money, the Magistrate shall proceed to assess such compensation and to apportion the same amongst the parties in his judgement entitled thereto, subject to the provisions of section 14, and may adjudge that the applicant may proceed to lay the proposed pipelines and to erect the necessary telephone lines; such compensation may be a sum of money payable forthwith or a sum payable yearly so long as the pipelines shall be maintained on the land or both;
- (b) on the registration of the certificate of adjudication as hereinafter provided the applicant may proceed to lay the proposed pipelines and to erect the necessary telephone lines;

- (c) if the decision is that injury will be caused to the owner, occupier, or other person interested in the lands, and that such injury is not of a nature to admit of being fully compensated by money, the applicant shall not be entitled to lay the proposed pipeline.

10. (1) Where any application is made under section 9, the Magistrate may summon the parties and such other persons interested in the lands as he may, in his discretion, think necessary in the circumstances (or if such parties or person be under a disability or incapacity their guardians or committees or if they be illegitimate and not of full age the persons having their care or custody) to appear before him at a time and place to be named in the summons, and upon the appearance of such parties or persons so summoned or in the absence of any of them upon proof of the due service of the summons, the Magistrate may hear and determine the question and the amount of the compensation, and for that purpose examine such parties and persons or any of them and their witnesses upon oath; and the costs of every such enquiry shall be at his discretion and he shall settle the amount thereof. Such costs shall be recoverable in the Petty Civil Court of the district without limit of amount.

Power of Magistrate to summon parties to determine amount of compensation.

(2) For the purpose of compelling the attendance of and the giving of evidence by any witness the Magistrate shall have all the powers conferred on him by the Summary Courts Act.

Ch. 4:20.

(3) When the Magistrate decides the question in manner referred to in section 9(2)(a) or (b) he shall reduce his decision to writing in the form of a certificate (in this Act referred to as a certificate of adjudication) which certificate may be in the form set out as Form 3 in the Schedule, with such variations and additions as the circumstances of the particular case may require; and the Magistrate shall deliver such certificate of adjudication to the applicant.

Schedule.
Form 3.

(4) On production to the Registrar General of the certificate of adjudication and on payment of the appropriate fees, the Registrar General shall forthwith register the same and enter the particulars thereof in a book in alphabetical order by the name of the person whose lands are intended to be affected by the certificate of adjudication; and all persons shall be at liberty to search the said book on payment of the sum of sixty cents.

(5) Every certificate of adjudication registered in the manner directed by this section shall operate as an encumbrance on the lands therein specified and shall be binding as against the person against whom such certificate of adjudication shall be entered up and against all persons whomsoever claiming through or under him or otherwise.

Ch. 56:02.

(6) Where the lands are held by title under the Real Property Act the Registrar General shall, on registration of the certificate of adjudication, after payment of the appropriate fees, note the particulars of the certificate of adjudication on the certificate of title.

(7) On production to the Registrar General of a document signed by the person who shall have laid any pipeline in pursuance of any such certificate of adjudication or his transferee and attested by a witness to the satisfaction of the Registrar General discharging the land from such certificate of adjudication, and on payment of the appropriate fees, the Registrar General shall cancel the registration of such certificate of adjudication and if the lands are under the Real Property Act shall endorse such cancellation on the certificate of title.

(8) All moneys payable under any certificate of adjudication shall be recoverable by the person to whom they are payable in the Petty Civil Court of the district without limit of amount.

Appeal from
decision of
Magistrate.

Ch. 4:21.

11. There shall be a right of appeal to a Judge in Chambers from any decision of the Magistrate in any matter under this Act irrespective of the amount involved, and the procedure governing appeals under the Petty Civil Courts Act, shall apply to appeals under this Act with necessary modifications.

12. All rights, liberties and privileges granted to a person by any deed or instrument under section 8 or enjoyed by virtue of any certificate of adjudication under section 10 shall be transferable by such person or his transferee by deed or by memorandum of transfer under the provisions of the Real Property Act, as the case may be.

Transfer of rights.

Ch. 56:02.

13. A comprehensive plan of survey of a complete pipeline system or any portion thereof may be attached to the first instrument which is registered under the Real Property Act affecting any land through which such pipeline is to be laid; and in any subsequent instrument affecting any other lands shown on such plan through which such pipeline is to be laid, a reference may be made in such instrument to such plan of survey without it being necessary to have a copy of such plan attached to any subsequent instrument.

Registration of plan of pipeline.

Ch. 56:02.

14. Where the compensation assessed by the Magistrate is payable to any owner or other person who is under any disability or incapacity, or is absent from Trinidad and Tobago, such compensation shall be dealt with in the manner in which the compensation awarded to parties under disability or incapacity is payable under the Land Acquisition Act.

Compensation to owners under disability.

Ch. 58:01.

15. If any difficulty or question arises as to the person entitled to compensation assessed under this Act, the Magistrate shall upon receipt of the amount deposit the compensation payable in such case in the name and with the privity of the Registrar of the Supreme Court with the Comptroller of Accounts, to be placed to the credit of the persons interested.

Compensation where title disputed.

16. Upon the application by petition of any person making claim to any moneys deposited under section 15, the High Court may, in a summary way at the cost of the person giving notice under section 7, and after such notice as the Court may consider fit, and to such person or persons as the Court shall direct, order distribution and payment of such moneys according to the respective rights and interests of the persons making claim to such moneys or any part thereof, and may make such other order in the premises as to the Court seems fit.

Money deposited to be paid out on order of High Court.

Permission to erect and maintain telephone line. Ch. 47:30.

17. Notwithstanding anything to the contrary contained in the Trinidad and Tobago Telephone Act, every person authorised under this Act to lay and connect any pipeline may erect, maintain and operate a telephone line to be used solely in connection with such pipeline.

Power to enter land to inspect and repair pipes and telephone lines.

18. After pipelines have been laid and telephone lines erected in accordance with this Act, the owner or person in charge of such pipelines, or any person authorised in writing by either of them may, from time to time as it becomes necessary, enter upon the lands through which such pipelines have been laid for the purpose of inspecting and, with such assistance as may be necessary, maintaining and repairing the same, and any telephone lines erected in connection therewith, or, in case such pipelines are no longer required, for the purpose of removing the same and any telephone lines. Where pipelines are removed, the surface of the land shall forthwith be restored to its former condition. In default thereof such restoration may be carried out by the owner of the land, and the costs thereof shall be recoverable from the person liable therefor in the Petty Civil Court of the district without limit of amount.

Obstructing owner of pipeline and other persons interested.

19. Any person who hinders, obstructs or interferes with the exercise by any owner or person in charge of a pipeline, or by the servants or agents or other persons duly authorised in writing of any such owner or person, of any right of entry upon land conferred by this Act for the purpose of laying and connecting, or repairing, inspecting, or removing any pipeline is liable on summary conviction to a fine of one thousand dollars.

Liability of owner of pipeline to pay compensation for damage.

20. The provision of this Act shall not relieve any owner of a pipeline of the liability to pay compensation to the owner or occupier of the lands, or the agents, workmen or servants of such owner or occupier, for any damage or injury done or caused by the exercise or use of any power or authority hereby conferred or by any irregularity, trespass or other wrongful proceeding in the execution of this Act, or by the breaking or bursting of any pipeline, or by reason of any defect in any pipeline; but if before action brought in respect thereof the owner of a pipeline makes tender of sufficient amends to the party injured and subsequently

pays the amount into Court, the party injured shall not recover in any action any further amount, nor shall he be entitled to the costs of such action.

21. Service of any notice or statement in writing or summons or other process under this Act may be effected either personally on the person affected by the same or by leaving the same with some adult person at his last or most usual place of abode, or if the person to be served cannot be found in Trinidad and Tobago and the place of his abode in Trinidad and Tobago either is not known or if known admission thereto cannot be obtained then by posting the same on some conspicuous place on the land on which any pipeline is to be laid.

Service of notice.

SCHEDULE

Section 8.

FORM 1

THIS DEED made theday of..... in the year of Our Lord Two thousand and Between (hereinafter called the Grantor) of the One Part and.....(hereinafter called the Grantee) of the Other Part. Whereas pursuant to the provisions of the Pipelines Act, the Grantee has applied to the Grantor for permission to lay a.....inch pipeline from.....at.....to.....

And whereas in the laying of the said pipeline it is proposed to cross the lands of the Grantor described in the Schedule hereto attached the route and direction of the said pipeline being shown as nearly as may be by a green line on the plan marked "A" hereto attached. And whereas the Grantor has agreed to assent to the laying of the said pipeline in manner hereinafter appearing [*And to the laying by the Grantee of such other pipelines (not exceeding.....inches in diameter) as the Grantee may from time to time desire to lay across the said lands in manner hereinafter appearing*] subject however to the provisions and conditions hereinafter expressed.

Now These Presents Witness and it is hereby agreed, covenanted and declared between the parties hereto for themselves respectively and for their respective heirs and assigns as follows:

1. The Grantor hereby assents to the laying of the said pipeline across the said lands of the Grantor described in the Schedule hereto the course and direction to be taken by the same being indicated as nearly as may be by a green line on the plan hereto attached and marked "A".

L.R.O. 1/2006

2. *[Here insert provisions if desired as to depth of pipelines below surface].*

3. The Grantee shall maintain an open space not exceeding.....feet in width along the said pipeline *[firstly hereinbefore mentioned]* and shall at all times keep such space clear of all trees, bush, trash, rubbish and other inflammable matter inclusive of cocoa, immortelle trees and other cultivation and shall compensate the Grantor for all cultivation which may be or may have been destroyed by the Grantee in clearing such space according to the rates to be determined. *[Here set out the manner in which such compensation may be assessed].*

4. *[The Grantor hereby assents to the laying by the Grantee within the said space of.....feet hereinbefore mentioned of such other pipelines (not exceeding.....inches in diameter) as the Grantee shall from time to time think fit to lay and also a telephone line and posts to carry such line].*

5. So long as the said pipeline (or other pipelines hereinafter referred to) shall be maintained on the said lands or any part thereof the Grantee shall pay yearly in advance to the Grantor the sum of *[here set out the amount and times of payment]* the first of such payments to be made on the execution of these presents.

6. Should the Grantor at any time desire to carry on oil mining operations or perform other necessary works on or over any portion of the said lands covered by the said pipeline *[or pipelines]* the Grantee shall on the request in writing of the Grantor remove the said pipeline *[or pipelines]* or any part thereof as the case may be: Provided however that in such event the Grantee shall be at liberty to relay the same *[in the manner set out in Clause 2]* across such other portion of the said lands as shall be most convenient to the Grantor and shall be approved in writing by the Grantor; and that if the Grantee shall fail to comply with such request within thirty days after the same has been received by him the Grantor may cause such pipeline *[or pipelines]* or any part thereof as the case may be to be removed and the Grantee shall upon demand in writing forthwith pay to the Grantor the expenses incurred by him in such removal and all costs incidental thereto.

7. The Grantee shall at no time have any claim against the Grantor for any damage which may be done to the said pipeline *[or pipelines]* or its *[or their]* appurtenances by the Grantor or by his servants or agents unless such damage be caused by the wilful act of the Grantor or of any person in his employment while acting within the scope of his authority.

8. The Grantee will make, pay and give to the Grantor and to all persons whomsoever, full compensation for any loss, injury or damage which the Grantor or any person shall or may incur or sustain by reason of any works or operations of the Grantee under the powers and authorities aforesaid or by reason of the interference of any third party with such pipeline *[or pipelines]* works or operations: Provided always that the amount of such compensation

in the case of damage to the cultivation of the Grantor shall be according to the rates from time to time to be determined [*here set out the manner in which such compensation may be assessed*] and in other cases shall be ascertained by arbitration pursuant to the proviso in that behalf hereinafter contained and provided also that the Grantee shall not be responsible for any loss, injury or damage resulting to the Grantor or to any person from any wilful act of the Grantor or of any person in his employment when acting within the scope of his authority.

9. The Grantee will keep the Grantor indemnified against all actions, proceedings, claims and demands in respect of any loss, damage or injury for which the Grantee is made liable under Clause 8 hereof.

10. The Grantee will pay the cost of preparing, revising, stamping and registering these presents.

11. If any question, difference or dispute shall arise between the parties hereto or any person, persons or corporation claiming under them respectively touching the construction of any clause herein contained or the rights, duties or liabilities of the parties hereunder or in any way touching or arising out of these presents the same shall be referred to the determination of two arbitrators one to be appointed by each party or of an umpire to be appointed by such arbitrators before proceeding to a reference in accordance with the Arbitration Act, or any statutory modification or re-enactment thereof for the time being in force.

12. The provisions of the Pipelines Act and of any statutory modification or re-enactment thereof for the time being in force and any regulations thereunder, and any regulations for the time being in force and made under the former Petroleum (Pipelines) Ordinance, Cap. 146—1925 Revised Laws, notwithstanding the repeal of that Ordinance, shall apply to the said pipeline [*or pipelines*] and the rights, duties and liabilities of the parties hereto shall save in so far as the same have been altered or modified by the provisions hereof, be determined by the provisions of the said Ordinance and regulations.

In witness whereof the parties hereto have hereunto set their hands the day and year first herein written.

SCHEDULE ABOVE REFERRED TO

(To contain particulars of such lands only as are held by Common Law title).

FORM 2

WHEREAS pursuant to the provisions of the Pipelines Act, C.D. has applied to A.B. for permission to lay a inch pipeline from to And whereas in the laying of the said pipeline it is proposed to cross the lands of A.B. hereinafter described. And whereas the said A.B. has agreed to assent to the laying of the said pipeline in manner hereinafter appearing [And to the laying by the said C.D. of such other pipelines (not exceeding.....inches in diameter) as the said C.D. may from time to time desire to lay across the said lands in manner hereinafter appearing] subject however to the provisions and conditions hereinafter expressed.

Now, therefore, I, A.B. of.....being registered as the proprietor of an estate.....subject however to such mortgages or encumbrances as are notified by memorial underwritten or endorsed hereon in that piece of land situated in the.....containing.....described in the State Grant registered in Volume.....folio.....and bounded.....do hereby assent to the laying of the said pipeline across the said lands the course and direction to be taken by the same being indicated as nearly as may be by a green line on the plan hereto attached subject to the following conditions, covenants and restrictions:

1. So long as the said pipeline (or other pipelines hereinafter referred to) shall be maintained on the said lands or any part thereof the said C.D. shall pay yearly in advance to the said A.B. the sum of..... [Here set forth all special covenants and conditions (if any) as in Form A].

In witness whereof, etc.

Signed by the said A.B. and C.D.

in the presence of

Note.—This form is to be used where the lands are under the Real Property Act.

FORM 3

CERTIFICATE OF ADJUDICATION UNDER SECTION 10

WHEREAS A. has made an application to me under section 9 of the Pipelines Act, with respect to the laying of a pipeline [*or pipelines*] on that parcel of land situated in the Ward of.....comprising.....[*under the Real Property Act state reference to the Real Property Register*]. And whereas the course of the proposed pipe is shown on the plan attached hereto [*or on the comprehensive plan filed in the Registrar's office and attached to.....*]. And whereas I have enquired into and determined the matters referred to me by the said application.

Now therefore I certify my findings to be as follows:

[no injury will be caused to any person interested in the said land]

or

[injury will be caused to B. the owner, registered proprietor, occupier or other person interested and I assess the compensation payable to B. at the amount of

(here state the names of all persons to whom compensation is payable, the conditions of payment and the manner in which payments are to be applied)].

And I adjudge accordingly that A. the applicant shall be at liberty to lay and maintain the said pipeline and to erect and maintain telephone lines to be used in connection therewith and to maintain an open space not exceeding.....feet in width along the said pipeline and keep such space cleared of all trees, bush, trash, rubbish and other inflammable matter (inclusive of cocoa, immortelle trees and other cultivation).

SUBSIDIARY LEGISLATION

63/1957.

PIPELINES (SPECIFICATION OF FEES) ORDER

made under section 4(7)

Citation.

1. (1) This Order may be cited as the Pipelines (Specification of Fees) Order.

(2) This Order shall come into operation on 1st April, 1957.

Fees payable under section 4 of the Act. [51/1980].

2. The fees chargeable as a condition of the grant of a licence under section 4(7) of the Pipelines Act, shall be as follows:

(a) for each pipeline laid or connected along, over or under a trace, a fee at the rate of four cents per foot of pipeline;

(b) for each pipeline laid or connected across State lands or lands vested in the State, a fee of ten dollars;

(c) for each pipeline laid or connected across a trace a fee of ten dollars;

Provided that each sleeve shall be regarded as one pipeline irrespective of the number of pipelines included in such sleeve;

(d) for each pipeline laid or connected along a road, a fee at the rate of four cents per foot of pipeline;

(e) for each pipeline laid or connected across a road, a fee of ten dollars;

Provided that a sleeve or culvert shall be regarded as one pipeline irrespective of the number of pipelines contained in such sleeve or culvert;

(f) for each pipeline laid or connected along a railway track a fee at the rate of four cents per foot of pipeline.

(g) for each pipeline laid or connected across a railway track, a fee of ten dollars.

Provided that a sleeve or culvert shall be regarded as a single pipeline irrespective of the number of pipelines contained in such sleeve or culvert.

3. The said fees shall be paid annually and the first of such annual payments shall be made at the commencement of the work of laying the pipeline, and subsequent payments shall be made in January of each subsequent year:

Fees to be paid annually.

However, where the said work is commenced later than the first quarter of a year, there shall be payable the following percentages only of the first of such annual payments:

- (a) where the said work is commenced in the second quarter of a year, seventy-five per cent;
- (b) where the said work is commenced in the third quarter of a year, fifty per cent;
- (c) where the said work is commenced in the last quarter of a year, twenty-five per cent.