

CAP. 273.

CYPRUS

PETROLEUM (PIPE-LINES)

CHAPTER 273 OF THE LAWS

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1959

CHAPTER 273.

PETROLEUM (PIPE-LINES).

ARRANGEMENT OF SECTIONS.

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RELATING TO THE LAYING OF PIPES FOR THE PURPOSE OF
CONVEYING OIL.

1949
Cap. 131.

[30th April, 1919.]

Short title.

1. This Law may be cited as the Petroleum (Pipe-lines) Law.

Interpre-
tation.

2. In this Law—

“ Court ” means the District Court.

“ oil ” includes “ gas ”;

“ pipe-line ” means any pipe for the purpose of or capable of being used for conveying oil;

Licence for
pipe-lines.

3. No person may lay or use a pipe-line without a licence under this Law.

Licence to
lay or use
pipe-lines.
Cap. 271.

4. (1) Any person to whom a licence under the Mines Regulations Amendment Law, section 9, to mine and win oil has been granted may apply to the Governor in Council for a licence to lay and use a pipe-line on any land in Cyprus, whether such land is or is not the property of such person.

(2) The application shall be accompanied by a plan of the land showing, as nearly as may be, the names of the

owners and occupiers thereof, and also the course and direction of the pipe-line and the position of any pumping stations, tanks or other works in connection with such pipe-line.

(3) The Governor in Council may grant to such applicant, upon such terms and conditions as he may think fit, a licence to lay and use a pipe-line over such land as may be the property of the applicant or over which he may have obtained way leave, and as to such land, if any, as is not his property or over which he has not obtained way leave, to proceed under section 5 hereof.

(4) The person to whom such licence is granted is in this Law referred to as the licensee.

5. A licensee desirous of laying a pipe-line on the land of another person shall give notice in writing to the owner of such land of his desire to lay down such pipe-line, and of his intention after the expiration of fourteen days from the date of such notice on a specified day to enter upon such land for the purpose of fixing the location of such pipe-line, and within fourteen days of such entry shall serve such owner with a statement in writing containing full particulars of the description and proposed location of such pipe-line.

Notice to an owner of desire to lay pipe-line.

6. Any such owner after receipt of such notice and statement of particulars may by writing under his hand assent to the laying down of such pipe-line 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:

Assent to proposal.

Provided that any occupier or person other than the owner interested in the land shall be entitled to compensation for any injury he may sustain by the laying of such pipe-line, so that the claim therefor be made within twelve months after the laying of such pipe-line, the amount of such compensation to be determined in the case of dispute in the manner in which disputed compensation for injury to land is required to be determined by this Law.

7. (1) An owner shall be deemed to have dissented from the proposal to lay a pipe-line on his land if he fail to express his assent thereto within one month after the service of the notice on him under section 5 hereof; and in the

Dissent from proposal.

event of such dissent there shall be decided by the Court on the application of the licensee the questions following, that is to say:—

- (a) whether the proposed pipe-line will cause any injury to such owner, or to the occupier or other person interested in the land;
- (b) whether any injury that may be caused is or is not of a nature to admit of being fully compensated for by money.

(2) The result of any such decision shall be as follows, that is to say:—

- (a) if the decision is that no injury will be caused to the owner, occupier or other party interested in the land, the licensee may proceed forthwith to lay the pipe-line;
- (b) if the decision is that injury will be caused to the owner, occupier or other party interested in the land, but that such injury is of a nature to admit of being fully compensated by money, the Court shall proceed to assess such compensation and to apportion the same amongst the parties in its judgment entitled thereto and on payment of the sum so assessed the licensee may proceed to lay the pipe-line;
- (c) if the decision is that injury will be caused to the owner, occupier or other party interested in the land, and that such injury is not of a nature to admit of being fully compensated by money, the licensee shall not be entitled to lay the pipe-line.

Procedure.

8. Where any application is made under the last preceding section, the Court may summon the parties to appear before it at a time and place to be named in the summons, and upon the appearance of such parties, or in the absence of any of them upon proof of the due service of the summons, the Court may hear and determine the question and amount of the compensation and for that purpose examine such parties or any of them and their witnesses upon oath. The costs of every such inquiry and by whom they shall be paid shall be in the discretion of the Court.

Persons
under
disability.

9. Whenever it appears to the Court that any person who is interested in any land over which it is intended to lay

and use a pipe-line is, on account of being absent from Cyprus or on account of being under any disability, likely to be under any disadvantage in bringing forward his claim to compensation under the provisions of this Law, the Court may, on the application of the licensee or of its own motion, order that person to be duly represented, and may generally give such directions as may secure the proper and just determination of his claims, and any compensation shall be applied in such manner as the Court shall direct.

10. If any difficulty or question shall arise as to the person entitled to compensation under this Law, the Court shall deposit the compensation payable in such case in the name of the Registrar of the Court with the Accountant-General, to be placed to the credit of the persons interested.

Where title disputed.

11. Upon the application by petition of any person making claim to any moneys deposited under the last preceding section, the Court may in a summary way at the cost of the licensee, and after such notice as the Court may deem 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 shall seem fit.

Money deposited to be paid out on order of Court.

12. After a pipe-line has been laid in accordance with the provisions of this Law, it shall be lawful for the licensee or person in charge of such pipe-line or any person authorized in writing by either of them, from time to time as it becomes necessary, to enter upon the land through which such pipe-line has been laid for the purpose of inspecting and with such assistance as may be necessary repairing the same, or in case such pipe-line shall no longer be required, for the purpose of removing the same. Where a pipe-line is 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 Court.

Power to enter land to inspect and repair pipes.

Obstructing
licensee
and other
persons
interested.

13. Any person hindering, obstructing or interfering with the exercise by any licensee or person in charge of a pipe-line, or by any other person, or by the servants or agents duly authorized in writing of any such licensee or person, of any right of entry upon land conferred by this Law for the purpose of laying and connecting or repairing, inspecting or removing any pipe-line shall be liable to a fine not exceeding twenty pounds.

Liability of
licensee to
make com-
pensation
for damage.

14. The provisions of this Law shall not relieve any licensee of the liability to make compensation to the owner or occupier of the land 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 Law, or by the breaking or bursting of any pipe, or by reason of any defect in any pipe:

Provided that if before action brought in respect thereof such licensee make tender of sufficient amends to the party injured, such last mentioned party shall not recover in any action.

Penalty.

15. Any person who shall lay or use a pipe-line without a licence in that behalf, or who shall commit a breach of the terms or conditions of such licence, or of any of the provisions of this Law in respect thereof shall be liable to a fine not exceeding fifty pounds.