



ANALYSIS

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lines of national importance
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1974, No. 143

An Act to amend the Petroleum Act 1937

[8 November 1974

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Petroleum Amendment Act 1974, and shall be read together with and deemed part of the Petroleum Act 1937 (hereinafter referred to as the principal Act).

2. Middle line Proclamations for pipelines of national importance—The principal Act is hereby amended by inserting, after section 70 (as added by section 3 of the Petroleum Amendment Act 1962), the following section:

“70A. (1) Notwithstanding anything to the contrary in this Act, if the Governor-General on the advice of the Minister is satisfied that the construction of any pipeline in respect of which an authorisation has been granted is of national importance, the Governor-General may issue a Proclamation defining the middle line of that pipeline, or of any part thereof, and in any such case the provisions of section 216 of the Public Works Act 1928 shall, as far as they are applicable, and with the necessary modifications and except so far

as they may be inconsistent with the provisions of this section, apply in respect of the construction of the pipeline in the same manner as if a railway were to be constructed, and as if references in that section to the Minister of Works and Development were references to the holder of the pipeline authorisation in respect of which the Proclamation was issued.

“(2) Every Proclamation under this section shall define, by reference either to the distance on each side of the middle line or to the more distant section boundaries, or by reference to both, such land within 100 metres from the middle line upon or in respect of which it is intended to exercise the powers conferred by this Act or any other Act in respect of the construction, maintenance, and use of the pipeline:

“Provided that, in placing the pipeline in its final position, construction work (including the provision of access for vehicles and plant) shall be confined to a strip of land—

“(a) Not more than 30 metres wide; or

“(b) Of such greater width as the Secretary (after consultation, if practicable, with the occupier of the land) may allow in any particular case owing to special circumstances—

within the strip of land defined by the Proclamation.

“(3) The Minister shall cause a copy of every Proclamation under this section, and of every map and plan prepared in connection therewith, to be deposited without fee in the District Land Registry Office for each district in which is situated any land affected by the Proclamation.

“(4) The District Land Registrar shall register against the title of any such land a memorial of the Proclamation and of the accompanying maps and plans.

“(5) As soon as practicable after the publication of any such Proclamation, the Minister shall notify every owner and registered lessee of the land affected by the Proclamation, so far as they can be ascertained, that it is intended to take any part of the land for the pipeline, or that it is intended to construct the pipeline over, upon, under, or close to the land, or that the land will not be affected, as the case may be:

“Provided that such notification shall be given in respect of Maori land only to such owners as have been nominated for the purpose, at the request of the Minister, by the Registrar of the Maori Land Court, who shall nominate all owners whose current addresses are known to him.

“(6) If any land is to be taken, the time for claiming compensation shall run from the date of the Proclamation

taking the land; and, if the pipeline is to pass over, upon, under, or close to the land without any part of the land being taken, the time for claiming compensation for any injurious effect thereto shall run as if the claim were a claim for damage under section 45 of the Public Works Act 1928.

“(7) At any time after a pipeline has been completed, or after the construction of a proposed pipeline has been abandoned, or after the Minister is satisfied that any pipeline referred to in a Proclamation under this section does not, or will not, pass over, upon, or under, or injuriously affect the land against which the Proclamation has been registered, or if for any other reason the Minister deems it expedient so to do, he may require the owner of the pipeline to deposit with him plans of and a description of or reference to all land in respect of which cancellation of the registration is desired.

“(8) The Minister, after being satisfied that such cancellation is in order, may cause to be deposited without fee in the appropriate District Land Registry Office a certificate signed by him or on his behalf authorising the cancellation of the registration of the Proclamation and setting forth a description of or reference to all land for which cancellation is required.

“(9) On the deposit of any certificate under subsection (8) of this section, the District Land Registrar shall take all necessary steps to discharge or cancel the memorials or entries made under this section in respect of all land referred to in the certificate.

“(10) As soon as practicable after construction of the pipeline is completed, the owner of the pipeline shall cause a survey to be made of the actual position of the pipeline, and also cause plans to be prepared showing the strip of land not exceeding 20 metres in width under, upon, or over which the pipeline passes.

“(11) On completion of the plans referred to in subsection (10) of this section, the owner of the pipeline shall submit them to the Minister who shall issue to that owner such pipeline easement certificates as may be necessary in the prescribed form.

“(12) Every pipeline easement certificate issued under subsection (11) of this section shall, for the purposes of this Act, be deemed to have been issued under section 70 of this Act.”

3. Entry on land—Section 73 of the principal Act (as so added) is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Entry shall not be made on any land under this section unless—

“(a) A Proclamation has been issued under section 70A of this Act in respect of the land; or

“(b) The owner of the pipeline has in respect of the land either—

“(i) Entered into an agreement under section 69 (1) (b) of this Act; or

“(ii) Obtained a pipeline easement certificate under section 70 of this Act.”

This Act is administered in the Mines Department.
