

1964/130



THE PETROLEUM PIPELINES REGULATIONS 1964

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 9th day of September
1964

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Petroleum Act 1937, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Petroleum Pipelines Regulations 1964.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Petroleum Act 1937:

“Book of Reference” means the Book of Reference compiled in accordance with regulation 5 of these regulations.

(2) Terms and expressions defined in the Act shall, when used in these regulations, have the meanings so defined.

3. Application for pipeline authorisation—(1) Every application for a pipeline authorisation shall be in form 1 in the First Schedule hereto and shall, in addition to the particulars required by paragraphs (a) and (b) of subsection (2) of section 51 of the Act,—

(a) State the name and address of the person who will be the owner of the proposed pipeline:

(b) Specify the points between which the proposed pipeline is to run:

(c) State what is proposed to be conveyed in the proposed pipeline:

(d) Specify the maximum working pressure of the proposed pipeline.

(2) Every application for a pipeline authorisation shall be in triplicate.

4. Plan of proposed pipeline—(1) Three white print copies of the plan of construction shall accompany the application for a pipeline authorisation.

(2) The plan of the pipeline shall be to a scale of at least 1 in. to 4 miles.

(3) The plan of the pipeline shall clearly show, in addition to the particulars required by paragraphs (a) and (b) of subsection (3) of section 51 of the Act, with respect to the proposed pipeline—

- (a) The location and proposed route of the pipeline in its entirety:
- (b) The location of all pumping stations:
- (c) The location of all gate valves:
- (d) The location of all proposed tanks, reservoirs, pumps, racks, storage tanks, loading and terminal facilities, and all other facilities and connections required to be shown for the proper interpretation and understanding of the plan:
- (e) In the case of a gas pipeline, the location of compressor stations, blow downs, purifiers, and dehydrators:
- (f) A typical profile and cross section of the pipeline indicating depth of burial:
- (g) A typical road crossing profile:
- (h) A typical railway crossing profile:
- (i) The information required in paragraphs (c), (d), (e), or (f) of this subclause may be given by reference to symbols, a legend of which shall be set out in the Book of Reference.

5. Book of Reference—(1) Every application for an authorisation shall be accompanied by a Book of Reference which shall contain and specify with respect to the proposed pipeline such of the following details as are available at the time of the application—

- (a) The location of pumping and compressor stations, terminal facilities, and other permanent appurtenances of a substantial nature intended to be used in connection with the operation of the pipeline:
- (b) The location of all gate valves:
- (c) The location of all tanks, racks, storage tanks, and loading facilities:
- (d) In the case of a gas pipeline, the location of all blow downs, purifiers, and dehydrators:
- (e) Such legal boundaries as are necessary to fix properly the location of the pipeline:
- (f) The areas and legal descriptions of the land affected by the pipeline:
- (g) The local authorities, owners, and occupiers of land who have received notice of the application and with whom negotiations for the grant of easements have been commenced or completed:
- (h) The legend of symbols used on the plan which accompanies the application.

(2) The legend of symbols referred to in paragraph (g) of subclause (1) hereof shall, unless the Minister and the applicant otherwise agree, be the legend set out in the Second Schedule hereto.

(3) The Book of Reference shall be retained in safe custody in the Mines Department.

(4) Where an application for a pipeline authorisation has been granted, there shall from time to time be added to the Book of Reference—

- (a) A reference to all arrangements or contracts entered into and to all rights, interests, or easements acquired in respect of the pipeline as provided for by section 69 of the Act:
- (b) A reference to all easements granted pursuant to subsection (4) of section 56 of the Act:
- (c) A reference to all pipeline easement certificates granted under section 70 of the Act:
- (d) A reference to all changes in the route of the pipeline made pursuant to the Act.

6. Notice of application—(1) Notice of the application, in form 2 of the First Schedule hereto, for a pipeline authorisation setting out the general route of the proposed pipeline shall be published at least once by the applicant in the *Gazette* and twice in newspapers circulating in the districts through which the pipeline is to pass.

(2) Notice of the application shall be given by the applicant to the Gas Association of New Zealand Incorporated, and to such other persons as the Minister shall direct.

(3) Notice of the application as required by subsection (2) of section 52 of the Act shall be in form 2 in the First Schedule hereto.

7. Conditions of authorisation—It shall be a condition of every authorisation that the pipeline shall not commence to operate until it has been inspected and approved by an Inspector.

8. Form of authorisation—(1) Every pipeline authorisation shall be in form 3 in the First Schedule hereto.

(2) There shall be annexed to every pipeline authorisation plans (whereof the scale shall not be less than that of 4 in. to 1 mile) on which are delineated the route along which the pipeline is authorised to be placed.

(3) Authority to carry any substance by an authorised pipeline shall be deemed to include authority to use the pipeline for the conveyance of such other substances as may be necessary for the operation, maintenance, and cleansing of the pipeline where those other substances are used for those purposes.

9. Marking of pipeline—(1) The owner of an authorised pipeline shall notify the controlling authority of any road or railway and the owner or occupier of any land on which a pipeline is constructed—

- (a) The name of the owner of the pipeline:
- (b) The location of the pipeline:
- (c) The depth at which the pipeline lies below the surface:
- (d) Whether the pipeline conveys gas or oil.

(2) At the request of any such controlling authority, owner, or occupier, the owner of the pipeline shall erect signs on any such road, railway, or land showing such of the information required to be notified under this regulation and in such manner as may be agreed upon.

10. Pipeline easement certificates—A pipeline easement certificate issued by the Minister under section 70 of the Act shall be in form 4 in the First Schedule hereto where the certificate is granted in respect of a road, and in form 5 in that Schedule where the certificate is granted in respect of land not on a road.

11. Standards of construction and operation—(1) All pipelines shall be constructed of suitable and sound materials and designed, constructed, operated, and maintained in accordance with sound and accepted engineering practice.

(2) Proof that the owner has complied with the Code of Practice for petroleum pipelines issued by the Institute of Petroleum shall, in the absence of proof to the contrary, be sufficient evidence that the owner has complied with subclause (1) of this regulation:

Provided that, except as provided by this subclause, compliance with the said Code of Practice shall not absolve the owner from any obligation to comply with the Act or any regulations for the time being in force under the Act or with any other enactment.

12. Protection of land—Pipelines shall, as far as practicable, be laid underground and the owner, when constructing a pipeline, shall construct it in such a manner as to ensure that the surface of the land affected suffers as little permanent damage as possible having regard to the purpose for which the land is normally used, to the cost of restoring the land, and to other relevant matters.

13. Pipeline on road—Where a pipeline is constructed on a road, the controlling authority of the road may, at its option, carry out, at the expense of the owner of the pipeline, such works as may be necessary to restore the road to its former condition or require the owner of the pipeline to carry out any such works.

14. Inspection and tests—(1) All pipelines shall be subject to inspection by the Inspector during construction or operation.

(2) Before the running of any pressure test, the owner shall give adequate notice to the Inspector when the test is proposed to be run.

(3) Final fluid or pressure tests shall be run before the operation of the pipeline in the presence of the Inspector.

(4) The Minister may require the owner of the pipeline to conduct special tests at the cost of the owner and the owner shall comply with any such requisition.

15. Facilities for inspection—(1) The owner shall provide and make available the means for an inspection of the pipeline for leaks of gas and faulty lines. Inspections shall be made at least every six months and the results of all such inspections shall be reported to the Inspector.

(2) In the event of a gas leak or the discovery of a faulty pipeline, the owner shall take prompt measures reasonably necessary to shut off the leak and repair any damage that may have occurred as a result of the leak or faulty line.

16. Keeping of records—The owner of a pipeline who purchases, acquires, stores, transports, or sells petroleum (including natural gas) shall keep and maintain complete and accurate records of the quantities thereof acquired, stored, transported, or sold and all such records shall be available for examination at all reasonable times by the Minister or any person authorised by him.

17. Offences—Every person who fails to comply with any provision of these regulations or who does any act in contravention thereof commits an offence.

SCHEDULES

FIRST SCHEDULE

FORMS

Form 1

Reg. 3

APPLICATION FOR PIPELINE AUTHORISATION

To the MINISTER OF MINES.

Full name and address of applicant:.....

DO HEREBY APPLY for a pipeline authorisation authorising me to construct and operate a pipeline for the conveyance of natural gas in terms of the Petroleum Act 1937 from to and I annex the details of the proposed pipeline as required by the Petroleum Act 1937 and the regulations thereunder.

Dated at this day of 19.....

Applicant.

Form 2

Reg. 6

NOTICE OF APPLICATION

NOTICE is hereby given that, pursuant to the provisions of the Petroleum Act 1937, the undersigned has applied to the Minister of Mines for a pipeline authorisation to convey natural gas by pipeline from to passing through

Dated at this day of 19.....

Applicant.

Form 3

Reg. 8

PIPELINE AUTHORISATION

Petroleum Act 1937

PURSUANT to the provisions of the Petroleum Act 1937 the Minister of Mines hereby authorises to construct and operate a pipeline for the conveyance of natural gas from to along the route delineated on the plans annexed hereto, subject to the provisions of the Petroleum Act 1937 and the regulations thereunder, and to the special conditions set out in the Schedule hereto.

Dated at Wellington this day of 19.....

THE SCHEDULE

Minister of Mines.

FIRST SCHEDULE—*continued*

Reg. 10

Form 4

PIPELINE EASEMENT CERTIFICATE

(In respect of roads)

PURSUANT to the provisions of the Petroleum Act 1937, the Minister of Mines hereby certifies that a pipeline is authorised to pass on, over, or through the road described in the First Schedule hereto (in this certificate referred to as the said road) upon the following terms and conditions; and does further certify that for this purpose the owner of the pipeline shall have the rights and obligations set out in the Second Schedule hereto:

1. The owner of the pipeline shall comply with the provisions of the Petroleum Act 1937.
2. The pipeline shall be placed along the line delineated on the plan annexed hereto and coloured red.
3. The owner of the pipeline shall be

FIRST SCHEDULE

(Describe the land.)

SECOND SCHEDULE

1. The right from time to time to open and break up the soil and pavement and lay down and place pipes and all appurtenances thereto for the conveyance of natural gas and oil and from time to time operate, inspect, maintain, clean, repair, renew, alter, change the size of, and remove an authorised pipeline and all appurtenances thereto and remove and use all earth and materials in and under the said road and do all other acts which the owner shall from time to time deem necessary for the construction and operation of an authorised pipeline, doing as little damage as may be in the execution of the aforesaid rights.

2. Before the owner of the pipeline proceeds to open or break up the said road he shall give to the authority under whose ownership, control, or management the same may be notice in writing of his intention to open or break up the same not less than 48 hours before beginning the work, except in cases of emergency arising from defects in the authorised pipeline, and then as soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

3. The said road shall, except in cases of emergency, be opened or broken up according to such plans as shall be approved by the authority having the ownership, control or management of the said road, but if any dispute arises over the said plans between the authority having the ownership, control or management of the said road and the owner of the pipeline, the matter shall be determined by arbitration, and the Minister of Mines shall appoint a single arbitrator for this purpose.

4. The owner of the pipeline shall, with all convenient speed, complete the work of opening and breaking up the said road and shall fill in the ground and reinstate and make good the said road and shall at all times whilst the said road shall be so opened or broken up cause the same to be fenced and guarded and shall cause a light sufficient for the warning of users to be set up and maintained.

FIRST SCHEDULE—*continued*

5. The owner of the pipeline shall have the right to remove from the land to which this easement relates all cultivated or natural vegetation, including trees and shrubs, so far as any such removal is necessary for the exercise of his powers under this easement.

6. The expression “appurtenances thereto” shall include, *inter alia*, valves, surface markers, posts, test pipes, metering devices, booster stations, and fences round these devices.

Dated at Wellington this day of 19.....

Minister of Mines.

Form 5

Reg. 10

PIPELINE EASEMENT CERTIFICATE

(*In respect of land not on road*)

PURSUANT to the provisions of the Petroleum Act 1937 (in this certificate referred to as the Act), the Minister of Mines hereby certifies that a pipeline (as defined in section 49 of the Act) is authorised to pass on, over, or through the land described in the First Schedule hereto (in this certificate referred to as the said land) upon the following terms and conditions:

1. The owner of the pipeline is
2. The owner of the pipeline shall comply with the provisions of the Act and the regulations in force thereunder.
3. The pipeline shall be placed along the line delineated on the plan annexed hereto and coloured red.
4. Upon the issue of this certificate, the owner of the pipeline shall have the right of entry on the said land pursuant to subsection (6) of section 70 of the Act for the purpose of exercising the rights conferred on him by the Act and any regulations made thereunder and by his pipeline authorisation.
5. For the purposes of subsection (3) of section 70 of the Act, this certificate shall apply to the land extending for thirty (30) feet on either side of the pipeline (in this certificate referred to as the said strip) and the owner of the pipeline shall have the right at any time after the issue hereof to remove from the said strip all cultivated or natural vegetation, including trees and shrubs. No structure shall be erected on the said strip without the consent of the owner of the pipeline.
6. The owner or occupier of the land shall have the right to use the same (except for such use as may be reasonably held to interfere with the enjoyment of the rights of the owner of the pipeline hereunder or under the Act or under his authorisation).
7. Where the pipeline is below the surface of the ground, the owner of the pipeline shall bury it so that it will not interfere with the ordinary cultivation of the said land and in so doing or in maintaining, repairing, renewing, changing, or removing the pipeline he shall cause as little damage as possible to the surface of the said land.
8. The owner of the pipeline will pay to the owner or occupier of the said land the cost of restoring the surface of the said land as nearly as possible to its former condition or state.

FIRST SCHEDULE—continued

9. Such of the rights, easements, or obligations hereinbefore recited or referred to which place a burden on the said land or on the owner or occupier of the said land shall be binding on him the said owner or occupier, his successors, executors, administrators, and assigns and such of them as place a burden on the owner of the pipeline shall be binding on him, his successors, executors, administrators, and assigns.

FIRST SCHEDULE
(Describe the land.)

Dated at Wellington this day of 19.....

Minister of Mines.

SECOND SCHEDULE

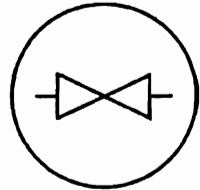
Reg. 5 (2)

LEGEND OF SYMBOLS
Item

Symbol

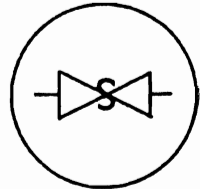
Gate Valve

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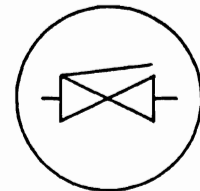
Safety Valve

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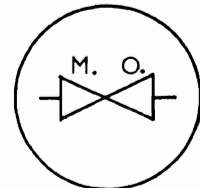
Quick Opening Valve

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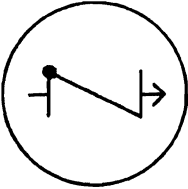
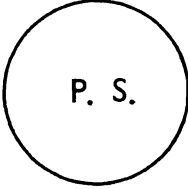
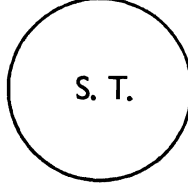
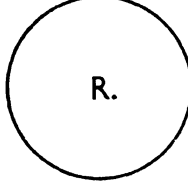
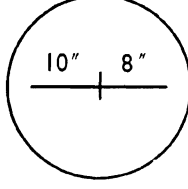
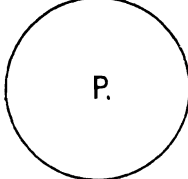


Motor Operated Gate Valve

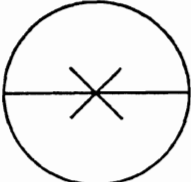
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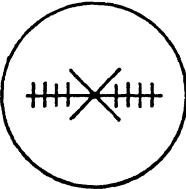
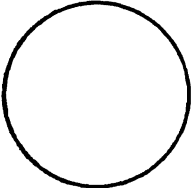
SECOND SCHEDULE—continued

Item	Symbol
Check Valve (with direction of flow)	
Pumping Station	
Storage Tanks (with number and capacity)	
Reservoir	
Change in Pipe Size	
Pump	

SECOND SCHEDULE—continued

Item	Symbol
Loading Terminal and Racks	L. T. R.
Compressor Station	C. S.
Blowdown	B.
Dehydrator	D.
Purifier	Pur.
Road or Highway Crossing	

SECOND SCHEDULE—continued

Item	Symbol
Railway Crossing	
Other symbols as required	

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe forms to be used in respect of pipeline authorisations under the Petroleum Act 1937 and provisions relating to authorisations.

Regulation 4 provides that a plan of construction of the proposed pipeline shall accompany each application for an authorisation.

Regulation 5 provides that a Book of Reference, containing prescribed details, shall also accompany each application.

Regulation 6 provides that notice of each application shall be given by the applicant.

Regulation 7 provides that a pipeline shall not operate until inspected.

Regulation 9 provides for the marking of each pipeline.

Regulation 11 prescribes standards of construction and operation.

Regulation 12 prescribes conditions relating to the protection of land over which a pipeline is operated.

Regulation 13 relates to the protection of roads over which a pipeline is laid.

Regulation 14 provides for inspection and tests.

Regulation 15 provides that the owner of a pipeline shall provide facilities for making tests.

Regulation 16 provides for the keeping of records.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 10 September 1964.

These regulations are administered in the Mines Department.