Oil and Gas (Enterprise) Act 1982

1982 CHAPTER 23

PART V

MISCELLANEOUS AND GENERAL

29 Northern Ireland and Isle of Man shares of petroleum revenue

(1) Where petroleum is delivered to the Secretary of State under the terms of a licence granted under section 2 of the 1934 Act as applied by section 1(3) of the 1964 Act, then, for the purposes of section 2 of the Miscellaneous Financial Provisions Act 1968 (Northern Ireland and Isle of Man shares of revenue from the continental shelf), the proceeds from the licence shall be taken to include the proceeds of the sale of the petroleum less—

(a) any sums paid by the Secretary of State in respect of the petroleum or the delivery or treatment of the petroleum; and

(b) any expenses incurred by the Secretary of State in connection with the sale.

(2) In this section and section 30 below " petroleum " has the same meaning as in the 1934 Act.

30 Payments to petroleum production licence holders etc.

(1) Where for any chargeable period for the purposes of a licence granted under section 2 of the 1934 Act any person has been required to deliver petroleum to the Secretary of State under the terms of that licence, subsection (3) of section 41 of the 1975 Act (repayment of royalty payments to facilitate or maintain the development of the petroleum resources of the United Kingdom) shall have effect as if for that period that person had paid to the Secretary of State by way of royalty such sum, or (where he has been required to deliver some but not all of the petroleum which he could have been required to deliver) such additional sum, as he would have been required to pay under the terms of the licence if he had not been required to deliver the petroleum.

(2) Subsections (1) and (2) of the said section 41 (payments in pursuance of participation agreements) and, in subsection (4) of that section, the words " or an order made by virtue of this section " shall cease to have effect.

31 Participation agreements as respects onshore petroleum

In section 1(3) of the Participation Agreements Act 1978 (meaning of " participation agreement") after the word " petroleum ", in the first place where it occurs, there shall be inserted the words " existing in its natural condition in strata in the United Kingdom or ".

32 Provisions as to regulations, orders etc.

(1) Any power conferred by this Act to make regulations or orders and the power conferred by section 11(1) above to give directions shall be exercisable by statutory instrument.

(2) Any statutory instrument containing an Order in Council under this Act, an order under section 3(2) or 11(3) or (5) above or a direction under section 11(1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Where the Secretary of State gives directions—

(a) to the Oil Corporation under any provision of Part I of this Act; or

(b) to the Gas Corporation under any provision of Part II of this Act,

it shall be the duty of that Corporation (notwithstanding any duty imposed on it by or under any enactment) to comply with the directions.

33 Stamp duty

(1) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Oil Corporation or the Gas Corporation as having been made or executed for both of the following purposes, namely—

(a) to facilitate such an eventual disposal as is mentioned in section 2(1) or, as the case may be, section 10(1) above; and

(b) to comply with a direction given by the Secretary of State under section 3(1) or, as the case may be, section 11(1) above;

but no such instrument shall be deemed to be duly stamped unless it is stamped with the duty to which it would but for this subsection be liable or it has, in accordance with the provisions of section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

(2) Stamp duty shall not be chargeable under section 47 of the Finance Act 1973 in respect of—

(a) the formation of a subsidiary of either Corporation; or

(b) any increase in the capital of such a subsidiary,

if the transaction concerned is certified by the Treasury as satisfying the requirements of subsection (3) below.

(3) A transaction satisfies the requirements of this subsection if—

(a) it is effected for both of the purposes mentioned in subsection (1) above ; and

(b) it is entered into in connection with one or more transfers to be effected under section 2 or 10 above and does not give rise to an excess of capital.

(4) For the purposes of subsection (3) above a transaction gives rise to an excess of capital if—

(a) in a case falling within subsection (2) (a) above, the total issued capital of the subsidiary exceeds, on the date of the transaction, the total value of the assets less liabilities transferred; or

(b) in a case falling within subsection (2)(b) above, the aggregate amount of the increase of issued capital of the subsidiary exceeds, on that date, that total value;

and in this subsection " issued capital" means issued share capital or loan capital.

34 Application of Trustee Investments Act 1961

(1) For the purpose of applying paragraph 3(b) of Part IV of Schedule 1 to the Trustee Investments Act 1961 (which provides that shares and debentures of a company shall not count as wider-range and narrower-range investments respectively within the meaning of that Act unless the company has paid dividends in each of the five years immediately preceding that in which the investment is made) in relation to investment in shares or debentures of a company to which this section applies during the first investment year or during any year following that year, the company shall be deemed to have paid a dividend as there mentioned—

(a) in any year preceding the first investment year which is included in the relevant five years ; and

(b) in the first investment year, if that year is included in the relevant five years and the company does not in fact pay such a dividend in that year.

(2) This section applies to any company of which shares have been transferred to the Secretary of State or a nominee of his by an order under section 3(4) or 11(5) above.

(3) In this section—

" the first investment year ", in relation to a company to which this section applies, means the calendar year in which the relevant order or, as the case may be, the first such order was made ; and

" the relevant five years " means the five years immediately preceding the calendar year in which the investment in question is made or is proposed to be made.

35 Financial provisions

(1) There shall be paid out of money provided by Parliament—

(a) any administrative expenses of the Secretary of State; and

(b) any increase attributable to the provisions of this Act in the sums which under any other enactment are paid out of money so provided.

(2) There shall be paid into the Consolidated Fund any increase attributable to this Act in the sums which under any other enactment are payable into that Fund.

36 General interpretation

In this Act—

"the 1934 Act" means the Petroleum (Production) Act 1934;

" the 1964 Act " means the Continental Shelf Act 1964 ;

" the 1971 Act" means the Mineral Workings (Offshore Installations) Act 1971 ;

" the 1972 Act " means the Gas Act 1972 ;

" the 1975 Act" means the Petroleum and Submarine Pipelines Act 1975;

" the commencement date ", in relation to any provision of this Act, means the date of the coming into force of that provision;

" employees' share scheme " means a scheme for encouraging or facilitating the holding of shares or debentures in a company by or for the benefit of—

(a) the bona fide employees or former employees of the company or of a subsidiary of the company; or

(b) the wives, husbands, widows, widowers or children or step-children under the age of 18 of such employees or former employees ;

" the Gas Corporation " means the British Gas Corporation ;

" modifications " includes additions, omissions and alterations ;

" the Oil Corporation " means the British National Oil Corporation ;

" securities " includes shares, debentures, debenture stock, bonds and other securities of the company concerned, whether or not constituting a charge on the assets of the company;

" shares " includes stock;

" statutory provision ", except in relation to Northern Ireland, has the same meaning as in section 57(1) of the Harbours Act 1964 and, in relation to Northern Ireland, has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

37 Amendments and repeals

(1) The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule (being minor amendments or amendments consequential on the preceding provisions of this Act).

(2) The enactments specified in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

38 Short title, commencement and extent

(1) This Act may be cited as the Oil and Gas (Enterprise) Act 1982.

(2) This Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be so appointed for different provisions or different purposes.

(3) This Act, except Parts II and III and Schedule 2, extends to Northern Ireland.