



Petroleum Act 1998

1998 CHAPTER 17

PART I

PETROLEUM

7 Ancillary rights

- (1) Subject to the provisions of this section, the Mines (Working Facilities and Support) Act 1966 shall apply (in England and Wales and Scotland) for the purpose of enabling a person holding a licence under this Part of this Act to acquire such ancillary rights as may be required for the exercise of the rights granted by the licence.
- (2) In its application for the purposes of this section, the Mines (Working Facilities and Support) Act 1966 shall have effect as if—
 - (a) references to a person having a right to work minerals included references to a person holding a licence under this Part of this Act;
 - (b) references to minerals included references to petroleum; and
 - (c) references to the working of minerals included references to the getting, carrying away, storing, treating and converting of petroleum.
- (3) Without prejudice to the generality of subsection (1) of section 2 of the Mines (Working Facilities and Support) Act 1966, that Act shall have effect for the purposes of this section as if the ancillary rights mentioned in that subsection included—
 - (a) a right to enter upon land and to sink boreholes in the land for the purpose of searching for and getting petroleum; and
 - (b) a right to use and occupy land for—
 - (i) the erection of such buildings;
 - (ii) the laying and maintenance of such pipes; and
 - (iii) the construction of such other works,as may be required for the purpose of searching and boring for and getting, carrying away, storing, treating and converting petroleum.

Status: This is the original version (as it was originally enacted).

- (4) Where an application is made to the court under the Mines (Working Facilities and Support) Act 1966 by virtue of this section—
- (a) in deciding—
 - (i) whether to grant any right applied for; or
 - (ii) what terms and conditions, if any, should be imposed upon the grant of such a right,the court shall have regard, among other considerations, to the effect on the amenities of the locality of the proposed use and occupation of the land in respect of which the right is applied for;
 - (b) in determining the amount of any compensation to be paid in respect of the grant of any right, an additional allowance of not less than 10 per cent. shall be made on account of the acquisition of the right being compulsory;
 - (c) the costs in connection with the application incurred by the applicant shall not be ordered to be paid by any person from whom a right is sought to be obtained; and
 - (d) the costs in connection with the application incurred by each person from whom a right is sought to be obtained shall be ordered to be paid by the applicant unless the court is satisfied that an unconditional offer in writing was made by the applicant to that person of a sum as compensation equal to or greater than the amount of any compensation awarded to him by the court.