



Petroleum Act 1998

1998 CHAPTER 17

PART III

SUBMARINE PIPELINES

15 Authorisations.

- (1) Schedule 2 (applications for and issue of authorisations) shall have effect.
- (2) The [F¹OGA] shall not issue an authorisation to a person other than a body corporate.
- (3) Any authorisation in respect of a controlled pipeline may contain such terms as the [F¹OGA] thinks appropriate including in particular terms as to—
 - (a) the duration of the authorisation, including the method of ascertaining its duration;
 - (b) the persons or kinds of persons who are authorised to execute the works in question or to use the pipeline or are so authorised if the [F¹OGA] consents to the execution of the works or the use of the pipeline by them;
 - (c) in the case of a works authorisation—
 - (i) the route of the pipeline [F²(subject to subsection (3A))];
 - (ii) the boundaries within which any works may be executed in pursuance of the authorisation;
 - (iii) the design and capacity of the pipeline or of part of it; and [F³(subject to subsection (3A))]
 - (iv) the steps to be taken to avoid or reduce interference by the pipeline with fishing or with other activities connected with the sea or the sea bed or subsoil;
 - (d) the things authorised to be conveyed by the pipeline;
 - (e) the steps to be taken to ensure that funds are available to discharge any liability for damage attributable to the release or escape of any thing from the pipeline;
 - (f) the transactions relating to the pipeline which are not to be entered into, and the other things relating to the pipeline which are not to be done, without the consent of the [F¹OGA];

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- (g) the persons who may be permitted to acquire an interest in the pipeline and who may not be permitted to retain such an interest;
 - (h) the operation of the pipeline, including the methods by which it is to be operated and the persons by whom it may be operated;
 - (i) the information to be provided in respect of the pipeline; and
 - (j) the giving by the [F1OGA], with respect to matters specified in the authorisation, of directions which shall have effect as terms of the authorisation.
- [F4(3A) The power conferred by virtue of paragraph (c)(i) or (iii) of subsection (3) is not exercisable to the extent that the powers conferred by regulation 7 of the Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 are exercisable.]
- (4) Unless the [F1OGA] considers that there are special circumstances by reason of which the duration of an authorisation should be limited, an authorisation shall provide for its duration to be unlimited subject to the following provisions of this Part of this Act.
- (5) [F5Subject to subsection (5A),] subsection (6) applies where a works authorisation contains a term (the “variation term”) requiring that—
- (a) the capacity of the controlled pipeline to which it relates or of any part of the pipeline shall be greater than that proposed in the application for the authorisation; or
 - (b) any of the route of the pipeline shall be different from that so proposed.
- [F6(5A) Subsection (6) does not apply where the term is a variation condition imposed by virtue of regulation 7 of the Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011.]
- (6) Where this subsection applies, the [F1OGA] may, subject to section 17(7) [F7or 17G(6)] [F8of this Act or section 89(4) and (5) of the Energy Act 2011], serve a notice in accordance with subsection (7) on—
- (a) the holder of the authorisation; and
 - (b) any other person who made representations to the [F1OGA] that the capacity should be greater than that proposed as mentioned in subsection (5) or that any of the route should be different from that so proposed.
- (7) A notice under subsection (6) shall—
- (a) specify the sums or the method of determining the sums which the [F1OGA] considers should be paid to the holder by the other person for the purpose of defraying so much of the cost of constructing the pipeline as is attributable to the variation term;
 - (b) require the other person to make, within a specified period, arrangements which the [F1OGA] considers are appropriate to ensure that those sums will be paid to the holder if he constructs the pipeline or a relevant part of it in accordance with the variation term or satisfies the [F1OGA] that he will so construct it;
 - (c) provide that the holder may, if those arrangements are not made by the other person within the specified period, elect in the specified manner that—
 - (i) the variation term shall have effect with such modifications as are specified with a view to eliminating the consequences of the representations of the other person; and
 - (ii) the provisions included in the notice by virtue of paragraph (d) shall cease to have effect; and

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- (d) authorise the holder, if he satisfies the [F1OGA] that the pipeline or a relevant part of it has been or will be constructed in accordance with the variation term, to recover those sums from the other person.

(8) In subsection (7), “specified” means specified in the notice.

Textual Amendments

- F1** Word in s. 15 substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), **Sch. 1 para. 15**; S.I. 2016/920, reg. 2(a)
- F2** Words in s. 15(3)(i) inserted (16.9.2011) by The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 (S.I. 2011/2305), reg. 1, **Sch. para. 8(a)**
- F3** Words in s. 15(3)(iii) inserted (16.9.2011) by The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 (S.I. 2011/2305), reg. 1, **Sch. para. 8(a)**
- F4** S. 15(3A) inserted (16.9.2011) by The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 (S.I. 2011/2305), reg. 1, **Sch. para. 8(b)**
- F5** Words in s. 15(5) inserted (16.9.2011) by The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 (S.I. 2011/2305), reg. 1, **Sch. para. 8(c)**
- F6** S. 15(5A) inserted (16.9.2011) by The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 (S.I. 2011/2305), reg. 1, **Sch. para. 8(d)**
- F7** Words in s. 15(6) inserted (10.8.2000) by S.I. 2000/1937, reg. 2(4), **Sch. 4 para. 1**
- F8** Words in s. 15(6) inserted (21.3.2012) by Energy Act 2011 (c. 16), s. 121(1), **Sch. 2 para. 9**; S.I. 2012/873, art. 2(b)(i)

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