



Petroleum Act 1998

1998 CHAPTER 17

PART III

SUBMARINE PIPELINES

^{F1}17F Acquisition of rights to use controlled petroleum pipelines.

- (1) This section applies to controlled petroleum pipelines [^{F2}in, under or over the territorial sea adjacent to Northern Ireland].
- (2) Any person who seeks a right to have things conveyed by a controlled petroleum pipeline of which he is not the owner (“the applicant”) shall, before making an application to the [^{F3}OGA] under subsection (5), apply to the owner of the pipeline for the right.
- (3) An application under subsection (2) shall be made by giving notice to the owner specifying what is being sought.
- (4) Such a notice shall, in particular, specify—
 - (a) the kind of things to be conveyed (which must be of a kind the pipeline is designed to convey); and
 - (b) the quantities to be conveyed.
- (5) If the owner and the applicant do not reach agreement on the application, the applicant may apply to the [^{F4}OGA] for a notice under subsection (9) securing to the applicant the right to have conveyed by the pipeline in respect of which he has made an application to the owner under subsection (2) the quantities specified in the notice under subsection (3) of things of a kind so specified.
- (6) The [^{F5}OGA] shall not entertain an application under subsection (5) unless [^{F6}it] is satisfied that the parties have had a reasonable time in which to reach agreement between themselves on the application under subsection (2).
- (7) Where a person applies to the [^{F7}OGA] under subsection (5) and the [^{F7}OGA] is satisfied as mentioned in subsection (6), the [^{F7}OGA] shall—

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- (a) give notice to the owner of the pipeline and the applicant that [F8:it] proposes to consider the application; and
 - (b) after the expiry of 21 days beginning with the date on which notice under paragraph (a) was served, but before considering the application, give them an opportunity of being heard with respect to the application.
- (8) When considering the application, the [F9:OGA] shall (so far as relevant) take into account—
- (a) capacity which is or can reasonably be made available in the pipeline in question;
 - (b) any incompatibilities of technical specification which cannot reasonably be overcome;
 - (c) difficulties which cannot reasonably be overcome and which could prejudice the efficient, current and planned future production of petroleum;
 - (d) the owner’s reasonable needs for the transport and processing of petroleum;
 - (e) the interests of all users and operators of the pipeline;
 - (f) the need to maintain security and regularity of supplies of petroleum; and
 - (g) the number of parties involved in the dispute.
- (9) Where the [F10:OGA] is satisfied that, if [F11:it] served a notice under this subsection, the pipeline in question could be operated in accordance with the notice without prejudicing its efficient operation for the purpose of conveying, on behalf of its owner, the quantities of permitted substances which the owner requires or may reasonably be expected to require, the [F10:OGA] may serve such a notice on the owner and the applicant.
- (10) A notice under subsection (9) may contain such provisions as the [F12:OGA] considers appropriate for any of the following purposes—
- (a) to secure to the applicant the right to have conveyed by the pipeline the quantities specified in the notice under subsection (3) of the things of a kind so specified;
 - (b) to secure that the exercise of the right is not prevented or impeded;
 - (c) to regulate the charges which may be made for the conveyance of things by virtue of the right; and
 - (d) to secure to the applicant the right to have a pipeline of his connected to the pipeline by the applicant or owner.
- (11) A notice under subsection (9) may also authorise the owner to recover from the applicant payments by way of consideration for any right mentioned in subsection (10) (a) or (d) of amounts specified in the notice or determined in accordance with the notice.

Textual Amendments

- F1** Ss. 17A-17H inserted (10.8.2000) by [S.I. 2000/1937](#), reg. 2(4), **Sch. 4 para. 4**
- F2** Words in s. 17F(1) substituted (21.3.2012) by [Energy Act 2011 \(c. 16\)](#), s. 121(1), **Sch. 2 para. 12**; [S.I. 2012/873](#), art. 2(b)(i) (with art. 4)
- F3** Word in s. 17F(2) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 18(2)**; [S.I. 2016/920](#), reg. 2(a)
- F4** Word in s. 17F(5) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 18(3)**; [S.I. 2016/920](#), reg. 2(a)

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- F5** Word in s. 17F(6) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), **Sch. 1 para. 18(4)(a)**; S.I. 2016/920, reg. 2(a)
- F6** Word in s. 17F(6) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), **Sch. 1 para. 18(4)(b)**; S.I. 2016/920, reg. 2(a)
- F7** Word in s. 17F(7) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), **Sch. 1 para. 18(5)(a)**; S.I. 2016/920, reg. 2(a)
- F8** Word in s. 17F(7) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), **Sch. 1 para. 18(5)(b)**; S.I. 2016/920, reg. 2(a)
- F9** Word in s. 17F(8) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), **Sch. 1 para. 18(6)**; S.I. 2016/920, reg. 2(a)
- F10** Word in s. 17F(9) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), **Sch. 1 para. 18(7)(a)**; S.I. 2016/920, reg. 2(a)
- F11** Word in s. 17F(9) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), **Sch. 1 para. 18(7)(b)**; S.I. 2016/920, reg. 2(a)
- F12** Word in s. 17F(10) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), **Sch. 1 para. 18(8)**; S.I. 2016/920, reg. 2(a)

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