



Petroleum Act 1998

1998 CHAPTER 17

PART III

SUBMARINE PIPELINES

22 Criminal proceedings

- (1) Proceedings for an offence under section 21(1) or created by regulations made under this Part of this Act (a “relevant offence”) may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (2) Proceedings for a relevant offence alleged to have been committed in, under or over controlled waters shall not be instituted in England and Wales except—
 - (a) by the Secretary of State or by a person authorised in that behalf by the Secretary of State; or
 - (b) by or with the consent of the Director of Public Prosecutions.
- (3) Proceedings for a relevant offence alleged to have been committed in, under or over controlled waters shall not be instituted in Northern Ireland except—
 - (a) by the Secretary of State or by a person authorised in that behalf by the Secretary of State; or
 - (b) by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (4) Subsections (2) and (3) do not apply to proceedings for an offence created by regulations made under section 20.
- (5) In proceedings for a relevant offence an averment in the information, complaint or indictment that anything was done or situated in, under or over controlled waters shall, unless the contrary is proved, be sufficient evidence of the matter stated in the averment.
- (6) Where a relevant offence committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the

Status: This is the original version (as it was originally enacted).

part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (7) In subsection (6), in relation to a body corporate which—
- (a) is established by or under any enactment for the purpose of carrying on under public ownership any industry or part of an industry or undertaking; and
 - (b) is a body whose affairs are managed by its members,
- “director” means a member of the body corporate.
- (8) In any proceedings for—
- (a) an offence under paragraph (a) of subsection (1) of section 21 of executing works or using a pipeline otherwise than in accordance with the terms of the relevant authorisation; or
 - (b) an offence under paragraph (b) of that subsection of contravening any provision of a notice,
- it shall be a defence to prove that the accused used all due diligence to comply with those terms or, as the case may be, with that provision.
- (9) Section 3 of the Territorial Waters Jurisdiction Act 1878 (restriction on prosecutions) shall not apply to any proceedings for a relevant offence.