



# Petroleum Act 1998

## 1998 CHAPTER 17

### PART IV

#### ABANDONMENT OF OFFSHORE INSTALLATIONS

#### **33 Failure to submit programmes.**

- (1) If a notice under section 29(1) is not complied with, or if the Secretary of State rejects a programme submitted in compliance with such a notice, the Secretary of State may himself prepare an abandonment programme for the installation or pipeline concerned.
- (2) With a view to exercising his powers under subsection (1) of this section, the Secretary of State may by written notice require any of the persons to whom notice was given under section 29(1) to provide him, within such time as may be specified in the notice, with such records and drawings and such other information as may be so specified.
- (3) A person who without reasonable excuse fails to comply with a notice under subsection (2) shall be guilty of an offence.

[<sup>F1</sup>(3A) When preparing an abandonment programme under this section the Secretary of State must—

- (a) consult the OGA, and
- (b) frame the programme so as to ensure (whether by means of the timing of the measures proposed, the inclusion of provision for collaboration with other persons, or otherwise) that the cost of carrying it out is kept to the minimum that is reasonably practicable in the circumstances.

(3B) When consulted under paragraph (a) of subsection (3A), the OGA must (in particular) consider and advise on—

- (a) alternatives to abandoning or decommissioning the installation or pipeline, such as re-using or preserving it, and
- (b) how to comply with the requirement in paragraph (b) of that subsection.]

- (4) The Secretary of State may recover from any of the persons to whom a notice was given under section 29(1) any expenditure incurred by the Secretary of State in

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preparing an abandonment programme under this section, and any fee that would have been payable on the submission of a programme by those persons.

- (5) A person liable to pay any sum to the Secretary of State by virtue of subsection (4) shall also pay interest on that sum for the period beginning with the day on which the Secretary of State notified him of the sum payable and ending with the date of payment.
- (6) The rate of interest payable in accordance with subsection (5) shall be a rate determined by the Secretary of State as comparable with commercial rates.
- (7) Where the Secretary of State prepares an abandonment programme under this section, he shall inform the persons to whom notice was given under section 29(1) of its terms; and when he has done so, the following provisions of this Part of this Act shall have effect as if the programme had been submitted by those persons and approved by the Secretary of State.

#### Textual Amendments

- F1** S. 33(3A)(3B) inserted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), Sch. 2 para. 5; S.I. 2016/920, reg. 2(c)

#### Modifications etc. (not altering text)

- C1** Pt. 4 applied (with modifications) (26.12.2023) by 2008 c. 32, s. 30(1AA)(1AB) (as inserted by Energy Act 2023 (c. 52), ss. 95(3), 334(3)(b))
- C2** S. 33(1) modified (1.7.1999) by S.I. 1999/672, arts. 1(2), 5, Sch. 2  
 S. 33(1) modified (1.7.1999) by S.I. 1999/1750 arts. 1(1), 4, Sch. 3

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**Changes and effects yet to be applied to :**

- s. 33(4) words substituted by [2023 c. 52 s. 299\(5\)](#)