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SCHEDULE 2

CURRENT MODEL CLAUSES FOR CONTROLLED WATERS OR SEAWARD PRODUCTION LICENCES DERIVING FROM SCHEDULE 2 TO THE PETROLEUM (PRODUCTION) (CONTINENTAL SHELF AND TERRITORIAL SEA) REGULATIONS 1964 OR SCHEDULE 4 TO THE PETROLEUM (PRODUCTION) REGULATIONS 1966 AS THEY FROM TIME TO TIME HAD EFFECT

PART I

1. This Schedule has effect in relation to the following paragraphs of Schedule 1 to the Act, namely—

- (a) paragraph 2 of that Schedule (Schedule 2 to the Petroleum (Production) (Continental Shelf and Territorial Sea) Regulations 1964(1));
- (b) paragraph 4 of that Schedule (Schedule 4 to the Petroleum (Production) Regulations 1966(2));
- (c) paragraph 5 of that Schedule (the said Schedule 4 as amended by the Petroleum (Production) (Amendment) Regulations 1971(3)); and
- (d) paragraph 6 of that Schedule (Part II of Schedule 2 to the Petroleum and Submarine Pipelines Act 1975(4)).

Commencement Information

I1 Sch. 2 para. 1 in force at 15.2.1999, see [art. 1](#)

2. Subject to paragraphs 3, 4 and 6, the current model clauses in relation to the said paragraphs 2, 4, 5 and 6 are those reproduced in Part II.

Commencement Information

I2 Sch. 2 para. 2 in force at 15.2.1999, see [art. 1](#)

3.—(1) Where the licensed area is in the Scottish area, as defined in article 1(2) of the Civil Jurisdiction (Offshore Activities) Order 1987(5), Part II shall have effect as provided in the two following subparagraphs.

(2) Part II shall have effect in such a case as if for model clause 35 (distress) there were substituted the following clause—

“Diligence

35. If and whenever any of the payments mentioned in clause 8(1) of this licence or any part thereof shall be in arrear or unpaid for 28 days next after any of the days whereon the same ought to be paid (whether the same shall have been legally demanded or not) then and so often as the same may happen the Minister may (as an additional remedy and without prejudice to any

(1) S.I.1964/708.
(2) S.I. 1966/898.
(3) S.I. 1971/814.
(4) 1975 c. 74.
(5) S.I. 1987/2197.

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other rights and remedies to which he would be entitled) do diligence in respect thereof in like manner as a landlord may do diligence in respect of unpaid arrears of rent and such diligence shall be effectual to attach all or any of the stocks of petroleum, engines, machinery, tools, implements and other effects belonging to the Licensee which shall be found on or about any of the Licensee's installations and equipment used or to be used in connection with searching, boring for or getting petroleum in the licensed area, and where in pursuance of such a diligence a sale of such effects as shall have been attached thereby takes place the Minister may out of the proceeds thereof retain and pay all the arrears of the said payments and also the expenses of and incident to such diligence and sale and shall pay the surplus thereof (if any) to the Licensee.”.

- (3) Part II shall also have effect in such a case as if, in model clause 40 (arbitration)—
- (a) for the word “arbitrator”, wherever it occurs in paragraphs (2) and (3), there were substituted the word “arbiter”, and
 - (b) for the words “the Lord Chief Justice of England for the time being”, in paragraph (2), there were substituted the words “the Lord President of the Court of Session”.

Commencement Information

I3 Sch. 2 para. 3 in force at 15.2.1999, see [art. 1](#)

4. Where the licensed area is in the Northern Irish area, as defined in article 1(2) of the Civil Jurisdiction (Offshore Activities) Order 1987, Part II shall have effect as if in model clause 40 (arbitration) for the words “the Lord Chief Justice of England”, in paragraph (2), there were substituted the words “the Lord Chief Justice of Northern Ireland”.

Commencement Information

I4 Sch. 2 para. 4 in force at 15.2.1999, see [art. 1](#)

5. In paragraphs 3 and 4, any reference to the licensed area is a reference to the licensed area within the meaning of model clause 1(1) in Part II.

Commencement Information

I5 Sch. 2 para. 5 in force at 15.2.1999, see [art. 1](#)

6. Where—
- (a) section 1 of the Petroleum Royalties (Relief) Act 1983⁽⁶⁾ applies, or
 - (b) section 1 of the Petroleum Royalties (Relief) and Continental Shelf Act 1989⁽⁷⁾ applies,

Part II has effect subject to the provisions of the said Act of 1983 or, as the case may be, the said Act of 1989.

Commencement Information

I6 Sch. 2 para. 6 in force at 15.2.1999, see [art. 1](#)

(6) 1983 c. 59; extended by section 2 of the Petroleum Royalties (Relief) and Continental Shelf Act 1989 (c. 1) and modified by paragraph 8 of Schedule 3 to the Petroleum Act 1998 (c. 17).

(7) 1989 c. 1; modified by paragraph 8 of Schedule 3 to the Petroleum Act 1998 (c. 17).

Document Generated: 2024-02-07

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order excluded by [S.I. 2004/352 reg. 3](#)