

SCHEDULE 9

CURRENT MODEL CLAUSES FOR SEAWARD PRODUCTION LICENCES DERIVING FROM SCHEDULE 4 TO THE PETROLEUM (PRODUCTION) (SEAWARD AREAS) REGULATIONS 1988 AS IT FROM TIME TO TIME HAD EFFECT BEFORE 16TH DECEMBER 1996

PART I

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

- (a) paragraph 18 (Schedule 4 to the Petroleum (Production) (Seaward Areas) Regulations 1988⁽¹⁾);
- (b) paragraph 19 (the said Schedule 4 as amended by the Offshore Safety Act 1992⁽²⁾), and
- (c) paragraph 20 (the said Schedule 4 as amended as aforesaid and further amended by the Petroleum (Production) (Seaward Areas) (Amendment) Regulations 1995⁽³⁾).

2. Subject to paragraphs 3, 4, 6 and 7, the current model clauses in relation to the said paragraphs 18, 19 and 20 are those reproduced in Part II.

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⁽⁴⁾, Part II shall have effect as provided in the two following sub-paragraphs.

(2) Part II shall have effect in such a case as if for model clause 38 (distress) there were substituted the following clause—

“Diligence

38. If and whenever any of the payments mentioned in clause 9(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 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 43 (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”.

(1) S.I.1988/1213.

(2) 1992 c. 15.

(3) S.I. 1995/1435.

(4) S.I. 1987/2197.

Status: This is the original version (as it was originally made).

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 43 (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”.

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.

6.—(1) In relation to paragraph 20 of Schedule 1 to the Act, Part II shall have effect as provided in the following nine sub-paragraphs.

(2) Part II shall have effect in such a case as if in model clause 9(1)—

- (a) at the end of sub-paragraph (a) there were inserted the word “and”; and
- (b) sub-paragraph (b) were omitted.

(3) Part II shall also have effect in such a case as if in model clause 10—

- (a) in paragraph (1)—
 - (i) the words “Subject to paragraph (2) of this clause” were omitted, and
 - (ii) for the words “clauses 11 and 12” there were substituted the words “clause 12”;
- (b) paragraph (2) were omitted;
- (c) in paragraph (3), for the words “clauses 11 and 12” there were substituted the words “clause 12”; and
- (d) paragraphs (5) to (8) were omitted.

(4) Part II shall also have effect in such a case as if model clause 11 were omitted.

(5) Part II shall also have effect in such a case as if in model clause 12(1)—

- (a) at the end of sub-paragraph (a) there were inserted the word “and”; and
- (b) sub-paragraph (b) were omitted.

(6) Part II shall also have effect in such a case as if model clauses 13 and 30 were omitted.

(7) Part II shall also have effect in such a case as if for model clause 31(3) there were substituted the following paragraph—

“(3) The Licensee shall deliver copies of the said records, plans and maps referred to in the two foregoing paragraphs to the Minister when requested to do so either—

- (a) within any time limit specified in the request; or
- (b) if there is no time limit specified, within four weeks of the request.”.

(8) Part II shall also have effect in such a case as if at the end of model clause 32 there were added the following paragraph—

“(4) The Licensee shall comply with any request for information made in accordance with paragraph (3) above either—

- (a) within any time limit specified in the request; or
- (b) if there is no time limit specified, within four weeks of the request.”.

(9) Part II shall also have effect in such a case as if for proviso (iv) to model clause 34 there were substituted the following proviso—

“(iv) the Minister, the said Council and any other such body shall be entitled to publish any of the specified data of a geological, scientific or technical kind either—

- (a) after the expiration of the period of five years beginning with the date when the data was due to be supplied to the Minister in accordance with clause 31 or 32 of this licence, or if earlier, the date when the Minister received that data; or

(b) after the expiration of such longer period as the Minister may determine after considering any representations made to him by the Licensee about the publication of data in pursuance of this sub-paragraph.”.

(10) Part II shall also have effect in such a case as if for model clause 42(2)(g) there were substituted the following sub-paragraph—

- “(g) if the Licensee is a company, the Licensee’s ceasing to direct and control either—
- (i) its operations under the licence; or
 - (ii) any commercial activities in connection with those operations from a fixed place within the United Kingdom;”.

7. Where

- (a) section 1 of the Petroleum Royalties (Relief Act) 1983⁽⁵⁾ applies, or
- (b) section 1 of the Petroleum Royalties (Relief) and Continental Shelf Act 1989⁽⁶⁾ 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.

⁽⁵⁾ 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).

⁽⁶⁾ 1989 (c. 1) and modified by paragraph 8 of Schedule 3 to the Petroleum Act 1998 (c. 17).