



# Offshore Petroleum Development (Scotland) Act 1975

## 1975 CHAPTER 8

### *Acquisition of land for purposes of offshore petroleum development*

#### **1 Acquisition of land for purposes connected with offshore petroleum.**

- (1) The Secretary of State may acquire by agreement or compulsorily any land in Scotland for any purpose relating to exploration for or exploitation of offshore petroleum [<sup>F1</sup>or the storage of gas in or under the sea bed or the recovery of gas so stored].
- (2) The purposes mentioned in subsection (1) above include in particular the provision or use of—
  - (a) sites or facilities for the construction or assembly of platforms or other installations for use in or under the sea in connection with the exploration for or exploitation of such petroleum [<sup>F2</sup>or the storage of gas in or under the sea bed or the recovery of gas so stored];
  - (b) pipe-lines or associated apparatus or works for conveying such petroleum from places under the sea where it is extracted [<sup>F3</sup>or conveying gas to or from the places in or under the sea bed where it is stored or to be stored];
  - (c) shore terminals for the reception of such petroleum and for its storage or onward despatch [<sup>F4</sup>or for the reception of gas and for its storage or onward despatch to or from the places in or under the sea bed where it is stored or to be stored and any treatment incidental thereto]; and
  - (d) means of access, housing, sources of material or other services or facilities required for the development or use of land for any purpose referred to in this subsection, or for meeting the needs of persons employed or to be employed in connection with any such purpose.
- (3) The purposes for which land may be acquired under this Act shall not include the refining of crude petroleum, except so far as is necessary for its onward despatch.
- (4) Except in the case of a purchase of land under subsection (5) below, the <sup>M1</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to a compulsory

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purchase of land by the Secretary of State under this section as it applies to a compulsory purchase of land by a Minister in a case falling within section 1(1) of that Act.

- (5) If it appears to the Secretary of State that any land should be acquired under this Act for a purpose mentioned in subsection (2) above as a matter of urgency, he may, instead of being authorised to purchase the land by a compulsory purchase order under the said Act of 1947, be authorised to purchase it by an order made by him under this subsection.

An order made under this subsection is in this Act referred to as an “expedited acquisition order”.

- (6) A statutory instrument containing an expedited acquisition order shall not be made unless a draft of it has been laid before, and approved by resolution of, each House of Parliament.
- (7) Any such statutory instrument on the expiry of 28 days from the laying of the draft thereof in a House of Parliament shall, whether or not it has been referred to a Committee of that House as aftermentioned, proceed in that House as if its provisions would, apart from this Act, require to be enacted by a public Bill which cannot be referred to a Committee under Standing Orders of that House relating to private Bills.
- (8) Schedule 1 to this Act shall have effect as respects the making and revocation of expedited acquisition orders; and any such order shall have effect as provided in Schedule 2 to this Act.
- (9) An expedited acquisition order shall not be made in respect of any land unless the Secretary of State is satisfied that the land is required for a purpose—
- (a) which is in accordance with planning permission in force at the making of the order, granted on an application made under [F5Part III of the Town and Country Planning (Scotland) Act 1997] or under any enactment replaced by that Part; or
  - (b) which is in accordance with such permission in force as aforesaid, granted by a general development order under [F5section 30] of that Act or under any enactment replaced by that section; or
  - (c) which does not involve development for the purposes of that Act.

#### Textual Amendments

- F1** Words inserted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), [s. 26\(1\)\(a\)](#)
- F2** Words inserted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), [s. 26\(1\)\(b\)](#)
- F3** Words inserted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), [s. 26\(1\)\(c\)](#)
- F4** Words inserted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), [s. 26\(1\)\(d\)](#)
- F5** Words in [s. 1\(9\)\(a\)\(b\)](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 24\(1\)](#)

#### Marginal Citations

- M1** [1947 c. 42.](#)

## 2 Extinction of rights affecting land.

- (1) [F6Section 194 of the Town and Country Planning (Scotland) Act 1997] (extinction of rights over land compulsorily acquired under [F6Part VIII] of that Act) shall apply—

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- (a) upon the completion by the Secretary of State of a compulsory acquisition of land under this Act by means of a compulsory purchase order;
- (b) upon his taking possession of land under this Act by means of an expedited acquisition order,

as that section applies upon the completion by an acquiring authority of a compulsory acquisition of land under [F6Part VIII] of that Act.

(2) The provisions of [F6the Town and Country Planning (Scotland) Act 1997] mentioned in subsection (3) below shall apply in relation to—

- (a) any land of which possession has been taken under this Act and any other land, being Crown land, which is used or is intended to be used for any purpose referred to in section 1(1) of this Act; and
- (b) any relevant operations on that land either by or on behalf of the Secretary of State or any other person,

as they apply in relation to the land, operations and works referred to respectively in those provisions; and accordingly, for the purposes of such application, references in [F6section 196 of the said Act of 1997] to a planning authority shall be construed as references to the Secretary of State.

(3) The provisions referred to in subsection (2) above are—

- (a) [F6section 196 of the said Act of 1997] (power to override servitudes and other rights);
- (b) [F6section 197] of that Act (provisions as to churches and burial grounds); and
- (c) [F6section 198] of that Act (use and development of land for open spaces).

(4) The Secretary of State may by order direct that [F6 sections 224 and 227 of the said Act of 1997] (extinction of rights of way, and rights as to apparatus, of statutory undertakers) and [F6sections 232(2) and 233] of that Act so far as applicable for the purposes [F6of sections 224 and 227], shall apply, with such modifications as appear to him to be necessary, in relation to any such land as is mentioned in subsection (2) (a) above, as they apply in relation to land referred to in [F6the said section 224] which has been acquired by a Minister.

(5) The Secretary of State may by order extinguish any public rights of way or other public rights which in his opinion are hindering or would hinder any relevant operations carried on or proposed to be carried on, on any such land as is mentioned in subsection (2)(a) above, by or on behalf of the Secretary of State or any other person.

(6) An order under subsection (5) above shall, if the Secretary of State is satisfied that it should do so, provide for the creation of an alternative right of way for use as a replacement for any right of way which is extinguished by the order.

(7) In this section references to particular provisions of the said Act of 1972 shall be construed as including references to those provisions as applied in relation to the National Coal Board by regulations made under section 259 of that Act.

#### Textual Amendments

**F6** Words in s. 2(1)(2)(3)(a)(b)(c)(4) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 24(2)(a)(b)(c)(d)**

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