



# Offshore Petroleum Development (Scotland) Act 1975

## 1975 CHAPTER 8

### *Reinstatement of land*

#### **8 Reinstatement of land held under Act.**

- (1) If it appears to the Secretary of State that any land of which possession has been taken under this Act is no longer needed for the purposes of this Act, he shall, subject to subsection (2) below, reinstate it, or secure its reinstatement, to the condition in which it was before such possession was taken so far as in his opinion, after consulting such local authorities and such other bodies as appear to him to be concerned, is reasonably practicable.
- (2) Subsection (1) above shall not apply where the Secretary of State is satisfied, after consulting as aforesaid, that the land—
  - (a) should be used for a purpose other than that for which it was formerly used as aforesaid; or
  - (b) should not for any other reason be reinstated as aforesaid;and in a case within paragraph (a) above the Secretary of State may, if he thinks fit, carry out, or contribute to the cost of, works for making the land suitable for use for the proposed purpose.

#### **9 Arrangements to ensure reinstatement of other land developed for purposes connected with offshore petroleum.**

- (1) Where a planning authority grant planning permission for any development of land for the purpose of any relevant operation, not being land of which possession has been taken under this Act, and where the permission is granted subject to a condition requiring the carrying out of any works required for the reinstatement of land, the authority may require that, before the commencement of such development, arrangements satisfactory to them should be made for the purpose of ensuring that money is set aside or otherwise made available or guaranteed, under the control of the authority or otherwise, for payment of the cost of such reinstatement; and any such

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**Changes to legislation:** There are currently no known outstanding effects for the Offshore Petroleum Development (Scotland) Act 1975, Cross Heading: Reinstatement of land. (See end of Document for details)

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requirement shall have effect as if it were a further condition of the grant of planning permission, and shall be enforceable accordingly.

- (2) No requirement under subsection (1) above may be imposed except with the approval of the Secretary of State.
- (3) The Secretary of State may—
  - (a) direct the planning authority to impose a requirement under subsection (1) above in the case of any development to which that subsection applies;
  - (b) impose such a requirement in the case of any such development in respect of which the application for planning permission has been referred to him under [<sup>F1</sup>section 46 of the Town and Country Planning (Scotland) Act 1997], and in such a case the said subsection (1) shall apply with the substitution for references to the planning authority of references to the Secretary of State.
- (4) The Secretary of State may give directions with regard to the exercise of the power conferred by this section and to the terms of arrangements thereunder, and such directions may either be given generally or may relate to a particular application or to applications of a class specified in the direction, and may make different provision in respect of different cases.

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**Textual Amendments**

**F1** Words in s. 9(3)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 24(3)**

**Changes to legislation:**

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