



Petroleum Act 1987

1987 CHAPTER 12

PART III

MISCELLANEOUS

Safety zones

21 Automatic establishment of safety zones

- (1) Subject to subsections (3) and (4), there shall be a safety zone around every installation which, or part of which, is in waters to which subsection (7) applies if—
- (a) it is stationed there so that any of the activities mentioned in subsection (2) may be carried out on, from or by means of it, or
 - (b) it is being assembled at a station where it is to be used for such a purpose, or
 - (c) it remains or is being dismantled at a station where it has been used for such a purpose.
- (2) The activities referred to in subsection (1) are—
- (a) the exploitation or exploration of mineral resources in or under the shore or bed of waters to which subsection (7) applies;
 - (b) the storage of gas in or under the shore or bed of such waters or the recovery of gas so stored;
 - (c) the conveyance of things by means of a pipe, or system of pipes, constructed or placed on, in or under the shore or bed of such waters;
 - (d) the provision of accommodation for persons who work on or from an installation satisfying the condition in paragraph (a), (b) or (c) of subsection (1).
- (3) Subsection (1) shall not apply to an installation in respect of which an order under section 22 has effect, or to one which—
- (a) is connected with dry land by a permanent structure providing access at all times and for all purposes, or
 - (b) does not project above the sea at any state of the tide.

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- (4) The Secretary of State may by order exclude any installation or any description of installation from the operation of subsection (1), and may do so generally or by reference to specified activities or locations or in any other way.
- (5) A safety zone established by subsection (1) shall extend to every point within 500 metres of any part of the installation (ignoring any moorings) and to every point in the water which is vertically above or below such a point.
- (6) A safety zone established by subsection (1) may extend to waters outside waters to which subsection (7) applies.
- (7) The waters to which this subsection applies are—
 - (a) tidal waters and parts of the sea in or adjacent to the United Kingdom up to the seaward limits of the territorial sea, and
 - (b) waters in an area designated under section 1(7) of the Continental Shelf Act 1964.

22 Establishment of safety zones by order

- (1) The Secretary of State may by order establish a safety zone around any installation which, or part of which, is stationed in waters to which subsection (7) of section 21 applies, or is being assembled or dismantled in such waters.
- (2) The area of a safety zone established by an order under this section shall be defined in the order and may extend outside waters to which subsection (7) of section 21 applies, but shall not extend to any point which would be outside a zone defined in accordance with subsection (5) of that section.
- (3) An order under this section may be made in anticipation of an installation's arriving at its station, so as to come into force when it does so.

23 Safety zones: offences

- (1) Where by virtue of this Act there is a safety zone around an installation, no vessel shall enter or remain in the zone except—
 - (a) in the case of a safety zone established by an order under section 22, in accordance with that order, or
 - (b) in that or any other case, in accordance with regulations made or a consent given by the Secretary of State.
- (2) If a vessel enters or remains in a safety zone in contravention of subsection (1) then, subject to subsection (3), its owner and its master shall each be guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (3) It shall be a defence for a person charged with an offence under this section to prove that the presence of the installation or the existence of the safety zone was not, and would not on reasonable enquiry have become, known to the master.

- (4) Where the commission by any person of an offence under this section is due to the act or default of some other person, that other person shall also be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (5) Where an offence committed by a body corporate under this section is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (6) Where the affairs of a body corporate are managed by its members, subsection (5) shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (7) Proceedings for an offence under this section may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (8) In this section "vessel" includes a hovercraft, submersible apparatus (within the meaning of section 16(2) of the Merchant Shipping Act 1974) and an installation in transit; and "master"—
 - (a) in relation to a hovercraft, means the captain,
 - (b) in relation to submersible apparatus, means the person in charge of the apparatus, and
 - (c) in relation to an installation in transit, means the person in charge of the transit operation.

24 Safety zones: supplementary

- (1) For the purposes of sections 21 to 23—
 - (a) any floating structure or device maintained on a station by whatever means, and
 - (b) any apparatus or works treated as associated with a pipe or system of pipes by section 33 of the Petroleum and Submarine Pipe-lines Act 1975 (but not anything else within the definition of pipe-line in that section),shall be taken to be an installation.
- (2) Any power to make orders or regulations under sections 21 to 23 shall be exercisable by statutory instrument, and a statutory instrument containing an order under section 21 or regulations under section 23 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Sections 21 to 23—
 - (a) so far as they apply to individuals, apply to them whether or not they are British citizens, and
 - (b) so far as they apply to bodies corporate, apply to them whether or not they are incorporated in any part of the United Kingdom.
- (4) Section 21 of the Oil and Gas (Enterprise) Act 1982, and any orders made under it, shall cease to have effect when this section comes into force (but without prejudice to the anticipatory exercise, by virtue of section 13 of the Interpretation Act 1978, of any power conferred by this Act).

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(5) In section 22 of the Oil and Gas (Enterprise) Act 1982 (application offshore of the criminal law etc.), for subsection (3) there shall be substituted—

“(3) Where a body corporate is guilty of an offence by virtue of an Order in Council under this section and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3A) Where the affairs of a body corporate are managed by its members, subsection (3) shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3B) Proceedings for anything that is an offence by virtue of an Order in Council under this section may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.”

(6) In section 27 of the Oil and Gas (Enterprise) Act 1982 (which restricts prosecutions for certain offences)—

- (a) in subsection (1), paragraph (d) shall be omitted, and
- (b) in subsections (3) and (4), for the words "section 21 above" there shall be substituted the words "section 23 of the Petroleum Act 1987".

Pipe-lines

25 Construction authorisations

(1) Schedule 1 to the Pipe-lines Act 1962 (applications for construction authorisations) shall have effect with the following amendments in relation to applications made after the coming into force of this section.

(2) In paragraph 6(1) (which provides for the modification of the proposed route of a pipe-line), for the words from "or along a modified route" onwards there shall be substituted the words "or, subject to paragraph 6A below, along a modified route."

(3) After paragraph 6 there shall be inserted—

“6A (1) A pipe-line construction authorisation shall not authorise the execution of works for the placing of the proposed pipe-line along a modified route unless the applicant has given a notice relating to the modified route to—

- (a) every local planning authority within whose area any modification of the route occurs, and
- (b) any person specified by the Minister.

(2) A notice under sub-paragraph (1) shall state the time within which objections to the modification can be sent to the Minister and shall contain such other particulars as the Minister may direct.

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- (3) The time stated in accordance with sub-paragraph (2) shall not be less than 28 days from the date on which the notice is served or such shorter time (being not less than 14 days) as the Minister may direct.
- (4) Where a local planning authority makes an objection in accordance with a notice under sub-paragraph (1) and does not withdraw it, the Minister shall cause a public inquiry to be held with respect to the objection and shall before granting the application consider the report of the person who held the inquiry.
- (5) Where a person other than a local planning authority makes an objection in accordance with a notice under sub-paragraph (1) and does not withdraw it, the Minister shall either—
 - (a) cause a public inquiry to be held with respect to the objection, or
 - (b) afford to the person making the objection an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose;and shall in either case consider the resulting report.

6B The Minister may if he thinks fit cause a public inquiry to be held with respect to an application for the grant of a pipe-line construction authorisation whether or not any objection to the application, or to any modification of the route proposed in it, is made or maintained.”

(4) Paragraph 4(2) (which is superseded by paragraph 6B) shall be omitted.

26 Availability of funds

(1) After section 26 of the Pipe-lines Act 1962 there shall be inserted—

“26A Availability of funds.

- (1) The Secretary of State may at any time by notice served on the owner of a pipe-line prohibit the use or testing of the pipe-line, or of any length of the pipe-line, unless there are satisfied such requirements as may be specified in the notice for the purpose mentioned in subsection (2).
- (2) The purpose referred to in subsection (1) is that of ensuring that funds are available to discharge any liability that may arise in respect of damage attributable to the release or escape of anything from the pipe-line or length.
- (3) If, before the expiration of twelve weeks from the date on which a notice is served on any person under subsection (1), he serves a counter-notice on the Secretary of State objecting to the notice, the Secretary of State shall afford him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) Before the expiration of twelve weeks from the date on which any hearing under subsection (3) is concluded, the Secretary of State shall consider the objection and the report of the person appointed to hear the objector and, by notice served on the objector,—
 - (a) quash the notice objected to, or
 - (b) confirm it without modification, or

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- (c) confirm it with such modification as appears to the Secretary of State to meet the objection.
 - (5) The quashing of a notice served under subsection (1) shall not affect the previous operation of the notice or be taken to prevent the service of a fresh notice.
 - (6) If a pipe-line is used or tested in contravention of a prohibition imposed by a notice under this section then, unless he shows that he used due diligence to avoid contravention, the owner shall be guilty of an offence.
 - (7) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.”
- (2) In sections 58(4) and 59(5) of the Pipe-lines Act 1962, at the appropriate places in the lists of provisions of that Act, there shall be inserted the words "section 26A".

27 Compulsory acquisition of rights

In section 2 of the Mines (Working Facilities and Support) Act 1966 (which enables a court to grant certain rights ancillary to mining)—

- (a) in subsection (1)(b) (under which the rights that may be granted for the purpose of the conveyance of minerals are limited to the extent provided by subsection (1A)), for the words from "minerals" to "purpose of the" there shall be substituted the words "or conveyance of minerals or the"; and
- (b) subsection (1A) shall cease to have effect.

Refineries

28 Construction of refineries

Sections 34 to 39 of the Petroleum and Submarine Pipe-lines Act 1975 (control of construction and extension of refineries) shall cease to have effect.