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SCHEDULES

SCHEDULE 4

Section 50.

CONSEQUENTIAL AMENDMENTS

The Mining Industry Act 1926 (c. 28)

1 At the end of section 23 of the Mining Industry Act 1926 (facilities to be given to National Environment Research Council) there shall be added—

“(6) In subsection (1) above, the expression “minerals” includes petroleum within the meaning of Part I of the Petroleum Act 1998.”.

The Continental Shelf Act 1964 (c. 29)

2 (1) The Continental Shelf Act 1964 shall be amended as follows.

(2) In section 1 (exploration and exploitation of continental shelf), subsection (3) and, in subsection (8), the words from “and “petroleum”” to the end shall be omitted.

(3) In section 6 (wireless telegraphy) and section 7 (radioactive substances) for “section 23 of the Oil and Gas (Enterprise) Act 1982” there shall be substituted “section 11 of the Petroleum Act 1998”.

(4) At the end of section 8 (submarine cables and pipe-lines) there shall be added—

“(1A) It is hereby declared that the reference in subsection (1) of this section to pipe-lines under the high seas includes pipe-lines under the territorial sea adjacent to the United Kingdom.”.

The Miscellaneous Financial Provisions Act 1968 (c. 75)

3 In section 2 of the Miscellaneous Financial Provisions Act 1968 (Northern Ireland and Isle of Man shares of revenue from continental shelf), in subsection (5) for the words following “under” there shall be substituted “section 3 of the Petroleum Act 1998 by virtue of subsection (2)(b) of that section”.

The Prevention of Oil Pollution Act 1971 (c. 60)

4 For section 23 of the Prevention of Oil Pollution Act 1971 there shall be substituted—

“23 Power of Secretary of State to grant exemptions.

The Secretary of State may exempt any discharge of, or of a mixture containing, oil from any of the provisions of this Act or of any regulations made thereunder, either absolutely or subject to such conditions as he thinks fit.”.

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The Finance Act 1973 (c. 51)

- 5 In Schedule 15 to the Finance Act 1973 (territorial extension of charge to tax: supplementary provisions), in paragraphs 2, 4(1)(a) and 4A(1)(a) for “the Petroleum (Production) Act 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.

The Offshore Petroleum Development (Scotland) Act 1975 (c. 8)

- 6 In section 20 of the Offshore Petroleum Development (Scotland) Act 1975 (short title, interpretation and extent), in the definition of “petroleum” in subsection (2), for “the Petroleum (Production) Act 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.

The Oil Taxation Act 1975 (c. 22)

- 7 (1) The Oil Taxation Act 1975 shall be amended as follows.
- (2) In section 1 (petroleum revenue tax), in subsection (1) for “the Petroleum (Production) Act 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.
- (3) In section 12 (interpretation of Part I), in the definition of “licence” in subsection (1), for “the Petroleum (Production) Act 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.
- (4) In section 21 (citation, interpretation and construction), subsection (5) shall cease to have effect.
- (5) In Schedule 1 (determination of oil fields), in paragraph 1(2)(a) for “the Petroleum (Production) Act 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.
- (6) In Schedule 2 (management and collection of petroleum revenue tax), in paragraph 2(2)(c) for “the Petroleum (Production) Act 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.
- (7) In Schedule 3 (petroleum revenue tax: miscellaneous provisions), in paragraph 4 for “the Petroleum (Production) Act 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.

PROSPECTIVE

The Sex Discrimination Act 1975 (c. 65)

- 8 In section 10 of the Sex Discrimination Act 1975 (employment at establishment in Great Britain), in subsection (5)—
- (a) for the words from “exploration” to “natural resources” there shall be substituted “ any activity within section 11(2) of the Petroleum Act 1998 ”; and
- (b) after “1964” there shall be inserted “ or specified under section 10(8) of the Petroleum Act 1998 ”.

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The Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c. 14)

- 9 In section 9 of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (application to continental shelf), for “section 23 of the Oil and Gas (Enterprise) Act 1982” there shall be substituted “ section 11 of the Petroleum Act 1998 ”.

PROSPECTIVE

The Fair Employment (Northern Ireland) Act 1976 (c. 25)

- 10 In section 49(3) of the Fair Employment (Northern Ireland) Act 1976 (employment at establishment in Northern Ireland)—
- (a) for the words from “the exploration” to “natural resources” there shall be substituted “ any activity within section 11(2) of the Petroleum Act 1998 ”; and
 - (b) after “1964” there shall be inserted “ or specified under section 10(8) of the Petroleum Act 1998 ”.

PROSPECTIVE

The Race Relations Act 1976 (c. 74)

- 11 In the Race Relations Act 1976, in sections 8(5) (employment at establishment in Great Britain) and 9(3) (exception for seamen recruited abroad)—
- (a) for the words from “exploration” to “natural resources” there shall be substituted “ any activity within section 11(2) of the Petroleum Act 1998 ”; and
 - (b) after “1964” there shall be inserted “ or specified under section 10(8) of the Petroleum Act 1998 ”.

The Energy Act 1976 (c. 76)

- 12 In section 9 of the Energy Act 1976 (liquefaction of offshore natural gas), in subsection (6) for the words from “licences” to “1964” there shall be substituted “ licences granted under Part I of the Petroleum Act 1998 by virtue of section 3(2) (b) of that Act ”.

PROSPECTIVE

The Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))

- 13 In Article 13(5) of the Sex Discrimination (Northern Ireland) Order 1976 (employment at establishment in Northern Ireland)—
- (a) for the words from “exploration” to “natural resources” there shall be substituted “ any activity within section 11(2) of the Petroleum Act 1998 ”; and

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- (b) after “1964” there shall be inserted “ or specified under section 10(8) of the Petroleum Act 1998 ”.

The Patents Act 1977 (c. 37)

- 14 In section 132 of the Patents Act 1977 (application of Act), in subsection (4)—
- (a) for “section 22(5) of the Oil and Gas (Enterprise) Act 1982” there shall be substituted “ section 10(8) of the Petroleum Act 1998 ”; and
- (b) for “section 23(2)” there shall be substituted “ section 11(2) ”.

The Gas Levy Act 1981 (c. 3)

- 15 In section 1 of the Gas Levy Act 1981 (gas levy), in subsection (3) for the definition of “petroleum production licence” there shall be substituted—
- ““petroleum production licence” means a licence granted under section 3 of the Petroleum Act 1998;”.

The Finance Act 1981 (c. 35)

- 16 In section 118 of the Finance Act 1981 (licence payments other than royalties), in subsection (2)(c) for “section 41(3) of the Petroleum and Submarine Pipe-lines Act 1975” there shall be substituted “ section 6(1) of the Petroleum Act 1998 ”.

The Civil Jurisdiction and Judgments Act 1982 (c. 29)

- 17 In the Civil Jurisdiction and Judgments Act 1982, in—
- (a) paragraph 9 of Schedule 5 (proceedings excluded from Schedule 4); and
- (b) paragraph 10 of Schedule 9 (proceedings excluded from Schedule 8),
- for “section 23 of the Oil and Gas (Enterprise) Act 1982” there shall be substituted “ section 11 of the Petroleum Act 1998 ”.

The Petroleum Royalties (Relief) Act 1983 (c. 59)

- 18 In section 1 of the Petroleum Royalties (Relief) Act 1983 (royalty exemption for petroleum from certain new offshore fields), in the definition of “petroleum” in subsection (3), for “the said Act of 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.

The Telecommunications Act 1984 (c. 12)

- 19 In section 107 of the Telecommunications Act 1984 (application to territorial waters and the continental shelf etc.)—
- (a) in subsection (1) for “section 23 of the Oil and Gas (Enterprise) Act 1982” there shall be substituted “ section 11 of the Petroleum Act 1998 ”; and
- (b) subsection (3) shall be omitted.

The Food and Environment Protection Act 1985 (c. 48)

- 20 After section 7 of the Food and Environment Protection Act 1985 there shall be inserted—

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“7A Application of Part II: further provisions.

Nothing in this Part of this Act shall apply to anything done—

- (a) for the purpose of constructing or maintaining a pipeline as respects any part of which an authorisation (within the meaning of Part III of the Petroleum Act 1998) is in force; or
- (b) for the purpose of establishing or maintaining an offshore installation within the meaning of Part IV of that Act.”.

The Oil and Pipelines Act 1985 (c. 62)

- 21 In section 6 of the Oil and Pipelines Act 1985 (interpretation), for the definition of “petroleum” there shall be substituted—
““petroleum” has the same meaning as in Part I of the Petroleum Act 1998;”.

The Gas Act 1986 (c. 44)

- 22 In section 62 of the Gas Act 1986 (exclusion of certain agreements from the Restrictive Trade Practices Act 1976), in the definition of “petroleum production licence” in subsection (6), after “the Petroleum (Production) Act 1934” there shall be inserted “, Part I of the Petroleum Act 1998 ”.

The Petroleum Act 1987 (c. 12)

- 23 In section 24 of the Petroleum Act 1987 (safety zones: supplementary), in subsection (1)(b) for “section 33 of the Petroleum and Submarine Pipe-lines Act 1975” there shall be substituted “ section 26 of the Petroleum Act 1998 ”.

The Territorial Sea Act 1987 (c. 49)

- 24 In section 2 of the Territorial Sea Act 1987 (enactments and instruments not affected), in subsection (4)—
(a) in paragraph (a), after “1934” there shall be inserted “ or section 4 of the Petroleum Act 1998 ”; and
(b) in paragraph (b), after “1934” there shall be inserted “ or Part I of the said Act of 1998 ” and for “that section” there shall be substituted “ either of those sections ”.

The Income and Corporation Taxes Act 1988 (c. 1)

- 25 In section 502 of the Income and Corporation Taxes Act 1988 (interpretation of Chapter V of Part XII), in the definition of “oil” in subsection (1), for “the Petroleum (Production) Act 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.

The Petroleum Royalties (Relief) and Continental Shelf Act 1989 (c. 1)

- 26 In section 1 of the Petroleum Royalties (Relief) and Continental Shelf Act 1989 (royalty exemption: Southern Basin and landward areas), in the definition of

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“petroleum” in subsection (3), for “the said Act of 1934” there shall be substituted “Part I of the Petroleum Act 1998”.

The Capital Allowances Act 1990 (c. 1)

- 27 (1) The Capital Allowances Act 1990 shall be amended as follows.
- (2) In section 62A (special allowance for demolition costs related to offshore machinery or plant), in subsection (3)(a) for “Part I of the Petroleum Act 1987” there shall be substituted “Part IV of the Petroleum Act 1998”.
- (3) In section 116 (oil licences etc.), in subsection (2) for “the Petroleum (Production) Act 1934” there shall be substituted “Part I of the Petroleum Act 1998”.
- (4) In section 138A (disposal of oil licences etc.), in the definitions of “overseas petroleum” and “petroleum” in subsection (4), for “the Petroleum (Production) Act 1934” there shall be substituted “Part I of the Petroleum Act 1998”.

The Food Safety Act 1990 (c. 16)

- 28 In section 58 of the Food Safety Act 1990 (territorial waters and the continental shelf)—
- (a) in subsection (2) for “section 23 of the Oil and Gas (Enterprise) Act 1982” there shall be substituted “section 11 of the Petroleum Act 1998”;
- (b) in the definition of “installation” in subsection (4), for “section 23” there shall be substituted “section 11”.

The Aviation and Maritime Security Act 1990 (c. 31)

- 29 In section 14 of the Aviation and Maritime Security Act 1990 (ancillary offences), in subsection (3) for “section 22 of the Oil and Gas (Enterprise) Act 1982” there shall be substituted “section 10 of the Petroleum Act 1998”.

The Social Security Contributions and Benefits Act 1992 (c. 4)

- 30 In section 120 of the Social Security Contributions and Benefits Act 1992 (employment at sea: continental shelf operations), in subsection (2) for “subsection (6) of section 23 of the Oil and Gas (Enterprise) Act 1982” there shall be substituted “subsection (8) of section 11 of the Petroleum Act 1998”.

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

- 31 In section 166 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (special classes of persons), in subsection (3) for “section 23 of the Oil and Gas (Enterprise) Act 1982” there shall be substituted “section 11 of the Petroleum Act 1998”.

The Taxation of Chargeable Gains Act 1992 (c. 12)

- 32 (1) The Taxation of Chargeable Gains Act 1992 shall be amended as follows.

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- (2) In section 193 (roll-over relief not available for gains on oil licences), in subsection (1) for “the Petroleum (Production) Act 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.
- (3) In section 196 (interpretation of sections 194 and 195), in the definitions of “oil” and “overseas petroleum” in subsection (5), for “the Petroleum (Production) Act 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.
- (4) In Schedule 3 (assets held on 31st March 1982), in paragraph 7(2)(c) for “the Petroleum (Production) Act 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.

The Offshore Safety Act 1992 (c. 15)

- 33 (1) The Offshore Safety Act 1992 shall be amended as follows.
- (2) In section 1 (application of Part I of Health and Safety at Work etc. Act 1974 for offshore purposes)—
 - (a) in subsection (3), for paragraph (b) there shall be substituted—
 - “(b) sections 20 and 25 of the Petroleum Act 1998;” and in paragraph (c) the words from “section” to “requirements and” shall be omitted;
 - (b) in subsection (4), for the definitions of “pipe-line” and “pipe-line works” there shall be substituted—

““pipe-line” means, subject to subsection (4A), a controlled pipeline within the meaning of Part III of the Petroleum Act 1998; and

“pipe-line works” means works of any of the following kinds, namely—

 - (a) assembling or placing a pipe-line or length of pipe-line;
 - (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipe-line or length of pipe-line;
 - (c) changing the position of or dismantling or removing a pipe-line or length of pipe-line;
 - (d) opening the bed of the sea for the purposes of works mentioned in paragraphs (a) to (c), tunnelling or boring for those purposes and other works needed for or incidental to those purposes;
 - (e) works for the purpose of determining whether a place is suitable as part of the site of a proposed pipe-line and the carrying out of surveying operations for the purpose of settling the route of a proposed pipe-line.”;
 - (c) after subsection (4) there shall be inserted—

“(4A) In this section “pipe-line” does not include—

 - (a) any pipe-line so far as it forms part of the equipment of a vessel or vehicle; or
 - (b) any apparatus and works associated with a pipe or system of pipes and prescribed for the purpose of this paragraph by regulations made by the Secretary of State.

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- (4B) A statutory instrument containing regulations made by virtue of subsection (4A) shall be subject to annulment in pursuance of a resolution of either House of Parliament; and section 25 of the Petroleum Act 1998 shall apply in relation to any such regulations as it applies in relation to regulations under section 20 of that Act.”; and
- (d) in subsection (5), paragraph (b) and, in paragraph (c), the words “16(1) or” shall be omitted and at the end of paragraph (c) there shall be inserted—

“; or

(d) section 14(2) or 45 of the Petroleum Act 1998.”.

- (3) In section 3 (consequential provisions), in subsections (2)(b) and (4) for “section 2 of the Petroleum (Production) Act 1934” there shall be substituted “section 3 of the Petroleum Act 1998”.
- (4) In section 5 (directions for preserving security of petroleum and petroleum products), in the definition of “petroleum” in subsection (7), for “the Petroleum (Production) Act 1934” there shall be substituted “Part I of the Petroleum Act 1998”.

PROSPECTIVE

The Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 34 (1) Section 287 of the Trade Union and Labour Relations (Consolidation) Act 1992 (offshore employment) shall be amended as follows.
- (2) For subsection (1) there shall be substituted—
- “(1) In this Act “offshore employment” means employment for the purposes of—
- (a) any activities in the territorial sea adjacent to the United Kingdom, and
- (b) any such activities as are mentioned in section 11(2) of the Petroleum Act 1998 in waters within subsection (8)(b) or (c) of that section.”.
- (3) Subsection (5) shall be omitted.

The Offshore, and Pipelines, Safety (Northern Ireland) Order 1992 (S.I. 1992/1728 (N.I. 17))

- 35 In Article 3 of the ^{M1}Offshore, and Pipelines, Safety (Northern Ireland) Order 1992 (application of Part II of the Health and Safety at Work (Northern Ireland) Order 1978 for offshore purposes)—
- (a) in paragraph (3), for sub-paragraph (b) there shall be substituted—
- “(b) sections 20 and 25 of the Petroleum Act 1998;”, and in sub-paragraph (c) the words from “section” to “requirements and” shall be omitted;
- (b) in paragraph (4), for the definitions of “pipe-line” and “pipe-line works” there shall be substituted—

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““pipe-line” means, subject to paragraph (4A), a controlled pipeline within the meaning of Part III of the Petroleum Act 1998; and

“pipe-line works” means works of any of the following kinds, namely—

- (a) assembling or placing a pipe-line or length of pipe-line;
- (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipe-line or length of pipe-line;
- (c) changing the position of or dismantling or removing a pipe-line or length of pipe-line;
- (d) opening the bed of the sea for the purposes of works mentioned in paragraphs (a) to (c), tunnelling or boring for those purposes and other works needed for or incidental to those purposes;
- (e) works for the purpose of determining whether a place is suitable as part of the site of a proposed pipe-line and the carrying out of surveying operations for the purpose of settling the route of a proposed pipe-line.”;

(c) after paragraph (4) there shall be inserted—

“(4A) Subsections (4A) and (4B) of section 1 of the Offshore Safety Act 1992 apply in relation to the definition of “pipe-line” in paragraph (4) as they apply in relation to the definition of “pipe-line” in subsection (4) of that section but as if the reference in subsection (4A) to that section were a reference to this Article.”; and

(d) in paragraph (5), sub-paragraph (b) and, in sub-paragraph (c), the words “16(1) or” shall be omitted and at the end of sub-paragraph (c) there shall be inserted—

“; or

(d) section 14(2) or 45 of the Petroleum Act 1998.”.

Marginal Citations

M1 S.I. 1978/1039 (N.I. 9).

The Finance Act 1993 (c. 34)

36 In section 94A of the Finance Act 1993 (parts of trades: petroleum extraction companies), in subsection (3)(a) for “the Petroleum (Production) Act 1934” there shall be substituted “ Part I of the Petroleum Act 1998 ”.

The Pension Schemes Act 1993 (c. 48)

37 In section 165 of the Pension Schemes Act 1993 (application of certain provisions to cases with foreign element), in the definition of “continental shelf operations” in subsection (8), for “subsection (6) of section 23 of the Oil and Gas (Enterprise) Act 1982” there shall be substituted “ subsection (8) of section 11 of the Petroleum Act 1998 ”.

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The Coal Industry Act 1994 (c. 21)

- 38 (1) The Coal Industry Act 1994 shall be amended as follows.
- (2) In section 3 (duties of the Coal Authority with respect to property), in subsection (6) for “section 2 of the Petroleum (Production) Act 1934” there shall be substituted “section 3 of the Petroleum Act 1998”.
- (3) In section 9 (exploitation rights: oil and gas)—
- (a) in subsection (1) for “section 10(2) of the Petroleum (Production) Act 1934” there shall be substituted “section 9(1) of the Petroleum Act 1998”;
 - (b) in subsection (1)(b) for “section 2 of that Act of 1934” there shall be substituted “section 3 of that Act of 1998”; and
 - (c) in subsection (4) after “section 2 of the Petroleum (Production) Act 1934” there shall be inserted “or section 3 of the Petroleum Act 1998”.
- (4) In section 57 (public access to information held by the Coal Authority), in subsection (4)(a)(ii) for “section 2 of the Petroleum (Production) Act 1934” there shall be substituted “section 3 of the Petroleum Act 1998”.

The Merchant Shipping Act 1995 (c. 21)

- 39 In section 293 of the Merchant Shipping Act 1995 (functions of Secretary of State in relation to marine pollution), in the definition of “pipeline” in subsection (5), for “the Petroleum and Submarine Pipelines Act 1975” there shall be substituted “the Petroleum Act 1998”.

PROSPECTIVE

The Employment Rights Act 1996 (c. 18)

- 40 (1) Section 201 of the Employment Rights Act 1996 shall be amended as follows.
- (2) For subsection (1) there shall be substituted—
- “(1) In this section “offshore employment” means employment for the purposes of—
- (a) any activities in the territorial sea adjacent to the United Kingdom, or
 - (b) any such activities as are mentioned in section 11(2) of the Petroleum Act 1998 in waters within subsection (8)(b) or (c) of that section.”.
- (3) Subsection (5) shall be omitted.

The Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I. 6))

- 41 In Article 69(2) of the Race Relations (Northern Ireland) Order 1997 (power to amend certain provisions of Order)—
- (a) in sub-paragraph (a) for “section 23(2) of the Oil and Gas (Enterprise) Act 1982” there shall be substituted “section 11(2) of the Petroleum Act 1998”; and

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- (b) in sub-paragraph (b) for “section 22(5) of the Oil and Gas (Enterprise) Act 1982” there shall be substituted “section 10(8) of the Petroleum Act 1998”.

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