



Petroleum Act 1998

1998 CHAPTER 17

PART III

SUBMARINE PIPELINES

28 Interpretation of Part III.

(1) Except where the context otherwise requires, in this Part of this Act the following expressions have the following meanings—

“authorisation” means an authorisation required by section 14;

[^{F1}“carbon dioxide storage site” means a facility—

- (a) for the storage of carbon dioxide (with a view to its permanent disposal, or as an interim measure prior to its permanent disposal); and
- (b) in respect of the use of which a person is required to have a licence under section 18 of the Energy Act 2008;]

“construction”, in relation to a pipeline, includes placing, and cognate expressions shall be construed accordingly;

[^{F1}“controlled carbon dioxide pipeline” means any controlled pipeline or one of a network of controlled pipelines—

- (a) which is used to convey carbon dioxide to a carbon dioxide storage site, or
- (b) which is not being used for any purpose but which is intended to be used to convey carbon dioxide to such a site;]

[^{F2}“controlled petroleum pipeline” means any controlled pipeline or one of a network of controlled pipelines—

- (a) which is operated or constructed as part of a petroleum production project and is not a controlled carbon dioxide pipeline; or
- (b) which is used to convey petroleum from the site of one or more such projects—
 - (i) directly to premises, in order for that petroleum to be used at those premises for power generation or for an industrial process;
 - (ii) directly to a place outside Great Britain;

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- (iii) directly to a terminal; or
- (iv) indirectly to a terminal by way of one or more other terminals, whether or not such intermediate terminals are of the same kind as the final terminal;]

“controlled pipeline” and “controlled waters” have the meanings given to them by section 14;

[^{F3}“downstream gas pipeline” means a controlled pipeline, other than a controlled petroleum pipeline, which is used to convey gas to or from a place outside Great Britain;]

“enactment” includes an enactment of the Parliament of Northern Ireland or of the Northern Ireland Assembly;

[^{F4}“gas” means any substance which consists wholly or mainly of—

- (a) methane, ethane, propane, butane, hydrogen [^{F5}, carbon monoxide or a substance designated under paragraph (e) of the definition of “gas” in section 2(4) of the Energy Act 2008];
- (b) a mixture of two or more of those [^{F6}substances] ; or
- (c) a combustible mixture of one or more of those [^{F7}substances] and air;

[^{F4}“gas processing facility” means any facility in Great Britain operated otherwise than by a public gas transporter which carries out gas processing operations;]

[^{F4}“gas processing operation” means any of the following operations, namely—

- (a) purifying, blending, odourising or compressing gas for the purpose of enabling it to be introduced into a pipeline system operated by a public gas transporter or to be conveyed to an electricity generating station, a gas storage facility or any place outside Great Britain;
- (b) removing from gas for that purpose any of its constituent gases, or separating from gas for that purpose any oil or water; ^{F8}...
- (c) determining the quantity or quality of gas which is or is to be so introduced, or so conveyed, whether generally or by or on behalf of a particular person;]
- (d) [^{F9}separating, purifying, blending, odourising or compressing gas, for the purpose of—
 - (i) converting it into a form in which a purchaser is willing to accept delivery from a seller, or
 - (ii) enabling it to be loaded for conveyance to another place (whether inside or outside Great Britain); and
- (e) loading gas—
 - (i) at a facility which carries out operations of a kind mentioned in paragraph (d), or
 - (ii) piped from such a facility,

for the purpose of enabling the gas to be conveyed to another place (whether inside or outside Great Britain);]

[^{F10}“heard” means—

- (a) in relation to section 27, heard on behalf of the Secretary of State by a person appointed by the Secretary of State for the purpose, and
- (b) otherwise, heard on behalf of the OGA by a person appointed by the OGA for the purpose.]

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“holder”, in relation to an authorisation, means the person to whom the authorisation was issued;

^{F11}“new facility” means—

- (a) an offshore gas storage facility the construction of which is or is to be completed after 3rd August 2003; or
- (b) an offshore gas storage facility the modification of which to provide for a significant increase in capacity is or is to be completed after 3rd August 2003]

“notice” means notice in writing;

^{F12}“oil processing facility” means any facility in Great Britain, the territorial sea adjacent to the United Kingdom or the sea in any area designated under section 1(7) of the Continental Shelf Act 1964 which carries out oil processing operations;

“oil processing operations” means any of the following operations—

- (a) initial blending and such other treatment of petroleum as may be required to produce stabilised crude oil and other hydrocarbon liquids to the point at which a seller could reasonably make a delivery to a purchaser of such oil and liquids;
- (b) receiving stabilised crude oil and other hydrocarbon liquids piped from an oil processing facility carrying out operations of a kind mentioned in paragraph (a), or storing oil or other hydrocarbon liquids so received, prior to their conveyance to another place (whether inside or outside Great Britain);
- (c) loading stabilised crude oil and other hydrocarbon liquids piped from a facility carrying out operations of a kind mentioned in paragraph (a) or (b) for conveyance to another place (whether inside or outside Great Britain);]

^{F13}^{F14}“offshore gas storage facility” means a facility for the storage of gas in controlled waters other than the territorial sea of the United Kingdom adjacent to Northern Ireland;]

^{F15}“petroleum” has the same meaning as in Part I of this Act, and includes petroleum which has undergone any processing;

^{F15}“petroleum production project” means a project carried out by virtue of a licence granted under section 3, or an equivalent project in a foreign sector of the continental shelf, and includes such a project which is used for the storage of gas;]

“pipeline”, in relation to an application for a works authorisation, means the proposed pipeline in respect of which the application is made;

“prescribed” means prescribed by regulations; and

^{F16}“public gas transporter” means a public gas transporter within the meaning of Part I of the Gas Act 1986;

^{F16}“terminal” includes—

- (a) onshore facilities in the United Kingdom for such initial blending and other treatment as may be required to produce stabilised crude oil and other hydrocarbon liquids to the point at which a seller could reasonably make a delivery to a purchaser of such oil and liquids;
- (aa) ^{F17}oil processing facilities]
- (b) gas processing facilities; and

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- (c) a facility for the reception of gas prior to its conveyance to a place outside Great Britain;]
- “works authorisation” means an authorisation—
- (a) for works for the construction of a pipeline; or
- (b) for such works and for the use of the pipeline.
- (2) For the purposes of this Part of this Act, works at any place in, under or over controlled waters for the purpose of determining whether the place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for the purpose of settling the route of a proposed pipeline are not works for the construction of a pipeline.
- (3) Any reference in this Part of this Act to a contravention of a provision of this Part or regulations made or directions given under this Part includes a reference to a failure to comply with that provision.
- (4) Subsections (1) to (3) of section 49 of the ^{M1}Pipe-lines Act 1962 (service of documents) have effect as if—
- (a) references to that Act included references to this Part of this Act; and
- (b) in subsection (3), after “arrangements agreed” there were inserted “ or in accordance with regulations under Part III of the Petroleum Act 1998 ”.
- (5) In the application of subsection (4) to Northern Ireland, section 49(1) to (3) of the Pipe-lines Act 1962 shall have effect as if it extended to Northern Ireland.
- (6) Except so far as this Part of this Act otherwise expressly provides, nothing in this Part of this Act—
- (a) confers a right of action in any civil proceedings (other than proceedings for recovery of a fine) in respect of any contravention of this Part of this Act or an order or regulations made under it;
- (b) affects any restriction imposed by or under any other enactment, whether public, local or private; or
- (c) derogates from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.
- (7) Subsection (6) is subject to section 18 of the ^{M2}Interpretation Act 1978 (duplicated offences).]

Textual Amendments

- F1** Words in s. 28(1) inserted (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\), reg. 1, Sch. para. 11\(a\)](#)
- F2** Words in s. 28(1) substituted (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\), reg. 1, Sch. para. 11\(b\)](#)
- F3** S. 28(1): definition of “downstream gas pipeline” inserted (10.8.2000) by [S.I. 2000/1937, reg. 2\(4\), Sch. 4 para. 9\(b\)](#)
- F4** S. 28(1): definitions of “gas”, “gas processing facility” and “gas processing operation” inserted (10.8.2000) by [S.I. 2000/1937, reg. 2\(4\), Sch. 4 para. 9\(c\)](#)
- F5** Words in s. 28(1) substituted (13.11.2009 for specified purposes) by [Energy Act 2008 \(c. 32\), s. 110\(2\), Sch. 1 para. 9\(a\)](#); [S.I. 2009/2809, art. 2 \(with art. 4\)](#)
- F6** Word in s. 28(1) substituted (13.11.2009 for specified purposes) by [Energy Act 2008 \(c. 32\), s. 110\(2\), Sch. 1 para. 9\(b\)](#); [S.I. 2009/2809, art. 2 \(with art. 4\)](#)

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- F7** Word in s. 28(1) substituted (13.11.2009 for specified purposes) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), [Sch. 1 para. 9\(c\)](#); [S.I. 2009/2809](#), art. 2 (with art. 4)
- F8** Word in s. 28(1) repealed (6.4.2009) by [Energy Act 2008 \(c. 32\)](#), ss. 78(4)(a), 110(2), [Sch. 6](#); [S.I. 2009/45](#), art. 4(c)(d)(ii)(dd)
- F9** Words in s. 28(1) inserted (6.4.2009) by [Energy Act 2008 \(c. 32\)](#), [ss. 78\(4\)\(a\)](#), 110(2); [S.I. 2009/45](#), art. 4(c)
- F10** Words in s. 28(1) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 27](#); [S.I. 2016/920](#), reg. 2(a)
- F11** Words in s. 28(1) inserted (26.8.2004) by [Gas \(Third Party Access\) Regulations 2004 \(S.I. 2004/2043\)](#), reg. 1, [Sch. 3 para. 3](#)
- F12** Words in s. 28(1) inserted (6.4.2009) by [Energy Act 2008 \(c. 32\)](#), ss. 78(4)(b), 110(2); [S.I. 2009/45](#), art. 4(c)
- F13** Words in s. 28(1) omitted (E.W.S.) (10.11.2011) by virtue of [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), [16\(6\)](#)
- F14** Words in s. 28(1) substituted (26.8.2004) by [Gas \(Third Party Access\) Regulations 2004 \(S.I. 2004/2043\)](#), reg. 1, [Sch. 3 para. 3](#)
- F15** S. 28(1): definitions of “offshore gas storage facility”, “petroleum” and “petroleum production project” inserted (10.8.2000) by [S.I. 2000/1937](#), reg. 2(4), [Sch. 4 para. 9\(d\)](#)
- F16** S. 28(1): definitions of “public gas transporter” and “terminal” inserted (10.8.2000) by [S.I. 2000/1937](#), reg. 2(4), [Sch. 4 para. 9\(e\)](#)
- F17** Words in s. 28(1) inserted (6.4.2009) by [Energy Act 2008 \(c. 32\)](#), ss. 78(4)(b), 110(2); [S.I. 2009/45](#), art. 4(c)

Marginal Citations

- M1** 1962 c. 58.
M2 1978 c. 30.

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Changes and effects yet to be applied to :

- s. 28(1) words repealed by [2004 c. 20 Sch. 23 Pt. 1](#)