



Petroleum Act 1998

1998 CHAPTER 17

PART IV

ABANDONMENT OF OFFSHORE INSTALLATIONS

42 Validity of Secretary of State's acts.

- (1) If any person is aggrieved by any of the acts of the Secretary of State mentioned in subsection (2) and desires to question its validity on the ground that it was not within the powers of the Secretary of State or that the relevant procedural requirements had not been complied with, he may within 42 days of the day on which the act was done make an application to the court under this section.
- (2) The acts referred to in subsection (1) are—
 - (a) the giving of a notice under section 29(1);
 - (b) the approval of a programme under section 32;
 - (c) the rejection of a programme under section 32;
 - (d) a determination under section 34;
 - (e) a determination under section 35;
 - [^{F1}(ea) the giving of a notice under section 36A(2);]
 - (f) the giving of a notice under section 38(4).
- (3) If on an application under this section the court is satisfied that the act in question was not within the powers of the Secretary of State or that the applicant has been substantially prejudiced by a failure to comply with the relevant procedural requirements, the court may quash the act.
- (4) Except as provided by this section, the validity of any of the acts of the Secretary of State referred to in subsection (1) shall not be questioned in any legal proceedings whatever.
- (5) In this section “the relevant procedural requirements”—
 - (a) in relation to the giving of a notice under section 29(1), means the requirements of section 31(4);

Changes to legislation: There are currently no known outstanding effects for the Petroleum Act 1998, Section 42. (See end of Document for details)

- (b) in relation to the approval of a programme under section 32, means the requirements of section 32(3);
 - (c) in relation to the rejection of a programme under section 32, means the requirements of section 32(4);
 - (d) in relation to a determination under section 34, means the requirements of section 34(5), (6) and (7);
 - (e) in relation to a determination under section 35, means the requirements of section 35(2);
 - [^{F2}(ea) in relation to the giving of a notice under section 36A(2), means the requirements of section 36A(6);]
 - (f) in relation to the giving of a notice under section 38(4), means the requirements of section 38(5).
- (6) In this section, “the court” means—
- (a) in relation to England and Wales, the High Court;
 - (b) in relation to Scotland, the Court of Session;
 - (c) in relation to Northern Ireland, the High Court.

Textual Amendments

- F1** S. 42(2)(ea) inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 2 para. 12(2)**; S.I. 2016/920, reg. 2(c)
- F2** S. 42(5)(ea) inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 2 para. 12(3)**; S.I. 2016/920, reg. 2(c)
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Modifications etc. (not altering text)

- C1** Pt. 4 applied (with modifications) (26.12.2023) by [2008 c. 32](#), s. **30(1AA)(1AB)** (as inserted by [Energy Act 2023 \(c. 52\)](#), ss. **95(3)**, 334(3)(b))

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