

Status: Point in time view as at 18/12/2011. This version of this schedule contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Energy Act 2011, SCHEDULE 2. (See end of Document for details)

SCHEDULES

VALID FROM 21/03/2012

SCHEDULE 2 **E+W+S**

Section 89

UPSTREAM PETROLEUM INFRASTRUCTURE: MINOR AND CONSEQUENTIAL AMENDMENTS

Pipe-lines Act 1962

- 1 The Pipe-lines Act 1962 is amended in accordance with paragraphs 2 to 7.
- 2 In section 9 (provisions for securing that a pipeline is so constructed as to reduce necessity for construction of others)—
- (a) in subsection (8) for the words from “applications” to the end substitute “with respect to the proposed pipe-line—
 - (a) an application of a kind mentioned in subsection (1)(a) of section 82 of the Energy Act 2011 (acquisition of rights to use upstream petroleum infrastructure), and
 - (b) if applicable, an application under subsection (4) of that section.”;
 - (b) after subsection (8) insert—

“(9) For the purposes of an application made with respect to a proposed pipe-line by virtue of subsection (8)—

 - (a) sections 82 and 83 of the Energy Act 2011 shall have effect as if—
 - (i) references to a pipe-line were references to the proposed pipe-line as it would be once constructed in accordance with the condition attached by virtue of subsection (1) of this section;
 - (ii) references to the owner of a pipe-line were reference to the proposed owner of the proposed pipeline;
 - (b) section 84 of the Energy Act 2011 shall be disregarded.”
- 3 In section 9A (provisions for securing that an additional pipe-line is so constructed as to reduce necessity for construction of other pipe-lines)—
- (a) in subsection (8) for the words from “applications” to the end substitute “with respect to the proposed pipe-line—
 - (a) an application of a kind mentioned in subsection (1)(a) of section 82 of the Energy Act 2011 (acquisition of rights to use upstream petroleum infrastructure), and
 - (b) if applicable, an application under subsection (4) of that section.”;

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(b) after subsection (8) insert—

“(9) For the purposes of an application made with respect to a proposed pipe-line by virtue of subsection (8)—

(a) sections 82 and 83 of the Energy Act 2011 shall have effect as if—

(i) references to a pipe-line were references to the proposed pipe-line as it would be once constructed in accordance with the notice served under subsection (1) of this section;

(ii) references to the owner of a pipe-line were reference to the proposed owner of the proposed pipeline;

(b) section 84 of the Energy Act 2011 shall be disregarded.”

4 In section 10A(2) for “, 10(4) or 10E(9)” substitute “ or 10(4) ”.

5 Sections 10E to 10H (provisions for securing that upstream petroleum pipe-lines are so used as to reduce necessity for construction of other etc) are repealed.

6 In section 65(2) (meaning of “pipeline”) omit paragraph (g) and the “and” immediately before that paragraph.

7 In section 66(1) (general interpretation provisions)—

(a) in paragraph (c) of the definition of “owner” for the words from “sections 10C” to “section 10E(2)” substitute “ section 10C ”;

(b) for the definition of “upstream petroleum pipe-line” substitute—

““upstream petroleum pipe-line” has the meaning given by section 90(1) of the Energy Act 2011”.

Petroleum Act 1998

8 The Petroleum Act 1998 is amended in accordance with paragraphs 9 to 15.

9 In section 15 (authorisations for construction and use of controlled pipelines) in subsection (6) after “or 17G(6)” insert “ of this Act or section 89(4) and (5) of the Energy Act 2011 ”.

10 In section 16 (compulsory modifications of controlled pipelines) before subsection (1) insert—

“(A3) Pipelines that are relevant upstream petroleum pipelines for the purposes of section 82(1) of the Energy Act 2011 are excepted from the operation of this section.”

11 In section 17 (acquisition of rights to use controlled pipelines) for subsection (1A) substitute—

“(1A) This section does not apply to—

(a) controlled petroleum pipelines;

(b) pipelines in, under or over the territorial sea adjacent to Great Britain which are used to convey gas directly from a terminal to a pipeline system operated by a gas transporter or to any premises;

(c) gas interconnectors (within the meaning of Part 1 of the Gas Act 1986).”

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| 12 | In section 17F (acquisition of rights to use controlled petroleum pipelines) in subsection (1) for the words from “, other” to the end substitute “ in, under or over the territorial sea adjacent to Northern Ireland ”. |
| 13 | In section 17G (section 17F: supplemental) in subsection (1) for “controlled waters” substitute “ the territorial sea adjacent to Northern Ireland ”. |
| 14 | In section 18 (termination of authorisations for construction and use of controlled pipelines) in subsection (6)(b) after “or 17F(9)” insert “ of this Act or section 82(11) of the Energy Act 2011 ”. |
| 15 | In section 19 (vesting of controlled pipelines on termination or subsequent issue of authorisations) in subsection (1)(b) after “or section 17F(9)” insert “ of this Act or section 82(11) of the Energy Act 2011 ”. |
| <i>Energy Act 2008</i> | |
| 16 | The Energy Act 2008 is amended in accordance with paragraphs 17 and 18. |
| 17 | Sections 80 to 82 (third party access to oil processing facilities) are repealed. |
| 18 | In section 112 (extent) omit paragraph (c) of subsection (2). |

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