



Energy Act 2011

2011 CHAPTER 16

PART 2

SECURITY OF ENERGY SUPPLIES

CHAPTER 3

UPSTREAM PETROLEUM INFRASTRUCTURE

83 Power of Secretary of State to give a notice under section 82(11) on own initiative

- (1) This section applies where—
 - (a) a person has made an application of a kind mentioned in subsection (1) of section 82 to the owner of a pipeline or facility, and
 - (b) the applicant and the owner have not reached agreement on the application.
- (2) The Secretary of State may on his or her own initiative give a notice under subsection (11) of section 82 which would secure to the applicant the right sought in the application; but this is subject to subsection (8) of that section and subsections (3) and (4).
- (3) The Secretary of State may not exercise the power conferred by subsection (2) unless the Secretary of State is satisfied that—
 - (a) the applicant and the owner have had a reasonable time in which to reach agreement on the application; and
 - (b) there is no realistic prospect of them doing so.
- (4) In considering whether to exercise the power conferred by subsection (2) the Secretary of State must—
 - (a) take into account (so far as relevant) the matters mentioned in paragraphs (a) to (g) of subsection (7) of section 82;
 - (b) give the persons mentioned in subsection (5) an opportunity to be heard.

Status: This is the original version (as it was originally enacted).

- (5) Those persons are—
- (a) the applicant and the owner;
 - (b) any person with a right to have anything conveyed by the pipeline or processed by the facility;
 - (c) the Health and Safety Executive; and
 - (d) such other persons as the Secretary of State considers appropriate.