

SCHEDULE 10

CURRENT MODEL CLAUSES FOR SEAWARD PRODUCTION LICENCES DERIVING FROM SCHEDULE 4 TO THE PETROLEUM (PRODUCTION) (SEAWARD AREAS) REGULATIONS 1988 AS IT HAD EFFECT ON AND AFTER 16TH DECEMBER 1996

PART I

1. This Schedule has effect in relation to paragraph 21 of Schedule 1 to the Act (Schedule 4 to the Petroleum (Production) (Seaward Areas) Regulations 1988⁽¹⁾ as amended by the Offshore Safety Act 1992⁽²⁾, the Petroleum (Production) (Seaward Areas) (Amendment) Regulations 1995⁽³⁾ and the Petroleum (Production) (Seaward Areas) (Amendment) Regulations 1996⁽⁴⁾).

2. Subject to paragraphs 3 and 4, the current model clauses in relation to the said paragraph 21 are those reproduced in Part II.

3.—(1) Where the licensed area is in the Scottish area, as defined in article 1(2) of the Civil Jurisdiction (Offshore Activities) Order 1987⁽⁵⁾, Part II shall have effect as provided in the two following sub-paragraphs.

(2) Part II shall have effect in such a case as if for model clause 38 (distress) there were substituted the following clause—

“Diligence

38. If and whenever any of the payments mentioned in clause 9(1) of this licence or any part thereof shall be in arrear or unpaid for 28 days next after any of the days whereon the same ought to be paid (whether the same shall have been legally demanded or not) then and so often as the same may happen the Minister may (as an additional remedy and without prejudice to any other rights and remedies to which he would be entitled) do diligence in respect thereof in like manner as a landlord may do diligence in respect of unpaid arrears of rent and such diligence shall be effectual to attach all or any of the stocks of petroleum, engines, machinery, tools, implements and other effects belonging to the Licensee which shall be found on or about any of the Licensee’s installations and equipment used or to be used in connection with searching, boring for or getting petroleum in the licensed area, and where in pursuance of such a diligence a sale of such effects as shall have been attached thereby takes place the Minister may out of the proceeds thereof retain and pay all the arrears of the said payments and also the expenses of and incident to such diligence and sale and shall pay the surplus thereof (if any) to the Licensee.”.

(3) Part II shall also have effect in such a case as if, in model clause 43 (arbitration)—

(a) for the word “arbitrator”, wherever it occurs in paragraphs (2) and (3), there were substituted the word “arbiter”, and

(b) for the words “the Lord Chief Justice of England for the time being”, in paragraph (2), there were substituted the words “the Lord President of the Court of Session”.

4. Where the licensed area is in the Northern Irish area, as defined in article 1(2) of the Civil Jurisdiction (Offshore Activities) Order 1987, Part II shall have effect as if in model clause 43 (arbitration) for the words “the Lord Chief Justice of England”, in paragraph (2), there were substituted the words “the Lord Chief Justice of Northern Ireland”.

(1) S.I.1988/1213.

(2) 1992 c. 15.

(3) S.I. 1995/1435.

(4) S.I. 1996/2946.

(5) S.I. 1987/2197.

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

5. In paragraphs 3 and 4, any reference to the licensed area is a reference to the licensed area within the meaning of model clause 1(1) in Part II.