

SCHEDULE

Article 2

AMENDMENTS TO THE PETROLEUM ACT 1998

1. In section 17F(1) (acquisition of rights to use controlled petroleum pipelines), at the end of subsection (1) insert “, other than pipelines to which section 17GA applies”.
2. After section 17G(2) insert—

“Controlled petroleum pipeline subject to Norwegian access system

17GA.—(1) This section applies to any controlled petroleum pipeline which, under the terms of the Framework Agreement, is subject to a system whereby any terms or conditions on which persons who are not the owner of the pipeline are entitled to have things conveyed by it are determined according to the law of, or by the relevant authority of, the Kingdom of Norway.

(2) Where—

- (a) under the terms of the Framework Agreement, any term or condition on which a person who is not the owner of a pipeline is entitled to have conveyed by the pipeline any petroleum originating wholly or partly from an area designated under section 1(7) of the Continental Shelf Act 1964(3) has been determined according to the law of, or by the relevant authority of, the Kingdom of Norway, and
- (b) a dispute has arisen between the person mentioned in paragraph (a) and the owner as to whether the owner has complied with any term or condition so determined,

the person mentioned in paragraph (a) may apply to the Secretary of State for a determination under subsection (6).

(3) An application under subsection (2) shall specify the terms and conditions in dispute and the applicant’s reasons for considering that the owner has failed to comply with them.

(4) The applicant shall give notice of the application to the owner of the pipeline.

(5) Where a person applies to the Secretary of State under subsection (2), the Secretary of State shall—

- (a) give notice to the owner of the pipeline and the applicant that he proposes to consider the application; and
- (b) after the expiry of 21 days beginning with the date on which notice under paragraph (a) was served, but before considering the application, give them an opportunity of being heard with respect to the application.

(6) The Secretary of State shall determine whether or not the owner has complied with the terms and conditions in question, and shall give notice of that determination to the owner and the applicant.

(7) Where the Secretary of State determines that the owner has not so complied, the notice shall state what the owner is required to do (or as the case may be, to refrain from doing) in order to comply with the terms and conditions in question.

(8) Where he is obliged to do so under the Framework Agreement, the Secretary of State shall make his determination and issue the notice under subsection (6) jointly with the relevant authority of the Kingdom of Norway.

(1) Section 17F was inserted by the Gas (Third Party Access and Accounts) Regulations 2000 (S.I. 2000/1937), regulation 2(4), Schedule 4, paragraph 4.

(2) Section 17G was inserted by the Gas (Third Party Access and Accounts) Regulations 2000 (S.I. 2000/1937), regulation 2(4), Schedule 4, paragraph 4.

(3) 1964 c.29.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(9) In this section and section 17GB “the Framework Agreement” means the Framework Agreement concerning cross-boundary petroleum co-operation dated 4th April 2005 and made between the government of the United Kingdom and the government of the Kingdom of Norway⁽⁴⁾.

Section 17GA: supplemental

17GB.—(1) For the purpose of considering an application under section 17GA(2), the Secretary of State may by notice require the owner or the applicant to provide him with such information relevant to the application as may be specified or described in the notice.

(2) The Secretary of State shall not disclose to any person any information obtained under subsection (1) without the consent of the person by or on behalf of whom it was provided, unless he is required to do so by virtue of any obligation imposed on him by or under the Framework Agreement or by or under any enactment.”.

3. In section 17H⁽⁵⁾ (enforcement of certain duties), in subsection (1), after “section 17D(11)” insert “or with a notice given under subsection (6) of section 17GA in a case falling within subsection (7) of that section”.

4. In section 27 (meaning of “owner”), in subsection (1A)⁽⁶⁾, for “and the first reference in section 17F(2)” substitute “, the first reference in section 17F(2) and the reference in 17GA(2)(a)”.

(4) Command No. 6792.

(5) Section 17H was inserted by the Gas (Third Party Access and Accounts) Regulations 2000 (S.I. 2000/1937), regulation 2(4), Schedule 4, paragraph 4. Subsection (1) was amended by the Gas (Third Party Access) Regulations 2004 (S.I. 2004/2043), regulation 2(3), Schedule 3, paragraph 2.

(6) Section 27(1A) was inserted by the Gas (Third Party Access and Accounts) Regulations 2000 (S.I. 2000/1937), regulation 2(4), Schedule 4, paragraph 8.