



# Offshore Petroleum Development (Scotland) Act 1975

## 1975 CHAPTER 8

### *Designated sea areas*

#### **3 Designated sea areas**

- (1) If it appears to the Secretary of State that it is desirable, for the purpose of facilitating or controlling the execution of relevant operations in any part of the sea surrounding Scotland which is within United Kingdom waters, that any of the provisions of sections 4 to 7 of this Act should apply in relation to that area, he may, after consulting such local authorities and such organisations representing the interests of fishermen as appear to him to be concerned, by an order made under this subsection, declare that part of the sea to be a designated sea area.

An order made under this subsection is in this Act referred to as a " sea designation order ".

- (2) A statutory instrument containing an order made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Schedule 3 to this Act shall have effect as respects the making and revocation of sea designation orders.

#### **4 Licences in relation to operations in designated sea areas**

- (1) No relevant operations shall be executed in a designated sea area unless the person responsible for the operations is authorised to execute them by a licence granted by the Secretary of State under this section.
- (2) Subject to subsection (3) below, no other works shall be executed in a designated sea area unless the person responsible for the works is authorised to execute them by such a licence as aforesaid.
- (3) Where a designated sea area includes any part of the area of a harbour authority, that authority shall remain entitled to grant any licence or permission for the execution of

works in the designated sea area which they could have granted but for the passing of this Act, except to the extent that the said works are, in the opinion of the Secretary of State, relevant operations, and (except as aforesaid) in such a case no licence under this section shall be required; and the authority shall (except as aforesaid) remain entitled without such a licence to execute any works which they could have executed but for the passing of this Act.

- (4) The Secretary of State, before granting a licence under this section for any relevant operations within the area of a harbour authority, shall consult with that authority.
- (5) A harbour authority, before executing works or granting any licence or permission for executing works in any part of their area which is within a designated sea area, shall, to such extent as the Secretary of State may direct, consult with him.
- (6) For the purposes of this section and sections 5 to 7 of this Act, the execution of operations or other works by the Secretary of State in terms of this Act shall be deemed to be licensed under this section, and any reference to a licence shall be construed accordingly; and the reference in subsection (4) above to granting a licence under this section for any relevant operations shall include a reference to executing such operations.

## **5 Terms and effect, etc. of licences under s. 4**

- (1) A licence under section 4 of this Act may be granted subject to conditions relating to the conduct of the operations or works subject thereto; and the said conditions may include conditions in respect of any relevant operations (whether or not within the designated sea area to which the licence relates) which are related to the operations or works which are the subject of the licence.
- (2) A licence granted in respect of relevant operations in terms of section 4(1) of this Act shall supersede any inconsistent provision in any local enactment or in any byelaw or licence made or granted (whether before or after the granting of the licence first mentioned) by a local authority, harbour authority or other public authority; and the provisions of sections 9 and 10 of the Harbours Act 1964 (control of harbour development) shall not apply in relation to any relevant operations authorised by a licence granted under section 4 of this Act.
- (3) Subject to subsection (4) below, a licence granted in respect of relevant operations in terms of section 4(1) of this Act shall have the effect that no action shall lie in respect of any interference with any public or private rights of navigation or fishery or other public or private rights in the sea or sea bed in the designated sea area to which the licence relates, arising from operations carried on in accordance with the licence.
- (4) Where a private right is interfered with under the authority of subsection (3) above, the person to whom the licence has been granted shall be liable to pay compensation for any resulting loss or damage suffered by the person entitled to the right; and any question of disputed compensation under this subsection shall be referred to and determined by the Lands Tribunal for Scotland.
- (5) Any person responsible for operations or works requiring a licence under section 4 of this Act who executes such operations or works without such a licence, and any holder of such a licence who contravenes a condition imposed under subsection (1) above, shall be guilty of an offence, and shall be liable—
  - (a) on conviction on indictment, to a fine ;
  - (b) on summary conviction, to a fine not exceeding £5,000;

and if the contravention consists in failing to execute any operations or works the Secretary of State may execute them and recover the cost of doing so from the person in default.

- (6) The Secretary of State may charge, for the issue of a licence under section 4 of this Act, such fee as he may with the approval of the Treasury determine.
- (7) A licence granted under section 4 of this Act may at any time be varied or revoked by the Secretary of State.

## **6 Regulations for protection and control of operations in designated sea areas**

- (1) The Secretary of State may make regulations with respect to designated sea areas, and such regulations may include provisions with respect to—
  - (a) the regulation and protection of relevant operations and other works executed in a designated sea area in accordance with a licence granted under section 4 of this Act;
  - (b) the prohibition or restriction of entry into or into any part of any such area, and the control and protection of navigation there;
  - (c) the organisation or control of pilotage in any such area ;
  - (d) the protection of fishing in any such area ;
  - (e) the safety of persons in any such area ;
  - (f) the prevention of pollution and nuisance in any such area;
  - (g) the levying by the Secretary of State of charges on vessels, platforms and other installations located in or entering or leaving any such area ;
  - (h) enabling the Secretary of State to regulate, for the purposes of this subsection, the activities of any persons and the movement of any vehicles or vessels in any such area;

and such regulations may apply to one or more designated sea areas and may make different provision in respect of different designated sea areas or parts thereof.

- (2) Before making, varying or revoking regulations under this section, the Secretary of State shall consult any harbour authority and, where appropriate, any pilotage authority, whose area includes any part of a designated sea area to which the regulations relate.
- (3) Regulations made under this section shall supersede any inconsistent provision in any local enactment or in any byelaw or licence made or granted (whether before or after the making of the regulations) by a local authority, harbour authority or other public authority.
- (4) Any person who contravenes any regulation made under this section shall be guilty of an offence, and shall be liable—
  - (a) on conviction on indictment, to a fine;
  - (b) on summary conviction, to a fine not exceeding £5,000.

## **7 Execution and enforcement of regulations, etc. in designated sea areas**

- (1) The power of the Secretary of State to enforce the conditions of licences granted under section 4 of this Act and to execute and enforce regulations made under section 6 of this Act may be exercised by him or his officers or servants, or may by order be

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

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delegated by him, in relation to any designated sea area, to any harbour authority or local authority designated by him.

- (2) The power of the Secretary of State referred to in subsection (1) above shall include power, for the purposes of execution and enforcement as aforesaid, to operate any vehicle or vessel within designated sea areas, and to acquire the same for such purposes.
- (3) For the purpose of executing or enforcing regulations made under section 6 of this Act, any officer or servant of the Secretary of State or of a harbour authority or local authority to whom the powers of the Secretary of State have been delegated under subsection (1) above may, if authorised to execute or enforce the said regulations,
  - (a) at any reasonable time board or enter any vessel, platform or other installation located in a designated sea area;
  - (b) if the person in charge of the said vessel, platform or other installation cannot be found or if he neglects or refuses to do anything reasonably required for the purpose of execution or enforcement of the said regulations, himself (at the expense of the owner) do anything reasonably required for that purpose, including the removal of any vessel.
- (4) An order in terms of subsection (1) above may confer, upon the authority to whom the powers are delegated, jurisdiction to exercise those powers within any part of the designated sea area which is outside the area of the authority, but before making an order which confers jurisdiction as aforesaid to exercise powers in an area which includes any part of the area of a harbour authority, the Secretary of State shall consult with the said harbour authority.
- (5) The Secretary of State may defray or contribute towards any expenses incurred by any authority in the exercise of the powers delegated to them under subsection (1) above.
- (6) Proceedings against any person for an offence under section 5 or 6 of this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, at any place in the United Kingdom where he is for the time being.