



Offshore Petroleum Development (Scotland) Act 1975

1975 CHAPTER 8

Miscellaneous and general

10 Execution of works and disposal of land held under Act

- (1) The Secretary of State may, with the approval of the Treasury, carry out—
 - (a) on land of which possession has been taken under this Act; and
 - (b) on other land, by agreement with the persons interested therein,works for any purpose for which land may be acquired under this Act and (in any designated sea area) works for facilitating the execution of relevant operations, and may, with the like approval, defray or contribute towards the cost of such works.
- (2) The Secretary of State may dispose of the whole of his interest in any land, of which possession has been taken under this Act, to any body or person in order to enable them to provide any such housing, services or facilities as are required in terms of paragraph (d) of section 1(2) of this Act; but, save as aforesaid, the Secretary of State shall not dispose of the whole of his interest in any such land unless it appears to him—
 - (a) that the land is no longer needed for any purpose for which land may be acquired under this Act; and
 - (b) either that such steps have been taken as appear to him to be required for the purpose of reinstating the land in terms of subsection (1) of section 8 of this Act, or that, in terms of subsection (2) of that section, the said subsection (1) does not apply in relation to the land.
- (3) The Scottish Industrial Estates Corporation or any local authority may act as agent for the Secretary of State in the carrying out of any works under this section or under section 8 of this Act, and may provide other services for the Secretary of State in relation to his functions under this Act.
- (4) The Secretary of State may defray or contribute towards any expenses incurred by the Scottish Industrial Estates Corporation or by a local authority in relation to any functions performed by them under subsection (3) above.

11 Loans and guarantees by Secretary of State for facilitating relevant operations

- (1) The Secretary of State may, with the approval of the Treasury, make loans to any person for the purpose of enabling him or assisting him to make arrangements for the execution of relevant operations.
- (2) The Secretary of State may, with the approval of the Treasury, guarantee the payment by any person of any sum payable by that person in respect of principal or interest under arrangements (whether by way of loan or otherwise) entered into by that person for the purpose of the execution of relevant operations.
- (3) Any loan made under this section, and any sums issued in fulfilment of a guarantee given under this section, shall be paid out of money provided by Parliament, and shall be made or issued on such terms as to recovery by the Secretary of State of principal and interest and otherwise as the Secretary of State may with the approval of the Treasury determine.

12 Supplementary provisions as to acquisition and appropriation of land

- (1) The power of the Secretary of State to acquire land compulsorily under this Act shall include power to acquire a servitude or other right over land by the creation of a new right.
- (2) For the purpose of the acquisition of land by agreement by the Secretary of State under this Act, the Lands Clauses Acts (except the provisions relating to the acquisition of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845) and section 6 and sections 70 to 78 of the Railways Clauses Consolidation (Scotland) Act 1845 as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923, shall be incorporated with section 1 of this Act, and in construing those Acts for the purposes of that section, that section shall be deemed to be the special Act and the Secretary of State to be the promoter of the undertaking or company, as the case may require.
- (3) Where the Secretary of State holds land for a purpose other than a purpose for which land may be acquired under this Act, he may appropriate it for the latter purpose; and any reference in this Act to land of which possession has been taken under this Act includes a reference to land appropriated by him under this subsection.
- (4) For the avoidance of doubt it is hereby declared that the power to purchase land by an expedited acquisition order is exercisable notwithstanding any enactment providing that the land is or may be declared to be inalienable.

13 Compensation for adjoining owners and exclusion of actions for nuisance

- (1) Subject to subsection (2) below, the Secretary of State may by order direct that the provisions of Parts I and II of the Land Compensation (Scotland) Act 1973 (compensation for depreciation caused by, and mitigation of injurious effect of public works) shall apply, with such modifications as appear to him to be necessary, in relation to any relevant operations carried on or proposed to be carried on by or on behalf of the Secretary of State or any other person, as those provisions apply in relation to the use of public works.

- (2) No action for nuisance shall lie in respect of operations in relation to which the provisions mentioned in subsection (1) above apply by virtue of an order under that subsection.

14 Power to require information as to interests in land

- (1) For the purpose of enabling the Secretary of State to make any order or serve any notice which he is authorised or required by this Act to make or serve, he may require the occupier of any land and any person who either directly or indirectly receives rent in respect of any land to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as superior, owner, heritable creditor, lessee or otherwise.
- (2) Any person who, having been required in pursuance of this section to give any information, fails, to give that information shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (3) Any person who, having been so required to give any information, knowingly makes any misstatement in respect thereof shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or both.

15 Rights of entry

- (1) Any person duly authorised in writing by the Secretary of State may, at any reasonable time, enter any land for the purpose of surveying it in connection with the exercise of the Secretary of State's powers under this Act to acquire land or for the purpose of affixing any notice which under this Act is required to be affixed thereon.
- (2) Sections 265(8) and 266 of the Town and Country Planning (Scotland) Act 1972, (ancillary provisions about rights of entry) shall apply in relation to this section as they apply in relation to section 265 of that Act.

16 Application to Crown land

- (1) The power to acquire land under this Act may be exercised in relation to any private interest in Crown land.
- (2) If the Secretary of State considers it expedient for the purpose of enabling him to acquire any private interest that may subsequently be shown to exist in any land, he may make a compulsory purchase order or expedited acquisition order in terms of this Act in respect of that land notwithstanding that there is or may be no interest in the land other than a Crown interest.
- (3) An order made in respect of any land by virtue of subsection (2) above shall not affect any Crown interest in the land but—
- (a) any general vesting declaration executed by the Secretary of State under Schedule 24 to the Town and Country Planning (Scotland) Act 1972 in respect of the land shall have effect in relation to any private interest therein (whether or not ascertained when the declaration is executed);
 - (b) the Secretary of State shall be liable to pay, in respect of any such private interest in relation to which the declaration has effect, the like compensation and the like interest on the compensation agreed or awarded as he would have

been required to pay if he had, at the time mentioned in subsection (4) below, taken possession under paragraph 3 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

- (4) The time referred to in subsection (3)(b) above is, in the case of a declaration executed by virtue of a compulsory purchase order, the time when the interest vested in the Secretary of State by virtue of the declaration or entry was taken, whichever is the earlier, and, in the case of a declaration executed by virtue of an expedited acquisition order, the time when the land vested in the Secretary of State or entry was taken, whichever is the earlier.
- (5) Without prejudice to subsection (3) above, none of the provisions of this Act relating to Crown land shall be construed as prejudicing any Crown interest therein.
- (6) In this section " private interest " means any interest other than a Crown interest.

17 Financial provisions

- (1) There shall be defrayed out of moneys provided by Parliament—
- (a) any expenses incurred by the Secretary of State under this Act;
 - (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act;
- and any sums received by the Secretary of State by virtue of this Act shall be paid into the Consolidated Fund.
- (2) The aggregate of—
- (a) expenditure of the Secretary of State under section 10 of this Act, plus
 - (b) loans by the Secretary of State under section 11 of this Act, plus
 - (c) liabilities of the Secretary of State under any guarantees given by him under the said section 11 (exclusive of any liability in respect of interest on a principal sum so guaranteed),
- less any sums received by the Secretary of State—
- (i) in respect of the recovery of expenditure incurred by him under the said section 10, and
 - (ii) by way of repayment of loans under the said section 11, and
 - (iii) by way of repayment of principal sums paid to meet guarantees under the said section 11, shall not at any time exceed £40 million.

18 Savings

Nothing in this Act shall affect—

- (a) the powers of the Crown Estate Commissioners ;
- (b) the powers of the Commissioners of Northern Lighthouses ;
- (c) the Pilotage Act 1913 ;
- (d) Part II of the Coast Protection Act 1949 (safety of navigation);
- (e) the Land Powers (Defence) Act 1958 ;
- (f) the Pipe-lines Act 1962 ;
- (g) the Mineral Workings (Offshore Installations) Act 1971;
- (h) the Dumping at Sea Act 1974 ;
- (i) the Health and Safety at Work etc. Act 1974;

but this section shall not enable any person to execute any relevant operations requiring a licence under section 4 of this Act without obtaining such a licence.

19 Orders, etc.

- (1) The power to make any order or regulation under this Act shall be exercisable by statutory instrument.
- (2) The power to make any order or direction under this Act includes power to vary or revoke a previous order or direction.
- (3) Any order, regulation or direction made under this Act may contain such incidental, consequential and supplemental provisions as appear to the Secretary of State to be necessary or proper for giving full effect thereto.

20 Short title, interpretation and extent

- (1) This Act may be cited as the Offshore Petroleum Development (Scotland) Act 1975.
- (2) In this Act—
 - " Crown land " means land in which there is a Crown interest;
 - " Crown interest " means an estate or interest belonging to Her Majesty in right of the Crown or belonging to a government department or held in trust for Her Majesty for the purposes of a government department, and includes any estate or interest held in right of the Prince and Steward of Scotland ;
 - " designated sea area " has the meaning conferred by section 3(1) of this Act;
 - " expedited acquisition order " means an order made under section 1 (5) of this Act;
 - " harbour authority " has the same meaning as in the Harbours Act 1964;
 - " land " includes the fore-shore and other land covered with water and (except where the context otherwise requires) any estate or interest in or right over land, and any other heritable estate;
 - " local authority " means (before 16th May 1975) a county council or town council and (thereafter) any local authority within the meaning of the Local Government (Scotland) Act 1973 ;
 - " offshore petroleum " means petroleum situated under any part of the sea bed ;
 - " petroleum " has the same meaning as in the Petroleum (Production) Act 1934; relevant operations " means operations for any purpose for which land may be acquired under this Act, and operations for or in connection with the offshore construction, assembly and testing of platforms and other installations for use in or under the sea in connection with exploration for or exploitation of offshore petroleum;
 - " Scottish Industrial Estates Corporation " has the same meaning as in section 10 of the Local Employment Act 1972;
 - " the sea " includes any area submerged at mean high water springs, and also includes, so far as the tide flows at mean high water springs, an estuary or an arm of the sea and the waters of any channel, creek, bay or river ;
 - " the sea bed " includes its subsoil;

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

" sea designation order " means an order made under section 3(1) of this Act; and

" United Kingdom waters " means any part of the sea within the seaward limits of United Kingdom territorial waters.

- (3) Except where the context otherwise requires, this Act shall apply in relation to any estate or interest in or right over the sea bed as it applies in relation to land, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and the compulsory purchase enactments specified in paragraph 1(2) of Schedule 2 to this Act shall apply accordingly.
- (4) Except where the context otherwise requires, references in this Act to any enactment are references to that enactment as amended or extended by any other enactment.
- (5) This Act (except section 7(6)) shall extend to Scotland only.