

Status: Point in time view as at 01/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1980, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 17

TRANSFERS OF INTERESTS IN OIL FIELDS

Modifications etc. (not altering text)

- C1** Definitions applied for purposes of [Capital Allowances Act 1990 \(c. 1, SIF 63:1\)](#), [s. 64](#)—transfers of interests in oil fields.
[Sch. 17](#) applied (27.7.1999) by [1999 c. 16, s. 97\(3\)](#)
- C1** See also [Finance Act 1981 \(c. 35\)](#), [s. 112](#) for application of s. 111 of that Act (restriction of expenditure supplement) and [Oil Taxation Act 1975 \(c. 22\)](#), [s. 9](#) (limit on amount of tax payable) in case of a transfer.

PART I

PRELIMINARY

Modifications etc. (not altering text)

- C1** See also—

Interpretation

- 1 (1) For the purposes of this Schedule a participator in an oil field transfers the whole or part of his interest in the field whenever as a result of a transaction or event other than—
- the making of an agreement or arrangement of the kind mentioned in paragraph 5 of Schedule 3 to the Oil Taxation Act 1975; or
 - a re-determination under a unitisation agreement,
- the whole or part of his share in the oil to be won and saved from the field becomes the share or part of the share of another person who is or becomes a participator in the field.
- (2) In sub-paragraph (1) above a “unitisation agreement” means an agreement for the exploitation of—
- an oil field falling within two or more licensed areas; or
 - any such area as is mentioned in subsection (1)(a) of section 107 of this Act,
- and a “re-determination” means, in a case within paragraph (a) above, a re-determination of the apportionment of oil from the field as between the different licensed areas and, in a case within paragraph (b) above, a re-determination of the apportionment mentioned in subsection (1)(b) of that section.
- (3) In this Schedule “the old participator” means the participator whose interest is wholly or partly transferred, “the new participator” means the person to whom it is

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transferred and [^{F1}“the transfer period” means the chargeable period in which the transfer takes place.]

Textual Amendments

F1 Finance Act 1981 (c. 35), s. 114(2)(a) with effect whether the participator's net profit period ends before or after the passing of that Act

Modifications etc. (not altering text)

C2 Sch. 17 para. 1(2) applied (*retrospective to 7.3.2001*) by 2001 c. 9, s. 101(4)(5), Sch. 32 para. 4(2)

- 2 This Schedule shall be construed as one with Part I of the said Act of 1975, and any reference in this Schedule to a section or Schedule not otherwise identified is a reference to that section or Schedule of that Act.

Notice of transfer

- 3 (1) The old and new participators shall within two months after the end of the transfer period deliver to the Board a notice in such form and containing such particulars with respect to the transfer as the Board may prescribe.
- (2) Where as a result of the same transaction or event—
- (a) the whole or part of the interest of two or more persons in an oil field becomes the interest or part of the interest of another person; or
 - (b) parts of a participator's interest in an oil field are transferred to two or more other persons,
- a single notice relating to all the transfers shall be given under this paragraph by all the old participators and new participators, and in relation to any such notice references in paragraphs 4 and 5 below to the old and new participators shall be construed accordingly.

Exclusion of transfer rules

- 4 (1) Parts II and III of this Schedule shall not apply in relation to a transfer if the old and new participators make an application in that behalf in the notice under paragraph 3 above and the Board consider that those provisions would not materially affect the total tax chargeable in respect of the field.
- (2) The Board shall give notice of their decision under this paragraph to the old and new participators.

Partial transfers

- 5 (1) Where the transfer is of part of the old participator's interest in the field the notice under paragraph 3 above shall state what the old and new participators propose should be the corresponding part of the amounts to be transferred to the new participator under paragraphs 6, 7 and 8 below and of the old participator's share of oil to be treated as that of the new participator under paragraph 9 below; and subject to the following provisions of this paragraph, the corresponding part shall for the purposes of those provisions be taken to be such part as is determined by the Board and specified in a notice given to the old and new participators.

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- (2) If the corresponding part determined by the Board differs from that proposed by the old and new participators they or any of them [^{F2}may appeal by notice] in writing given to the Board not more than three months after the notice given by the Board under sub-paragraph (1) above ^{F3}...; but the bringing of an appeal shall not affect the operation of the notice given by the Board.
- (3) The old participator or the new participator shall, whether or not himself the appellant, be entitled to [^{F4}be a party to] the appeal and in any proceedings arising out of it.
- (4) An appeal may be abandoned [^{F5}before it is notified to the tribunal] by notice in writing to the Board; and if before an appeal is determined the old and new participators agree with the Board on what should be the corresponding part referred to above the Board's notice under subsection (1) above shall have effect as if that were the part specified in it.
- (5) Where the corresponding part referred to above as specified in the Board's notice under sub-paragraph (1) is varied on appeal, the Board's notice shall have effect as if the varied part had been specified in it; and all such assessments or determinations or adjustments shall be made as are necessary in consequence of the variation.
- [^{F6}(6) The provisions of paragraphs 14A to 14I of Schedule 2 to the Oil Taxation Act 1975 shall apply to appeals under this paragraph subject to any necessary modifications.]

Textual Amendments

- F2** Words in Sch. 17 para. 5(2) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 95(2)(a)**
- F3** Words in Sch. 17 para. 5(2) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 95(2)(b)**
- F4** Words in Sch. 17 para. 5(3) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 95(3)**
- F5** Words in Sch. 17 para. 5(4) inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 95(4)**
- F6** Sch. 17 para. 5(6) inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 95(5)**

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