



# Petroleum Act 1998

## 1998 CHAPTER 17

### PART II

#### OFFSHORE ACTIVITIES

#### **10 Application of criminal law etc.**

- (1) Her Majesty may by Order in Council provide that, in such cases and subject to such exceptions as may be prescribed by the Order, any act or omission which—
  - (a) takes place on, under or above an installation in waters to which this section applies or any waters within 500 metres of any such installation; and
  - (b) would, if taking place in any part of the United Kingdom, constitute an offence under the law in force in that part,shall be treated for the purposes of that law as taking place in that part.
- (2) Her Majesty may by Order in Council provide that, in such cases and subject to such exceptions as may be prescribed by the Order, a constable shall on, under or above any installation in waters to which this section applies or any waters within 500 metres of such an installation have all the powers, protection and privileges which he has in the area for which he acts as constable.
- (3) Subsection (2) is without prejudice to any other enactment or rule of law affording any power, protection or privilege to constables.
- (4) Where a body corporate is guilty of an offence by virtue of an Order in Council under this section and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (5) Where the affairs of a body corporate are managed by its members, subsection (4) shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

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- (6) Proceedings for anything that is an offence by virtue of an Order in Council under this section may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (7) The waters to which this section applies are—
- (a) the territorial sea adjacent to the United Kingdom;
  - (b) waters in an area designated under section 1(7) of the <sup>M1</sup>Continental Shelf Act 1964; or
  - (c) waters in an area specified under subsection (8).
- (8) Her Majesty may from time to time by Order in Council specify any area which—
- (a) is in a foreign sector of the continental shelf; and
  - (b) comprises any part of a cross-boundary field,
- as an area as respects which the powers conferred by this section and section 11 are exercisable.
- (9) In this section—
- “cross-boundary field” means a field that extends across the boundary between waters falling within paragraph (a) or (b) of subsection (7) and a foreign sector of the continental shelf;
- “field” means a geological structure identified as such by Order in Council under subsection (8).
- (10) This section applies to installations notwithstanding that they are for the time being in transit [<sup>F1</sup>but does not apply to an installation that is a renewable energy installation (within the meaning of Chapter 2 of Part 2 of the Energy Act 2004) ] .
- (11) A statutory instrument containing an Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F1** Words in s. 10(10) inserted (1.4.2005) by Energy Act 2004 (c. 20), ss. 103(3), 198(2); S.I. 2005/877, art. 2(1), Sch. 1

#### Marginal Citations

**M1** 1964 c. 29.

## 11 Application of civil law.

- (1) Her Majesty may by Order in Council [<sup>F2</sup>, subject to subsection (4A)] —
- (a) provide that, in such cases and subject to such exceptions as may be prescribed by the Order, questions arising out of acts or omissions taking place on, under or above waters to which this section applies in connection with any activity mentioned in subsection (2) shall be determined in accordance with the law in force in such part of the United Kingdom as may be specified in the Order; and
  - (b) make provision for conferring jurisdiction with respect to such questions on courts in any part of the United Kingdom so specified.
- (2) The activities referred to in subsection (1) are—

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- (a) activities connected with the exploration of, or the exploitation of the natural resources of, the shore or bed of waters to which this section applies or the subsoil beneath it; and
  - (b) without prejudice to the generality of paragraph (a), activities carried on from, by means of or on, or for purposes connected with, installations to which subsection (3) applies.
- (3) This subsection applies to any installation which is or has been maintained, or is intended to be established, for the carrying on of any of the following activities, namely—
- (a) the exploitation or exploration of mineral resources in or under the shore or bed of waters to which this section applies;
  - [<sup>F3</sup>(aa) the exploration of any place in, under or over such waters with a view to the storage of gas in such a place;
  - (ab) the conversion of any place in, under or over waters to which this section applies for the purpose of storing gas;]
  - (b) the storage of gas [<sup>F4</sup>in, under or over] such waters or the recovery of gas so stored;
  - [<sup>F5</sup>(ba) the unloading of gas at any place in, under or over such waters;]
  - (c) the conveyance of things by means of a pipe, or system of pipes, constructed or placed on, in or under the shore or bed of such waters; and
  - (d) the provision of accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, for the carrying on of an activity within [<sup>F6</sup>any of paragraphs (a) to (c) ] or this paragraph.
- [<sup>F7</sup>(3A) In subsection (3) references (in whatever form) to storing gas include storing gas with a view to its permanent disposal.]
- (4) The fact that an installation has been maintained for the carrying on of an activity within subsection (3) shall be disregarded for the purposes of that subsection if, since it was so maintained, it has been outside waters to which this section applies or has been maintained for the carrying on of an activity not falling within that subsection.
- [<sup>F8</sup>(4A) An Order in Council may not make provision under subsection (1) in relation to questions arising out of acts or omissions taking place in connection with any activity carried on in, under or over relevant Scottish waters with a view to, or in connection with, the storage of carbon dioxide.
- (4B) In subsection (4A)—
- (a) “relevant Scottish waters” means tidal waters, and parts of the sea, in or adjacent to Scotland up to the seaward limits of the territorial sea, and
  - (b) references to the storage of carbon dioxide do not include the use of carbon dioxide for a purpose ancillary to getting petroleum (within the meaning of section 1).]
- (5) Any jurisdiction conferred on a court under this section shall be without prejudice to any jurisdiction exercisable apart from this section by that or any other court.
- (6) This section applies to installations notwithstanding that they are for the time being in transit.
- (7) A statutory instrument containing an Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (8) The waters to which this section applies are—
- (a) tidal waters and parts of the sea in or adjacent to the United Kingdom up to the seaward limits of the territorial sea;
  - (b) waters in an area designated under section 1(7) of the <sup>M2</sup>Continental Shelf Act 1964;
  - (c) waters in an area specified under section 10(8); and
  - (d) in relation to installations which are or have been maintained, or are intended to be established, in waters within paragraph (a), (b) or (c), waters in a foreign sector of the continental shelf which are adjacent to such waters.

[<sup>F9</sup>(9) In this section “gas” means—

- (a) gas within the meaning of section 2(4) of the Energy Act 2008, or
- (b) carbon dioxide.]

#### Textual Amendments

- F2** Words in s. 11(1) inserted (6.4.2009) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), [Sch. 1 para. 7\(a\)](#); S.I. 2009/45, art. 4(a)(iii)
- F3** S. 11(3)(aa)(ab) inserted (6.4.2009) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), [Sch. 1 para. 7\(b\)](#); S.I. 2009/45, art. 4(a)(iii)
- F4** Words in s. 11(3)(b) substituted (6.4.2009) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), [Sch. 1 para. 7\(c\)](#); S.I. 2009/45, art. 4(a)(iii)
- F5** S. 11(3)(ba) inserted (13.11.2009 for specified purposes) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), [Sch. 1 para. 7\(d\)](#); S.I. 2009/2809, art. 2 (with art. 4)
- F6** Words in s. 11(3)(d) substituted (6.4.2009) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), [Sch. 1 para. 7\(e\)](#); S.I. 2009/45, art. 4(a)(iii)
- F7** S. 11(3A) inserted (6.4.2009) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), [Sch. 1 para. 7\(f\)](#); S.I. 2009/45, art. 4(a)(iii)
- F8** S. 11(4A)(4B) inserted (6.4.2009) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), [Sch. 1 para. 7\(g\)](#); S.I. 2009/45, art. 4(a)(iii)
- F9** S. 11(9) inserted (6.4.2009 for specified purposes, 13.11.2009 for specified purposes) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), [Sch. 1 para. 7\(h\)](#); S.I. 2009/45, art. 4(a)(iii); S.I. 2009/2809, art. 2 (with art. 4)

#### Marginal Citations

- M2** 1964 c. 29.

## 12 Prosecutions.

- (1) Subject to subsection (2), this subsection applies to—
- (a) any offence alleged to have been committed on, under or above an installation in waters to which section 10 applies or any waters within 500 metres of such an installation; and
  - (b) any offence committed on or as respects an aircraft which is not registered in the United Kingdom which is an offence created by virtue of paragraph 6(5) of Part III of Schedule 13 to the <sup>M3</sup>Civil Aviation Act 1982.
- (2) Subsection (1) does not apply to any offence to which subsection (5) applies nor to any offence under, or under any provision which has effect under—
- (a) the Customs and Excise Acts 1979, or any enactment to be construed as one with those Acts or any of them;

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- (b) except where it is created by virtue of paragraph 6(5) of Part III of Schedule 13 to the Civil Aviation Act 1982, that Act or any enactment to be construed as one with that Act;
  - (c) the <sup>M4</sup>Pilotage Act 1987;
  - (d) the <sup>M5</sup>Value Added Tax Act 1994 or any enactment to be construed as one with that Act;
  - (e) the <sup>M6</sup>Merchant Shipping Act 1995; or
  - (f) Part III or IV of this Act.
- (3) No proceedings for an offence to which subsection (1) applies shall be instituted—
- (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions unless prosecution of the offence there requires the consent of the Attorney General;
  - (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland unless prosecution of the offence there requires the consent of the Attorney General for Northern Ireland.
- (4) Section 3 of the <sup>M7</sup>Territorial Waters Jurisdiction Act 1878 (restriction on prosecutions) shall not apply to any proceedings for an offence to which subsection (1) or (5) applies.
- (5) This subsection applies to—
- (a) any offence under section 23 of the <sup>M8</sup>Petroleum Act 1987 (safety zones); and
  - (b) any offence under any provision made under the <sup>M9</sup>Mineral Workings (Offshore Installations) Act 1971 which has effect by virtue of—
    - (i) paragraph (1) of regulation 6 (savings) of the <sup>M10</sup>Offshore Safety (Repeals and Modifications) Regulations 1993; or
    - (ii) paragraph (1) of regulation 6 (savings) of the <sup>M11</sup>Offshore Safety (Repeals and Modifications) Regulations (Northern Ireland) 1993.

#### Marginal Citations

<b>M3</b>	1982 c. 16.
<b>M4</b>	1987 c. 21.
<b>M5</b>	1994 c. 23.
<b>M6</b>	1995 c. 21.
<b>M7</b>	1878 c. 73.
<b>M8</b>	1987 c. 12.
<b>M9</b>	1971 c. 61.
<b>M10</b>	S.I. 1993/1823.
<b>M11</b>	S.R. (N.I.) 1993 No. 384.

### 13 Interpretation of Part II.

[<sup>F10</sup>(1)] In this Part of this Act—

“foreign sector of the continental shelf” has the meaning given by section 48(1); and

“installation” includes any floating structure or device maintained on a station by whatever means.

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- [<sup>F11</sup>(2) An Order in Council under section 126(2) of the Scotland Act 1998 (apportionment of sea areas) has effect for the purposes of this Part if, or to the extent that, the Order is expressed to apply—
- (a) by virtue of this subsection, for the purposes of this Part, or
  - (b) if no provision has been made by virtue of paragraph (a), for the general or residual purposes of that Act.]

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**Textual Amendments**

- F10** S. 13 renumbered as s. 13(1) (6.4.2009) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), [Sch. 1 para. 8](#); S.I. 2009/45, art. 4(a)(iii)
- F11** S. 13(2) inserted (6.4.2009) by [Energy Act 2008 \(c. 32\)](#), s. 110(2), [Sch. 1 para. 8](#); S.I. 2009/45, art. 4(a)(iii)

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