



Petroleum Act 1998

1998 CHAPTER 17

PART IV

ABANDONMENT OF OFFSHORE INSTALLATIONS

30 Persons who may be required to submit programmes.

- (1) A notice under section 29(1) shall not be given to a person in relation to the abandonment of an offshore installation unless at the time when the notice is given he is within any of the following paragraphs—
- (a) the person having the management of the installation or of its main structure;
 - (b) a person to whom subsection (5) applies in relation to the installation;
 - [^{F1}(ba) a person to whom subsection (5)(a) and (b) applied in relation to the installation, but who—
 - (i) transferred the right mentioned in that subsection to another person, and
 - (ii) has not obtained a consent required under the licence in relation to the transfer;]
 - (c) a person outside paragraphs (a) and (b) who is a party to a joint operating agreement or similar agreement relating to rights by virtue of which a person is within paragraph (b);
 - (d) a person outside paragraphs (a) to (c) who owns any interest in the installation otherwise than as security for a loan;
 - (e) a [^{F2}body corporate] which is outside paragraphs (a) to (d) but is associated with a [^{F2}body corporate] within any of those paragraphs.
- (2) A notice under section 29(1) shall not be given to a person in relation to the abandonment of a submarine pipeline unless at the time when the notice is given he is within any of the following paragraphs—
- (a) a person designated as the owner of the pipeline by an order made by the Secretary of State under section 27;
 - (b) a person outside paragraph (a) who owns any interest in the whole or substantially the whole of the pipeline, otherwise than as security for a loan;

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- (c) a [^{F3} body corporate] which is outside paragraphs (a) and (b) but is associated with a [^{F3} body corporate] within one of those paragraphs.
- (3) The Secretary of State may by written notice require a person appearing to the Secretary of State to be within any of the paragraphs of subsection (1) or (2) to give him, within such time as may be specified in the notice, the name and address of every other person whom the recipient of the notice believes to be within any of those paragraphs in relation to the installation or pipeline concerned.
- (4) A person who without reasonable excuse fails to comply with a notice under subsection (3) shall be guilty of an offence.
- (5) This subsection applies to a person in relation to an offshore installation if—
- (a) he has the right to exploit or explore mineral resources in any area, or to store gas in any area and to recover gas so stored; and
 - [^{F4}(b) either—
 - (i) any activity mentioned in subsection (6) is carried on from, by means of or on the installation, or
 - (ii) the person intends to carry on an activity mentioned in that subsection from, by means of or on the installation,]
 or if he had such a right when any such activity was last so carried on.
- (6) The activities referred to in subsection (5) are—
- (a) the exploitation or exploration of mineral resources, or the storage or recovery of gas, in the exercise of the right mentioned in subsection (5)(a);
 - (b) the conveyance in the area so mentioned, by means of a pipe or system of pipes, of minerals got, or gas being stored or recovered, in the exercise of that right; and
 - (c) 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 falling within paragraph (a) or (b) or this paragraph.
- (7) The fact that an installation has been maintained for the carrying on of an activity within subsection (6) shall be disregarded for the purposes of paragraph (c) of that subsection if, since it was so maintained, the installation—
- (a) has been outside relevant waters or, where it was so maintained in a part of a foreign sector of the continental shelf adjacent to those waters, the area consisting of those waters and that part; or
 - (b) has been maintained for the carrying on of an activity which is not within that subsection.
- [^{F5}(8) For the purposes of this section, one body corporate is associated with another if one of them controls the other or a third body corporate controls both of them; and subsections (8A) to (8D) set out the circumstances in which one body corporate (“A”) controls another (“B”).
- (8A) Where B is a company, A controls B if A possesses or is entitled to acquire—
- (a) one half or more of the issued share capital of B,
 - (b) such rights as would entitle A to exercise one half or more of the votes exercisable in general meetings of B,

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- (c) such part of the issued share capital of B as would entitle A to one half or more of the amount distributed if the whole of the income of B were in fact distributed among the shareholders, or
 - (d) such rights as would, in the event of the winding up of B or in any other circumstances, entitle it to receive one half or more of the assets of B which would then be available for distribution among the shareholders.
- (8B) Where B is a limited liability partnership, A controls B if A—
- (a) holds a majority of the voting rights in B,
 - (b) is a member of B and has a right to appoint or remove a majority of other members, or
 - (c) is a member of B and controls alone, or pursuant to an agreement with other members, a majority of the voting rights in B.
- (8C) In subsection (8B)(a) and (c) the references to “voting rights” are to the rights conferred on members in respect of their interest in a limited liability partnership to vote on those matters which are to be decided on by a vote of the members of the limited liability partnership.
- (8D) In any case, A controls B if A has the power, directly or indirectly, to secure that the affairs of B are conducted in accordance with A's wishes.]
- (9) In determining whether, by virtue of [^{F6}subsections (8) to (8D)], one [^{F7}body corporate] controls another, the first-mentioned [^{F7}body corporate] shall be taken to possess—
- (a) any rights and powers possessed by a person as nominee for it; and
 - (b) any rights and powers possessed by a [^{F7}body corporate] which it controls (including rights and powers which such a [^{F7}body corporate] would be taken to possess by virtue of this paragraph).

Textual Amendments

- F1** S. 30(1)(ba) inserted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), **ss. 72(2)(a)**, 110(2); S.I. 2009/45, art. 2(b)(i)
- F2** Words in s. 30(1)(e) substituted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), **ss. 72(2)(b)**, 110(2); S.I. 2009/45, art. 2(b)(i)
- F3** Words in s. 30(2)(c) substituted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), **ss. 72(3)**, 110(2); S.I. 2009/45, art. 2(b)(i)
- F4** S. 30(5)(b) substituted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), **ss. 72(4)**, 110(2); S.I. 2009/45, art. 2(b)(i)
- F5** S. 30(8)-(8D) substituted for s. 30(8) (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), **ss. 72(5)**, 110(2); S.I. 2009/45, art. 2(b)(i)
- F6** Words in s. 30(9) substituted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), **ss. 72(6)(a)**, 110(2); S.I. 2009/45, art. 2(b)(i)
- F7** Words in s. 30(9) substituted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), **ss. 72(6)(b)**, 110(2); S.I. 2009/45, art. 2(b)(i)

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