



Petroleum Act 1998

1998 CHAPTER 17

PART IV

ABANDONMENT OF OFFSHORE INSTALLATIONS

34 Revision of programmes.

- (1) Where the Secretary of State has approved a programme submitted to him under section 29—
 - (a) either he or the persons who submitted it acting together may propose an alteration to the programme or to any condition to which it is subject; and
 - (b) either he or any of those persons may propose that any person who by virtue of section 36 has a duty to secure that the programme is carried out shall cease to have that duty, or that a person who does not already have that duty shall have it (either in addition to or in substitution for another person).
- (2) In the case of a proposal of the kind mentioned in subsection (1)(b), any person who would if the proposed change were made have a duty to secure that the programme is carried out must be a person who—
 - (a) if the programme relates to an offshore installation, is within paragraph (a), (b), [F1(ba),] (c), (d) or (e) of section 30(1) when the proposal is made, or has been within one of those paragraphs at some time since the giving of the first notice under section 29(1) in relation to the installation; and
 - (b) if the programme relates to a submarine pipeline, is within paragraph (a), (b) or (c) of section 30(2) when the proposal is made, or has been within one of those paragraphs at some time since the giving of the first notice under section 29(1) in relation to the pipeline.
- (3) The Secretary of State shall not propose that a person who is or has been within paragraph^{F2}... (e) (but no other paragraph) of section 30(1) or paragraph (b) or (c) (but not paragraph (a)) of section 30(2) shall have a duty to secure that a programme is carried out unless it appears to the Secretary of State that a person already under that duty has failed or may fail to discharge it.

Status: Point in time view as at 01/10/2016.

Changes to legislation: Petroleum Act 1998, Section 34 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F3}(3A) A proposal that a person who is or has been within paragraph (b) or (c) of section 30(1) is to have a duty to secure that a programme is carried out may not be made if the Secretary of State would be prevented from giving a notice under section 29(1) to the person by virtue of section 31(A1) if the programme had not already been approved under this section.]

- (4) A proposal under subsection (1) shall be made by written notice given—
- (a) if the proposal is the Secretary of State's, to each of the persons by whom the programme was submitted; and
 - (b) in any other case, to the Secretary of State;
- and a person giving notice to the Secretary of State shall at the same time pay to him such fee in respect of his expenditure under this Part of this Act as may be determined in accordance with regulations under section 39.

[^{F4}(4A) A person who makes a proposal under subsection (1) that is likely to have an effect on the cost of carrying out the programme must frame it so as to ensure (whether by means of the timing of the measures proposed, the inclusion of provision for collaboration with other persons, or otherwise) that the cost of carrying out the programme as proposed to be altered is kept to the minimum that is reasonably practicable in the circumstances.

(4B) Where the Secretary of State makes a proposal under subsection (1)(a) the purpose of which is to reduce the total cost of carrying out a programme, the proposal may not increase the total costs to be met by any person who is to be subject to obligations under the programme or under any other abandonment programme.]

- (5) Where the Secretary of State has made a proposal under subsection (1)(a), he shall give an opportunity to make written representations about it to each of the persons who submitted the programme.
- (6) Where a proposal has been made under subsection (1)(b), the Secretary of State shall give an opportunity to make written representations about it to every person (other than one who made the proposal) who will if the proposed change is made—
- (a) have a duty to secure that the programme is carried out; or
 - (b) cease to have that duty.
- (7) The Secretary of State shall determine whether a change proposed under subsection (1) is to be made and shall then give notice of his determination, and of his reasons for it, to—
- (a) every person who, before the determination was made, had a duty to secure the carrying out of the programme; and
 - (b) any person who has that duty as a result of the determination.

[^{F5}(7A) If it appears to the Secretary of State that what is proposed under subsection (1) is likely to have an effect on the cost of carrying out the programme, the Secretary of State must, before making a determination under subsection (7)—

- (a) consult the OGA, and
- (b) take that effect into account.

- (7B) When consulted under subsection (7A)(a) the OGA must (in particular) consider and advise on—
- (a) alternatives to abandoning or decommissioning the installation or pipeline, such as re-using or preserving it, and

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- (b) whether subsection (4A) applies and, if so, whether it has been complied with.]
- (8) Where the Secretary of State determines that a change proposed in accordance with this section shall be made, this Part of this Act shall thereafter have effect as if the programme had been approved by the Secretary of State after being submitted under section 29 with the alterations, or as the case may be by the persons, specified in the determination.

Textual Amendments

- F1** Word in s. 34(2)(a) inserted (26.1.2009) by Energy Act 2008 (c. 32), s. 110(2), **Sch. 5 para. 10(a)**; S.I. 2009/45, art. 2(e)(iv)
- F2** Words in s. 34(3) repealed (26.1.2009) by Energy Act 2008 (c. 32), s. 110(2), Sch. 5 para. 10(b), **Sch. 6**; S.I. 2009/45, art. 2(e)(dd)(iv)(vi)
- F3** S. 34(3A) inserted (26.1.2009) by Energy Act 2008 (c. 32), **ss. 72(8)**, 110(2); S.I. 2009/45, art. 2(b)(i)
- F4** S. 34(4A)(4B) inserted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), **Sch. 2 para. 6(2)**; S.I. 2016/920, reg. 2(c)
- F5** S. 34(7A)(7B) inserted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), **Sch. 2 para. 6(3)**; S.I. 2016/920, reg. 2(c)

Modifications etc. (not altering text)

- C1** S. 34(1) and (7) modified (1.7.1999) by S.I. 1999/672, arts. 1(2), 5, **Sch. 2**
- C2** S. 34(7) modified (1.7.1999) by S.I. 1999/1750, art. 4, **Sch. 3**

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