

Status: Point in time view as at 13/11/2009.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2008, Cross Heading: Petroleum Act 1998 (c. 17). (See end of Document for details)

SCHEDULES

SCHEDULE 1

AMENDMENTS RELATING TO CHAPTERS 2 AND 3 OF PART 1

Petroleum Act 1998 (c. 17)

6 The Petroleum Act 1998 is amended as follows.

Commencement Information

II Sch. 1 para. 6 in force at 6.4.2009 by S.I. 2009/45, art. 4(a)(iii)

- 7 In section 11 (application of civil law)—
- (a) in subsection (1), after “Order in Council” insert “ , subject to subsection (4A) ”,
 - (b) in subsection (3), after paragraph (a) insert—
 - “(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;”
 - (c) in paragraph (b) of that subsection, for “in or under the shore or bed of” substitute “ in, under or over ”,
 - (d) after that paragraph insert—
 - “(ba) the unloading of gas at any place in, under or over such waters;”
 - (e) in paragraph (d) of that subsection, for “paragraph (a), (b) or (c)” substitute “ any of paragraphs (a) to (c) ”,
 - (f) after that subsection insert—
 - “(3A) In subsection (3) references (in whatever form) to storing gas include storing gas with a view to its permanent disposal.”
 - (g) after subsection (4) insert—
 - “(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

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- (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).”, and
- (h) after subsection (8) insert—
- “(9) In this section “gas” means—
- (a) gas within the meaning of section 2(4) of the Energy Act 2008, or
- (b) carbon dioxide.”

Commencement Information

- I2** Sch. 1 para. 7(a)-(c)(e)-(g) in force at 6.4.2009 by [S.I. 2009/45](#), [art. 4\(a\)\(iii\)](#)
- I3** [Sch. 1 para. 7\(d\)\(h\)](#) in force at 13.11.2009 for specified purposes by [S.I. 2009/2809](#), [art. 2](#) (with [art. 4](#))
- I4** Sch. 1 para. 7(h) in force at 6.4.2009 for specified purposes by [S.I. 2009/45](#), [art. 4\(a\)\(iii\)](#)

- 8 In section 13 (interpretation of Part 2), after the existing provision (which becomes subsection (1)) insert—

“(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.”

Commencement Information

- I5** [Sch. 1 para. 8](#) in force at 6.4.2009 by [S.I. 2009/45](#), [art. 4\(a\)\(iii\)](#)

- 9 In section 28 (interpretation of Part 3), in the definition of “gas”—
- (a) in paragraph (a), for “or carbon monoxide” substitute “, carbon monoxide or a substance designated under paragraph (e) of the definition of “gas” in section 2(4) of the Energy Act 2008 ”,
- (b) in paragraph (b) for “gases” substitute “ substances ”, and
- (c) in paragraph (c) for “gases” substitute “ substances ”.

Commencement Information

- I6** [Sch. 1 para. 9](#) in force at 13.11.2009 for specified purposes by [S.I. 2009/2809](#), [art. 2](#) (with [art. 4](#))

- 10 In section 30 (persons who may be required to submit programmes)—
- (a) for subsection (5)(a) substitute—
- “(a) the person has the right—
- (i) to exploit or explore mineral resources in any area,
- (ii) to unload, store or recover gas in any area or to convert any natural feature in any area for the purpose of storing gas, or

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- (iii) to explore any area with a view to, or in connection with, the exercise of a right within subparagraph (i) or (ii), and”,
- (b) in subsection (6), for paragraph (a) substitute—
- “(a) the exploitation or exploration of mineral resources in the exercise of the right mentioned in subsection (5)(a);
 - (aa) the unloading, storage or recovery of gas in the exercise of that right;
 - (ab) the conversion, in the exercise of that right, of any natural feature for the purpose of storing gas;
 - (ac) the exploration in exercise of that right with a view to, or in connection with, the exercise of a right within subsection (5)(a)(ii);”, and
- (c) in paragraph (c) of that subsection, for “or (b)” substitute “to (b)”.

Commencement Information

I7 Sch. 1 para. 10 in force at 13.11.2009 for specified purposes by S.I. 2009/2809, art. 2 (with art. 4)

- 11 In section 44 (offshore installations)—
- (a) in subsection (3), after paragraph (a) insert—
 - “(aa) the exploration of any place in, under or over relevant waters with a view to the storage of gas in such an place;
 - (ab) the conversion of any place in, under or over relevant waters for the purpose of storing gas;”,
 - (b) in paragraph (b) of that subsection, for “in or under the shore or bed of” substitute “in, under or over”;
 - (c) after that paragraph insert—
 - “(ba) the unloading of gas at any place in, under or over relevant waters;”,
 - (d) in paragraph (d) of that subsection, for “paragraph (a), (b) or (c)” substitute “any of paragraphs (a) to (c)”, and
 - (e) in subsection (5), after “section—” insert—

““gas” means gas within the meaning of section 2(4) of the Energy Act 2008;”.

Commencement Information

I8 Sch. 1 para. 11 in force at 13.11.2009 for specified purposes by S.I. 2009/2809, art. 2 (with art. 4)

- 12 In section 47A (factors for the Secretary of State to take into account when performing functions under the Petroleum Act 1998)—
- (a) in subsection (1), after paragraph (a) insert—
 - “(aa) activities which are authorised by a licence under Chapter 2 or 3 of Part 1 of the Energy Act 2008 (gas importation and storage);”,
 - (b) in paragraph (b) of that subsection for “such activities” substitute “activities within paragraph (a) or (aa)”, and

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(c) after subsection (2) insert—

“(2A) For the purposes of subsection (1)(aa), activities are to be regarded as activities authorised by a licence under Chapter 2 or 3 of Part 1 of the Energy Act 2008 if, by virtue of such a licence, they are activities which may be carried on only with the consent of the Secretary of State or another person.”

Commencement Information

19 Sch. 1 para. 12 in force at 6.4.2009 by S.I. 2009/45, art. 4(a)(iii)

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