



# Energy Act 2008

## 2008 CHAPTER 32

### PART 4

#### PROVISIONS RELATING TO OIL AND GAS

##### *Third party access*

#### **78 Third party access to infrastructure**

- (1) In section 66(1) of the Pipe-lines Act 1962 (c. 58) (interpretation)—
- (a) in the definition of “gas processing operation”, omit “and” after paragraph (b) and after paragraph (c) insert—
    - “(d) separating, purifying, blending, odourising or compressing gas, for the purpose of—
      - (i) converting it into a form in which a purchaser is willing to accept delivery from a seller, or
      - (ii) enabling it to be loaded for conveyance to another place (whether inside or outside Great Britain); and
    - (e) loading gas—
      - (i) at a facility which carries out operations of a kind mentioned in paragraph (d), or
      - (ii) piped from such a facility,for the purpose of enabling the gas to be conveyed to another place (whether inside or outside Great Britain);”
  - (b) in the definition of “terminal”, omit “and” after paragraph (b) and after paragraph (c) insert “; and
    - (d) oil processing facilities (within the meaning given by section 81(8) of the Energy Act 2008);”and
  - (c) in the definition of “upstream petroleum pipe-line” after paragraph (c) insert—

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*Status: This is the original version (as it was originally enacted).*

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“including all apparatus, works and services associated with the operation of such a pipe-line or network.”

- (2) In section 12 of the Gas Act 1995 (c. 45) (rights to use gas processing facilities)—
- (a) in subsection (6), in the definition of “gas processing operation”, omit “and” at the end of paragraph (b) and after paragraph (c) insert—
    - “(d) separating, purifying, blending, odourising or compressing gas for the purpose of—
      - (i) converting it into a form in which a purchaser is willing to accept delivery from a seller, or
      - (ii) enabling it to be loaded for conveyance to another place (whether inside or outside Great Britain); and
    - (e) loading gas—
      - (i) at a facility which carries out operations of a kind mentioned in paragraph (d), or
      - (ii) piped from such a facility,
 for the purpose of enabling the gas to be conveyed to another place (whether inside or outside Great Britain);”, and
  - (b) for subsection (7) substitute—
    - “(7) For the purposes of this section “associate”, in relation to the owner of a gas processing facility, is to be construed in accordance with section 82 of the Energy Act 2008 (and for this purpose the reference in subsection (1) of that section to the owner of an oil processing facility is to be read as a reference to the owner of a gas processing facility).”
- (3) In section 26 of the Petroleum Act 1998 (c. 17) (meaning of “pipeline”)—
- (a) in subsection (1) for “any apparatus and works associated with such a pipe or system” substitute “all apparatus, works and services associated with the operation of such a pipe or system”, and
  - (b) omit subsection (2).
- (4) In section 28 of that Act (interpretation of Part 3)—
- (a) in the definition of “gas processing operation”, omit “and” after paragraph (b) and after paragraph (c) insert—
    - “(d) separating, purifying, blending, odourising or compressing gas, for the purpose of—
      - (i) converting it into a form in which a purchaser is willing to accept delivery from a seller, or
      - (ii) enabling it to be loaded for conveyance to another place (whether inside or outside Great Britain); and
    - (e) loading gas—
      - (i) at a facility which carries out operations of a kind mentioned in paragraph (d), or
      - (ii) piped from such a facility,
 for the purpose of enabling the gas to be conveyed to another place (whether inside or outside Great Britain);”,
  - (b) after the definition of “notice” insert—

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“oil processing facility” means any facility in Great Britain, the territorial sea adjacent to the United Kingdom or the sea in any area designated under section 1(7) of the Continental Shelf Act 1964 which carries out oil processing operations;

“oil processing operations” means any of the following operations—

- (a) initial blending and such other treatment of petroleum as may be required to produce stabilised crude oil and other hydrocarbon liquids to the point at which a seller could reasonably make a delivery to a purchaser of such oil and liquids;
  - (b) receiving stabilised crude oil and other hydrocarbon liquids piped from an oil processing facility carrying out operations of a kind mentioned in paragraph (a), or storing oil or other hydrocarbon liquids so received, prior to their conveyance to another place (whether inside or outside Great Britain);
  - (c) loading stabilised crude oil and other hydrocarbon liquids piped from a facility carrying out operations of a kind mentioned in paragraph (a) or (b) for conveyance to another place (whether inside or outside Great Britain);”
- (c) in the definition of “terminal”, after paragraph (a) insert—  
“(aa) oil processing facilities;”.