
STATUTORY INSTRUMENTS

1982 No. 92

The Oil Taxation (Gas Banking Schemes) Regulations 1982

Election under the principal section

6.—(1) On being notified of the decision of the Board consenting to the making of an election, or on the expiration of the period of three months referred to in paragraph (7) of Regulation 5 above, the responsible persons shall forthwith inform the participators in the relevant fields that the Board have, or are to be deemed to have, so consented and the participators in each relevant field may within one month of such notification make an election in the manner prescribed by this Regulation.

(2) An election shall be made by all the participators in the relevant fields in the form of a notice to the Board signed by each of them stating that they have elected that the modifications shall apply in the case of the scheme.

(3) Following the making of an election the modifications shall, subject to paragraph (4) below, apply—

- (a) for the purposes of petroleum revenue tax and supplementary petroleum duty, for chargeable periods beginning with that in which gas is first transferred under the scheme, and
- (b) for the purposes of income tax and the charge of corporation tax on income, in relation to any gas transferred under the scheme.

(4) Where gas has been transferred under a gas banking scheme before these Regulations come into operation and an election is subsequently made in accordance with this Regulation the modifications shall apply—

- (a) for the purposes of petroleum revenue tax and supplementary petroleum duty, for chargeable periods before these Regulations came into operation beginning with that in which gas was first transferred under the scheme, and
- (b) for the purposes of income tax and the charge of corporation tax on income, in relation to any gas transferred under the scheme whether before or after these Regulations came into operation,

and the Board shall make such assessments and determinations or such amendments of assessments and determinations in relation to petroleum revenue tax and supplementary petroleum duty and the inspector shall make such assessments or adjustments to assessments to income tax or corporation tax (notwithstanding that the assessments in question may have become final) as may be necessary in the circumstances.

(5) An election shall continue in force so long as gas is transferred under the gas banking scheme in respect of which the election was made and the Board have not revoked their consent to the making of the election; and any person to whom a participator in a relevant field transfers his interest, or part of his interest, in the field and who is or becomes a participator in that field shall be treated by virtue of the transfer as having joined in the election and as having given the same undertakings to the Board under paragraph (5)(b) of Regulation 5 above as were given by the participators in connection with the application for the Board's consent to the making of the election.

(6) No election may be made otherwise than in accordance with this Regulation.