

## SCHEDULES

### SCHEDULE 3

Section 37.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Continental Shelf Act 1964*

- 1 At the end of section 1(7) of the 1964 Act (designated areas) there shall be inserted the words " ; and the power to make Orders under this subsection shall include power to revoke Orders for the purpose of consolidating them. "
- 2 In section 6 (wireless telegraphy) and section 7 (radioactive substances) of that Act for the words " section 3 of this Act " there shall be substituted the words " section 23 of the Oil and Gas (Enterprise) Act 1982 ".
- 3 In section 11(1) of that Act for the words from "under this Act (including " to " section 3(1) of this Act) " there shall be substituted the words " under another Act as applied by or under this Act ".
- 4 After section 11 of that Act there shall be inserted the following section—

##### **“11A Interpretation.**

In this Act 'installation' includes any floating structure or device maintained on a station by whatever means.”

##### *The General Rate Act 1967*

- 5 (1) In subsection (3) of section 33 of the General Rate Act 1967 (British Gas Corporation) for the words from "the Corporation ", in the first place where they occur, to the end of paragraph (c) there shall be substituted the following paragraphs—
  - “(a) the Corporation—
    - (i) supplied gas to consumers in that area ; or
    - (ii) manufactured gas in that area; or
    - (iii) produced gas in that area by the application to gas purchased by them of any process not consisting only of purification, or of blending with other gases, or of both purification and such blending ; or
  - (b) private suppliers (within the meaning of section 33A of this Act) supplied to consumers in that area gas which had been conveyed (whether within or outside that area) by pipe-lines belonging to the Corporation,”.
- (2) In subsection (7) of that section for the words "includes gas in a liquid state " there shall be substituted the words " has the same meaning as in Part I of the Gas Act 1972 ".

6 After that section there shall be inserted the following section—

**“33A Other suppliers of gas.**

(1) The Secretary of State may by order provide that, in such cases and subject to such exceptions and modifications as may be prescribed by the order, section 33 of and Part II of Schedule 6 to this Act shall apply to premises occupied by private suppliers for or in connection with the supply of gas through pipes to consumers' premises.

(2) In this section—

' gas' has the same meaning as in Part III of the Gas Act 1972;

' private supplier' means a person authorised by a consent given under section 29 of that Act, or by section 29 A of that Act, to supply gas through pipes to consumers' premises.

(3) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

*The Mineral Workings (Offshore Installations) Act 1971*

7 (1) In section 3(4) of the 1971 Act (construction and survey regulations for offshore installations) for the words " the concession owner ", in both places where they occur, there shall be substituted the words " every person who, in relation to the installation, is a concession owner ".

8 In sections 3(4), 4(1), 6(1) and 9(2) of that Act, for the words " waters to which this Act applies ", wherever they occur, there shall be substituted the words " controlled waters ".

9 In section 5(2) of that Act (masters of offshore installations, further provisions) for the words " an installation" there shall be substituted the words " an offshore installation ".

10 In section 6(2) of that Act (safety regulations) the word " and " immediately following paragraph (c) shall be omitted and after that paragraph there shall be inserted the following paragraph—

“(cc) vessels on which accommodation is provided for persons who work on or from installations, and”.

11 (1) In subsection (1) of section 12 of that Act (interpretation)—

(a) for the definition of "concession owner" there shall be substituted the following definition—

“ controlled waters ' has the meaning given by section 1(4) of this Act,”;

(b) after the definition of " designated area" there shall be inserted the following definition—

“ foreign sector of the continental shelf' has the meaning given by section 1(4) of this Act,”;

(c) for the definition of " offshore installation " there shall be substituted the following definition—

“ offshore installation' has the meaning given by section 1(4) of this Act,”; and

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(d) the definitions of " underwater exploitation" and " underwater exploration " shall be omitted.

(2) For subsections (2) and (3) of that section there shall be substituted the following subsections—

“(2) A person who 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, shall be a concession owner for the purposes of this Act in relation to any offshore installation at any time if, at that time, there is carried on from, by means of or on the installation any of the following activities, namely—

- (a) the exploitation or exploration of mineral resources, or the storage or recovery of gas, in the exercise of that right;
- (b) the conveyance in that area by means of a pipe or system of pipes, of minerals gotten, 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) above or this paragraph.

(3) The fact that an installation has been maintained for the carrying on of an activity falling within subsection (2) above shall be disregarded for the purposes of paragraph (c) of that subsection if, since it was so maintained, the installation—

- (a) has been outside controlled 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 not falling within that subsection.”

*The Gas Act 1972*

12 In section 7(2) of the 1972 Act (general powers of Secretary of State to give directions to Gas Corporation)—

- (a) the words "to dispose of any part of their undertaking or of any assets held by them" and the words "to dispose of any part of its undertaking or of any assets held by it" shall be omitted ; and
- (b) for the words from " the Corporation shall" onwards there shall be substituted the words " it shall be the duty of the Corporation (notwithstanding any duty imposed on them by or under any enactment) to give effect to any such direction ".

13 In section 24 of that Act (duty of Gas Corporation to avoid undue preference) the following subsection shall be inserted after subsection (2)—

“(3) In this section ' consumer' means any person who—

- (a) is the owner or occupier of premises situated within 25 yards from any distribution main of the Corporation ; and
- (b) is there supplied with gas by the Corporation at a rate not exceeding 25,000 therms a year.”

14 (1) After section 31 of that Act there shall be inserted the following section—

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*“Supplementary*

**31A Relief to suppliers in emergency conditions.**

- (1) Without prejudice to any other provision of this Act or the provisions of any regulations thereunder, in any proceedings against any person supplying gas through pipes for or arising out of a failure by him to comply with any duty with respect to the supply of gas imposed on him by or under any enactment (including any duty with respect to pressure of supply), it shall be a defence for that person to prove that circumstances existed by reason of which compliance with the duty would or might have involved danger to the public, and that he took all such steps as it was reasonable for him to take both to prevent the circumstances from occurring and to prevent them from having that effect.”
- (2) Section 28 of that Act (which is superseded by this paragraph) shall be omitted.
- 15 Section 30(8) of that Act (provisions as to testing and stamping of meters not to apply in relation to the supply of gas under certain agreements made by the Gas Corporation) shall be omitted.
- 16 In section 45(4) of that Act (provisions as to regulations and orders) after the words " an order appointing a day " there shall be inserted the words " , an order under section 29(3) above " .
- 17 In section 48(1) of that Act (interpretation)—
- (a) after the definition of " the Corporation " there shall be inserted the following definition—
- “distribution main ' , in relation to the Corporation, means any main of the Corporation through which the Corporation are for the time being distributing gas and which is not used only for the purpose of giving a separate supply of gas for industrial purposes, or of conveying gas in bulk ;” ; and
- (b) after the definition of " functions " there shall be inserted the following definition—
- “gas' means—
- (a) any substance which consists wholly or mainly of—
- (i) methane, ethane, propane, butane, hydrogen or carbon monoxide ;
- (ii) a mixture of two or more of those gases ; or
- (iii) a combustible mixture of one or more of those gases and air ; and
- (b) any other substance which is gaseous at a temperature of 15°C and a pressure of 1013.25 milli bars and is specified in an order made by the Secretary of State,
- except that, in Part III of this Act, that expression does not include any substance which is not in a gaseous state.”
- 18 At the end of paragraph 1 of Schedule 2 to that Act (powers of acquisition) there shall be added the words " (including any enactment passed or made after the passing of this Act) " .

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- 19 In paragraph 2(1) of Schedule 4 to that Act (obligation to supply gas) for the words "any main of the Corporation through which the Corporation are for the time being distributing gas " there shall be substituted the words " any distribution main of the Corporation " , and the proviso shall be omitted.

*The Local Government Act 1974*

- 20 In Schedule 3 to the Local Government Act 1974 (hereditaments to which section 19(1) of that Act applies) after paragraph 3 there shall be inserted the following paragraphs—

“3A (1) Any hereditament which a private supplier is to be treated as occupying in a rating area by virtue of section 33(3) of the principal Act as applied by order under section 33A of that Act.

(2) In this paragraph and paragraph 3B below—

' gas' has the same meaning as in Part III of the Gas Act 1972 ;

' private supplier' means a person authorised by a consent given under section 29 of that Act, or by section 29A of that Act, to supply gas through pipes to consumers' premises.

3B Any hereditament occupied for or in connection with the conveyance of gas through pipes other than one which—

(a) is occupied by the British Gas Corporation ; or

(b) is occupied by a private supplier for or in connection with the supply of gas through pipes to consumers' premises.”

*The Social Security Act 1975*

- 21 In section 132(2) of the Social Security Act 1975 (meaning of " continental shelf operations ") for the words from " the exploitation " onwards there shall be substituted the words " any activities which, if paragraphs (a) and (d) of subsection (6) of section 23 of the Oil and Gas (Enterprise) Act 1982 (application of civil law to certain offshore activities) were omitted, would nevertheless fall within subsection (2) of that section. "

*The Oil Taxation Act 1975*

- 22 In paragraph 2A(4) of Schedule 3 to the Oil Taxation Act 1975—
- (a) in paragraph (a) for the words " section 8 or 9 of that Act" there shall be substituted the words " section 29 of the Gas Act 1972 " and the words " or use " and " and to the use of the gas supplied under it" shall be omitted ; and
- (b) in paragraph (b) for the words " those sections " there shall be substituted the words " that section " and the words " or use " shall be omitted.

*The Local Government (Scotland) Act 1975*

- 23 After paragraph 3 of Schedule 1 to the Local Government (Scotland) Act 1975 (certain lands and heritages of the Gas Corporation to be valued by formula for rating) there shall be inserted the following paragraphs—

“3A (1) Any lands and heritages occupied by a private supplier for or in connection with the supply of gas through pipes to consumers' premises, other than—

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- (a) lands and heritages occupied and used as a dwelling house ;
- (b) a shop, room or other place occupied and used by a private supplier wholly or mainly for the sale, display or demonstration of apparatus or accessories for use by consumers of gas:

Provided that in determining whether any such shop, room or other place is wholly or mainly occupied and used as aforesaid, use for the receipt of payments for gas consumed shall be disregarded ;

- (c) lands and heritages held by a private supplier under a lease for a period not exceeding 21 years ;
- (d) premises which are—
  - (i) occupied by a private supplier ;
  - (ii) used wholly or mainly as an office or for office purposes (within the meaning of paragraph 2 of this Schedule); and
  - (iii) situated on land which, in respect of its nature and situation, is comparable rather with land in general than with land used for the purpose of supplying gas through pipes ; or
- (e) lands and heritages occupied and used by a private supplier wholly or mainly for the manufacture of plant or gas fittings.

(2) In this paragraph and paragraph 3B below—

' gas' has the same meaning as in Part III of the Gas Act 1972 ;

' private supplier' means a person authorised by a consent given under section 29 of that Act, or by section 29A of that Act, to supply gas through pipes to consumers' premises.

- 3B Any lands and heritages occupied for or in connection with the conveyance of gas through pipes other than lands and heritages which—
- (a) are occupied by the British Gas Corporation ;
  - (b) are occupied by a private supplier for or in connection with the supply of gas through pipes to consumers' premises; or
  - (c) are occupied and used as a dwelling house.”

*The Sex Discrimination Act 1975*

24 In section 10(5) of the Sex Discrimination Act 1975 (employment at establishment in Great Britain)—

- (a) for the words from " exploration " to " natural resources " there shall be substituted the words " any activity falling within section 23(2) of the Oil and Gas (Enterprise) Act 1982 "; and
- (b) after " 1964 " there shall be inserted the words " or specified under section 22(5) of the Oil and Gas (Enterprise) Act 1982 " .

*The Employment Protection Act 1975*

25 For subsection (2) of section 127 of the Employment Protection Act 1975 (power to extend employment legislation) there shall be substituted the following subsection—

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- “(2) This section applies to employment for the purposes of—
- (a) any activities in the territorial waters of the United Kingdom ; or
  - (b) any activities which, if paragraphs (a) and (d) of subsection (6) of section 23 of the Oil and Gas (Enterprise) Act 1982 (application of civil law to certain offshore activities) were omitted, would nevertheless fall within subsection (2) of that section.”

*The Petroleum and Submarine Pipe-lines Act 1975*

- 26 In section 1 of the 1975 Act (constitution of the Oil Corporation)—
- (a) in subsection (2) (number of members) for the words "not less than eight and not more than twenty " there shall be substituted the words " not less than five and not more than twelve "; and
  - (b) subsection (3)(c) (two members to be civil servants) shall be omitted.
- 27 In section 2 of that Act (general powers of the Oil Corporation)—
- (a) in subsection (1) for paragraph (e) there shall be substituted the following paragraph—
    - “(e) without prejudice to the generality of the preceding paragraphs, to enter into participation agreements (within the meaning of the Participation Agreements Act 1978) and to do anything required for the purpose of giving effect to such arrangements, including agreements entered into by persons other than the Corporation ;”;
  - (b) in subsection (4)(d) the words " or lend " shall be omitted and for the word " guarantee " there shall be substituted the words " give any surety or guarantee for ".
- 28 In section 3 of that Act (general duties of the Oil Corporation) subsection (3) (duty to tender advice to the Secretary of State) shall be omitted.
- 29 At the beginning of subsection (2) of section 37 of that Act (inspectors) there shall be inserted the words " Subject to subsection (3) of this section " and after that subsection there shall be inserted the following subsection—
- “(3) The powers conferred on an inspector by paragraph (a) or (b) of the preceding subsection shall not be exercisable as respects any refinery or land unless not less than 7 days' notice has been given to a person having control of that refinery or land.”
- 30 In section 44 of that Act (extension of the 1971 Act) subsections (1) to (4) shall be omitted.
- 31 In section 45(3) of that Act (exclusion of Dumping at Sea Act 1974) the words " or any such other installation as is mentioned in section 44(1) of this Act" shall be omitted.
- 32 In section 46 of the 1975 Act (orders and regulations), in subsections (1) and (2), after the words "section 6(3)" there shall be inserted the words " or (10) ".
- 33 In paragraph 14 of Schedule 1 to that Act (constitution etc. of the Oil Corporation) for the words from " appointed " onwards there shall be substituted the words " who is employed in the civil service of the State ".

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*The Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976*

- 34 In section 9 of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (application to continental shelf) for the words from " the exploration " to " resources " there shall be substituted the words " any activity falling within subsection (2) of section 23 of the Oil and Gas (Enterprise) Act 1982 " and for the words " section 3(2) of the Continental Shelf Act 1964 " there shall be substituted the words " subsection (1) of that section ".

*The Fair Employment (Northern Ireland) Act 1976*

- 35 In section 49(3) of the Fair Employment (Northern Ireland) Act 1976 (employment at establishment in Northern Ireland)—
- (a) for the words from " the exploration " to " natural resources " there shall be substituted the words " any activity falling within section 23(2) of the Oil and Gas (Enterprise) Act 1982 "; and
  - (b) after " 1964 " there shall be inserted the words " or specified under section 22(5) of the Oil and Gas (Enterprise) Act 1982 ".

*The Race Relations Act 1976*

- 36 In section 8(5) (employment at establishment in Great Britain) and section 9(3) (exception for seamen recruited abroad) of the Race Relations Act 1976—
- (a) for the words from " exploration " to " natural resources " there shall be substituted the words " any activity falling within section 23(2) of the Oil and Gas (Enterprise) Act 1982 "; and
  - (b) after " 1964 " there shall be inserted the words " or specified under section 22(5) of the Oil and Gas (Enterprise) Act 1982 ".

*The Energy Act 1976*

- 37 (1) For sections 9 to 11 of the Energy Act 1976 (which impose restrictions on the use and liquefaction of offshore natural gas) there shall be substituted the following section—

**“9 Liquefaction of offshore natural gas.**

- (1) The Secretary of State's consent is required for offshore natural gas to be subjected in Great Britain to any process of liquefaction which results in the production of liquid methane or ethane except such small quantities of liquid methane or ethane as may be produced in the course of providing a supply with consent under section 29 of the Gas Act 1972 and in compliance with any conditions subject to which that consent was given, or providing a supply for which such consent is not required.
- (2) The Secretary of State's consent under subsection (1) above may be given either with reference to particular cases or by means of orders of general application.
- (3) A specific consent given to any person under subsection (1) above (that is to say, a consent given to him otherwise than by an order of general application) is irrevocable and may be given for a specified period or definitely.
- (4) Where consent under that subsection has been given by an order of general application, any person who proposes to undertake a process of liquefaction



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which is covered by that general consent may notify the Secretary of State of his proposal (in the manner specified in the order), whereupon subsection (3) above applies as if specific consent either unlimited in duration or, if the order so provides, for the period there specified, had been given to him for that process of liquefaction.

(5) The consent of the Secretary of State under subsection (1) above may in any case be made subject to conditions which may, in particular, be framed by reference to the description or origin of the gas.

(6) In this section—

" offshore natural gas " means natural gas won under the authority of licences under the Petroleum (Production) Act 1934, as applied by section 1(3) of the Continental Shelf Act 1964, but does not include gas derived from offshore crude otherwise than as a by-product of crude stabilisation ;

" offshore crude " means crude liquid petroleum won under such authority;

" crude stabilisation " means the treating of offshore crude to enable it to be safely stored or transported.”.

(2) In section 17(1) of that Act for the words " 10 or " there shall be substituted the words " 9 or ".

#### *The Sex Discrimination (Northern Ireland) Order 1976*

38 In section 13(5) of the Sex Discrimination (Northern Ireland) Order 1976 (employment at establishment in Northern Ireland)—

(a) for the words from " exploration " to " natural resources " there shall be substituted the words " any activity falling within section 23(2) of the Oil and Gas (Enterprise) Act 1982 "; and

(b) after " 1964 " there shall be inserted the words " or specified under section 22(5) of the Oil and Gas (Enterprise) Act 1982 ".

#### *The Patents Act 1977*

39 In section 132(4) of the Patents Act 1977 (application of Act) for the words from " in connection " to " resources " there shall be substituted the words " or specified by Order under section 22(5) of the Oil and Gas (Enterprise) Act 1982 in connection with any activity falling within section 23(2) of that Act ".

#### *The Employment Protection (Consolidation) Act 1978*

40 (1) For subsection (2) of section 137 of the Employment Protection (Consolidation) Act 1978 (extension of employment protection legislation) there shall be substituted the following subsection—

“(2) This section applies to employment for the purposes of—

(a) any activities in the territorial waters of the United Kingdom ; or

(b) any activities which, if paragraphs (a) and (d) of subsection (6) of section 23 of the Oil and Gas (Enterprise) Act 1982 (application of civil law to certain offshore activities) were omitted, would nevertheless fall within subsection (2) of that section.”

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(2) Subsection (5) of that section shall be omitted.

*The Wages Councils Act 1979*

41 (1) For subsection (2) of section 27 of the Wages Councils Act 1979 (extension of Act) there shall be substituted the following subsection—

“(2) This section applies to employment for the purposes of—

- (a) any activities in the territorial waters of the United Kingdom ; or
- (b) any activities which, if paragraphs (a) and (d) of subsection (6) of section 23 of the Oil and Gas (Enterprise) Act 1982 (application of civil law to certain offshore activities) were omitted, would nevertheless fall within subsection (2) of that section”.

(2) Subsection (5) of that section shall be omitted.

*The Civil Jurisdiction and Judgments Act 1982*

42 In paragraph 9 of Schedule 5 to the Civil Jurisdiction and Judgments Act 1982 (proceedings excluded from Schedule 4 to that Act) for the words " section 3 of the Continental Shelf Act 1964 " there shall be substituted the words " section 23 of the Oil and Gas (Enterprise) Act 1982 ".

43 In paragraph 10 of Schedule 9 to that Act (proceedings excluded from Schedule 8 to that Act) for the words " section 3 of the Continental Shelf Act 1964" there shall be substituted the words " section 23 of the Oil and Gas (Enterprise) Act 1982 ".

*The Social Security and Housing Benefits Act 1982*

44 In section 22(3) of the Social Security and Housing Benefits Act 1982 (meaning of " continental shelf operations ") for the words from " the exploitation" onwards there shall be substituted the words " any activities which, if paragraphs (a) and (d) of subsection (6) of section 23 of the Oil and Gas (Enterprise) Act 1982 (application of civil law to certain offshore activities) were omitted, would nevertheless fall within subsection (2) of that section ".