

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2008, Part 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

PETROLEUM LICENCES: AMENDMENTS TO MODEL CLAUSES

PART 3

PETROLEUM LICENSING (EXPLORATION AND PRODUCTION) (SEAWARD AND LANDWARD AREAS) REGULATIONS 2004

- 15 This Part of this Schedule amends the Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004 (S.I. 2004/352).

Commencement Information

- II** Sch. 3 para. 15 in force at 26.1.2009 by S.I. 2009/45, art. 2(c)(ii)

- 16 (1) Schedule 1 (exploration licences) is amended as follows.
(2) After clause 5 (right of licensee to determine licence) insert—

Provision of contact details to Minister

“5A (1) A notice, direction or other document authorised or required (in whatever terms) to be given to the Licensee by virtue of this licence is treated as given to the Licensee if it is given to the person specified by the Licensee under paragraph (2) at the address so specified.

- (2) The Licensee must supply the Minister with the name and address of a person to whom notices, directions and other documents are to be given.
- (3) The Licensee must ensure that, where there is a change in the person to whom, or the address to which, information should be sent in accordance with paragraph (2), the Minister is notified of the change as soon as is reasonably practicable.
- (4) If the Licensee fails to comply with paragraph (2) the Minister may give the Licensee a notice which—
- (a) requires the Licensee to comply with paragraph (2) within the period of one month beginning with the date of the notice, and
 - (b) states that, if the Licensee fails to do so, the Licensee will be treated as having supplied under paragraph (2) the name and address specified by the Minister in the notice.”

- (3) In clause 7 (abandonment and plugging of wells)—
- (a) in paragraph (2) for “(5) and” substitute “ (4A) to ”, and
 - (b) after paragraph (4) insert—

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“(4A) The Minister may at any time before the expiry or determination of this licence give the Licensee a notice requiring a Well drilled pursuant to this licence to be plugged and abandoned within the period specified in the notice (but this paragraph is subject to paragraphs (4C) and (4D)).

(4B) The Licensee shall comply with any notice under paragraph (4A).

(4C) A notice under paragraph (4A) may not be given less than one month before the expiry or determination of the Licensee's rights under this licence in relation to the area in which the Well is drilled.

(4D) A notice under paragraph (4A) may be given only in relation to a Well from which the Licensee has not extracted any petroleum within the period of one month ending with the day on which the notice is given.”

(4) After clause 20 (power of revocation) insert—

Power of partial revocation

“20A(1) This clause applies in a case where—

- (a) two or more persons are the Licensee, and
- (b) an event mentioned in clause 20(2)(c), (d), (e), (ee) or (f) occurs in relation to one of those persons.

(2) Where this clause applies, the Minister may exercise the power of revocation in clause 20 to revoke the licence in so far as it applies to the person mentioned in paragraph (1)(b).

(3) If the Minister exercises the power in paragraph (2), the rights granted to the person under this licence cease, but without prejudice to any obligation or liability incurred by the person or imposed under the terms and conditions of this licence.

(4) Where this licence is revoked in relation to one person under this clause, it continues to have effect in respect of the other person who constitutes, or persons who together constitute, the Licensee and in relation to whom it is not revoked.”

Commencement Information

I2 Sch. 3 para. 16 in force at 26.1.2009 by S.I. 2009/45, art. 2(c)(ii)

17 (1) Schedule 2 (frontier areas: production licences without break clause) is amended as follows.

(2) After clause 9 (areas surrendered) insert—

Provision of contact details to Minister

“9A (1) A notice, direction or other document authorised or required (in whatever terms) to be given to the Licensee by virtue of this licence is treated as given

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to the Licensee if it is given to the person specified by the Licensee under paragraph (2) at the address so specified.

- (2) The Licensee must supply the Minister with the name and address of a person to whom notices, directions and other documents are to be given.
- (3) The Licensee must ensure that, where there is a change in the person to whom, or the address to which, information should be sent in accordance with paragraph (2), the Minister is notified of the change as soon as is reasonably practicable.
- (4) If the Licensee fails to comply with paragraph (2) the Minister may give the Licensee a notice which—
 - (a) requires the Licensee to comply with paragraph (2) within the period of one month beginning with the date of the notice, and
 - (b) states that, if the Licensee fails to do so, the Licensee will be treated as having supplied under paragraph (2) the name and address specified by the Minister in the notice.”
- (3) In clause 16 (abandonment and plugging of wells)—
 - (a) in paragraph (2) for “The” substitute “ Subject to paragraph (5B), the ”,
 - (b) after paragraph (5) insert—
 - “(5A) The Minister may at any time give the Licensee a notice requiring a well drilled pursuant to this licence to be plugged and abandoned in accordance with paragraph (5) within the period specified in the notice (but this paragraph is subject to paragraphs (5C) and (5D)).
 - (5B) The Licensee shall comply with any notice under paragraph (5A).
 - (5C) A notice under paragraph (5A) may not be given less than one month before the expiry or determination of the Licensee's rights under this licence in relation to the area, or the part of the area, in which the well is drilled.
 - (5D) A notice under paragraph (5A) may be given only in relation to a well from which the Licensee has not extracted any petroleum within the period of one month ending with the day on which the notice is given.”, and
 - (c) in paragraph (6) after “Subject to paragraphs” insert “ (5A) to (5D), ”.
- (4) In clause 38(4) (power of revocation: change of control) after “when this licence was granted” insert “ (or, if there has been an assignment or assignation of rights conferred by this licence, when those rights were assigned to the Licensee) ”.
- (5) After clause 38 (power of revocation) insert—

Power of partial revocation

“38A(1) This clause applies in a case where two or more persons are the Licensee and—

- (a) an event mentioned in clause 38(2)(c), (d), (e), (ee) or (g) occurs in relation to one of those persons, or
- (b) the conditions specified in clause 38(3) are satisfied in relation to one of those persons.

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- (2) Where this clause applies, the Minister may exercise the power of revocation in clause 38 to revoke the licence in so far as it applies to the person mentioned in paragraph (1)(a) or (b).
- (3) If the Minister exercises the power in paragraph (2), the rights granted to the person under this licence cease, but without prejudice to any obligation or liability incurred by the person or imposed under the terms and conditions of this licence.
- (4) Where this licence is revoked in relation to one person under this clause, it continues to have effect in respect of the other person who constitutes, or persons who together constitute, the Licensee and in relation to whom it is not revoked.”

Commencement Information

I3 Sch. 3 para. 17 in force at 26.1.2009 by S.I. 2009/45, art. 2(c)(ii)

- 18 (1) Schedule 3 (frontier areas: production licences with break clause) is amended as follows.
- (2) After clause 10 (areas surrendered) insert—

Provision of contact details to Minister

- “10A(1) A notice, direction or other document authorised or required (in whatever terms) to be given to the Licensee by virtue of this licence is treated as given to the Licensee if it is given to the person specified by the Licensee under paragraph (2) at the address so specified.
- (2) The Licensee must supply the Minister with the name and address of a person to whom notices, directions and other documents are to be given.
- (3) The Licensee must ensure that, where there is a change in the person to whom, or the address to which, information should be sent in accordance with paragraph (2), the Minister is notified of the change as soon as is reasonably practicable.
- (4) If the Licensee fails to comply with paragraph (2) the Minister may give the Licensee a notice which—
- (a) requires the Licensee to comply with paragraph (2) within the period of one month beginning with the date of the notice, and
 - (b) states that, if the Licensee fails to do so, the Licensee will be treated as having supplied under paragraph (2) the name and address specified by the Minister in the notice.”

(3) In clause 17 (abandonment and plugging of wells)—

 - (a) in paragraph (2) for “The” substitute “ Subject to paragraph (5B), the ”,
 - (b) after paragraph (5) insert—

“(5A) The Minister may at any time give the Licensee a notice requiring a well drilled pursuant to this licence to be plugged and abandoned in accordance with paragraph (5) within the period specified in the notice (but this paragraph is subject to paragraphs (5C) and (5D)).

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- (5B) The Licensee shall comply with any notice under paragraph (5A).
- (5C) A notice under paragraph (5A) may not be given less than one month before the expiry or determination of the Licensee's rights under this licence in relation to the area, or the part of the area, in which the well is drilled.
- (5D) A notice under paragraph (5A) may be given only in relation to a well from which the Licensee has not extracted any petroleum within the period of one month ending with the day on which the notice is given.”, and
- (c) in paragraph (6) after “Subject to paragraphs” insert “ (5A) to (5D), ”.
- (4) In clause 39(4) (power of revocation: change of control) after “when this licence was granted” insert “ (or, if there has been an assignment or assignation of rights conferred by this licence, when those rights were assigned to the Licensee) ”.
- (5) After clause 39 (power of revocation) insert—

Power of partial revocation

- “39A(1) This clause applies in a case where two or more persons are the Licensee and—
- (a) an event mentioned in clause 39(2)(c), (d), (e), (ee) or (g) occurs in relation to one of those persons, or
- (b) the conditions specified in clause 39(3) are satisfied in relation to one of those persons.
- (2) Where this clause applies, the Minister may exercise the power of revocation in clause 39 to revoke the licence in so far as it applies to the person mentioned in paragraph (1)(a) or (b).
- (3) If the Minister exercises the power in paragraph (2), the rights granted to the person under this licence cease, but without prejudice to any obligation or liability incurred by the person or imposed under the terms and conditions of this licence.
- (4) Where this licence is revoked in relation to one person under this clause, it continues to have effect in respect of the other person who constitutes, or persons who together constitute, the Licensee and in relation to whom it is not revoked.”

Commencement Information

I4 Sch. 3 para. 18 in force at 26.1.2009 by S.I. 2009/45, art. 2(e)(ii)

- 19 (1) Schedule 4 (production licences for areas other than frontier areas) is amended as follows.
- (2) After clause 8 (areas surrendered) insert—

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Provision of contact details to Minister

- “8A (1) A notice, direction or other document authorised or required (in whatever terms) to be given to the Licensee by virtue of this licence is treated as given to the Licensee if it is given to the person specified by the Licensee under paragraph (2) at the address so specified.
- (2) The Licensee must supply the Minister with the name and address of a person to whom notices, directions and other documents are to be given.
- (3) The Licensee must ensure that, where there is a change in the person to whom, or the address to which, information should be sent in accordance with paragraph (2), the Minister is notified of the change as soon as is reasonably practicable.
- (4) If the Licensee fails to comply with paragraph (2) the Minister may give the Licensee a notice which—
- (a) requires the Licensee to comply with paragraph (2) within the period of one month beginning with the date of the notice, and
 - (b) states that, if the Licensee fails to do so, the Licensee will be treated as having supplied under paragraph (2) the name and address specified by the Minister in the notice.”
- (3) In clause 15 (abandonment and plugging of wells)—
- (a) in paragraph (2) for “The” substitute “ Subject to paragraph (5B), the ”,
 - (b) after paragraph (5) insert—
 - “(5A) The Minister may at any time give the Licensee a notice requiring a well drilled pursuant to this licence to be plugged and abandoned in accordance with paragraph (5) within the period specified in the notice (but this paragraph is subject to paragraphs (5C) and (5D)).
 - (5B) The Licensee shall comply with any notice under paragraph (5A).
 - (5C) A notice under paragraph (5A) may not be given less than one month before the expiry or determination of the Licensee's rights under this licence in relation to the area or the part of the area in which the well is drilled.
 - (5D) A notice under paragraph (5A) may be given only in relation to a well from which the Licensee has not extracted any petroleum within the period of one month ending with the day on which the notice is given.”, and
 - (c) in paragraph (6) after “Subject to paragraphs” insert “ (5A) to (5D), ”.
- (4) In clause 37(4) (power of revocation: change of control) after “when this licence was granted” insert “ (or, if there has been an assignment or assignation of rights conferred by this licence, when those rights were assigned to the Licensee) ”.
- (5) After clause 37 (power of revocation) insert—

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Power of partial revocation

- “37A(1) This clause applies in a case where two or more persons are the Licensee and—
- (a) an event mentioned in clause 37(2)(c), (d), (e), (ee) or (g) occurs in relation to one of those persons, or
 - (b) the conditions specified in clause 37(3) are satisfied in relation to one of those persons.
- (2) Where this clause applies, the Minister may exercise the power of revocation in clause 37 to revoke the licence in so far as it applies to the person mentioned in paragraph (1)(a) or (b).
- (3) If the Minister exercises the power in paragraph (2), the rights granted to the person under this licence cease, but without prejudice to any obligation or liability incurred by the person or imposed under the terms and conditions of this licence.
- (4) Where this licence is revoked in relation to one person under this clause, it continues to have effect in respect of the other person who constitutes, or persons who together constitute, the Licensee and in relation to whom it is not revoked.”

Commencement Information

I5 Sch. 3 para. 19 in force at 26.1.2009 by S.I. 2009/45, art. 2(c)(ii)

- 20 (1) Schedule 6 (exploration and development licences) is amended as follows.
- (2) After clause 8 (consequences of determination or surrender by licensee) insert—

Provision of contact details to Minister

- “8A (1) A notice, direction or other document authorised or required (in whatever terms) to be given to the Licensee by virtue of this licence is treated as given to the Licensee if it is given to the person specified by the Licensee under paragraph (2) at the address so specified.
- (2) The Licensee must supply the Minister with the name and address of a person to whom notices, directions and other documents are to be given.
- (3) The Licensee must ensure that, where there is a change in the person to whom, or the address to which, information should be sent in accordance with paragraph (2), the Minister is notified of the change as soon as is reasonably practicable.
- (4) If the Licensee fails to comply with paragraph (2) the Minister may give the Licensee a notice which—
- (a) requires the Licensee to comply with paragraph (2) within the period of one month beginning with the date of the notice, and
 - (b) states that, if the Licensee fails to do so, the Licensee will be treated as having supplied under paragraph (2) the name and address specified by the Minister in the notice.”

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- (3) In clause 15 (abandonment and plugging of wells)—
- (a) in paragraph (2) for “The” substitute “ Subject to paragraph (5B), the ”,
 - (b) after paragraph (5) insert—
 - “(5A) The Minister may at any time give the Licensee a notice requiring a well drilled pursuant to this licence to be plugged and abandoned in accordance with paragraph (5) within the period specified in the notice (but this paragraph is subject to paragraphs (5C) and (5D)).
 - (5B) The Licensee shall comply with any notice under paragraph (5A).
 - (5C) A notice under paragraph (5A) may not be given less than one month before the expiry or determination of the Licensee's rights under this licence in relation to the area, or the part of the area, in which the well is drilled.
 - (5D) A notice under paragraph (5A) may be given only in relation to a well from which the Licensee has not extracted any petroleum within the period of one month ending with the day on which the notice is given.”, and
 - (c) in paragraph (6) after “Subject to paragraphs” insert “ (5A) to (5D), ”.
- (4) In clause 36(4) (power of revocation: change of control) after “when this licence was granted” insert “ (or, if there has been an assignment or assignation of rights conferred by this licence, when those rights were assigned to the Licensee) ”.
- (5) After clause 36 (power of revocation) insert—

Power of partial revocation

- “36A(1) This clause applies in a case where two or more persons are the Licensee and—
- (a) an event mentioned in clause 36(2)(c), (d), (e), (ee) or (g) occurs in relation to one of those persons, or
 - (b) the conditions specified in clause 36(3) are satisfied in relation to one of those persons.
- (2) Where this clause applies, the Minister may exercise the power of revocation in clause 36 to revoke the licence in so far as it applies to the person mentioned in paragraph (1)(a) or (b).
- (3) If the Minister exercises the power in paragraph (2), the rights granted to the person under this licence cease, but without prejudice to any obligation or liability incurred by the person or imposed under the terms and conditions of this licence.
- (4) Where this licence is revoked in relation to one person under this clause, it continues to have effect in respect of the other person who constitutes, or persons who together constitute, the Licensee and in relation to whom it is not revoked.”

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Commencement Information

I6 Sch. 3 para. 20 in force at 26.1.2009 by S.I. 2009/45, art. 2(c)(ii)

Changes to legislation:

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