



Energy Act 2008

2008 CHAPTER 32

PART 4

PROVISIONS RELATING TO OIL AND GAS

Third party access

80 Third party access to oil processing facilities

- (1) A person (“the applicant”) who seeks a right to have petroleum processed by an oil processing facility must, before making an application to the Secretary of State under subsection (5), apply to the owner of the facility for the right.
- (2) An application under subsection (1) may be made only in respect of an oil processing facility which is situated in—
 - (a) Great Britain,
 - (b) the territorial sea adjacent to Great Britain, or
 - (c) the sea in any area designated under section 1(7) of the Continental Shelf Act 1964 (c. 29).
- (3) An application under subsection (1) is to be made by notice in writing specifying the nature of the right which is being sought.
- (4) The notice must, in particular, specify—
 - (a) the period during which the petroleum is to be processed by the facility,
 - (b) the kind of petroleum to be processed, and
 - (c) the quantities of petroleum to be processed.
- (5) If the owner and the applicant do not reach agreement on the application, the applicant may apply to the Secretary of State for directions which would secure to the applicant the right specified in the notice.
- (6) The Secretary of State may not consider an application under subsection (5) unless satisfied that the parties have had a reasonable time in which to reach agreement.

Status: This is the original version (as it was originally enacted).

- (7) When considering an application under subsection (5) the Secretary of State must—
- (a) decide whether the application is to be adjourned to enable further negotiations between the parties, considered further or rejected,
 - (b) give notice of that decision to the applicant, and
 - (c) in the case of a decision to consider the application further, give notice to the persons mentioned in subsection (8) and give them the opportunity to be heard in relation to the application.
- (8) Those persons are—
- (a) the owner of the oil processing facility,
 - (b) any person with a right to have petroleum processed at the facility, and
 - (c) the Health and Safety Executive.
- (9) On an application under subsection (5), the Secretary of State may give directions if satisfied that they will not prejudice—
- (a) the efficient operation of the oil processing facility,
 - (b) the processing by the facility of the quantities of petroleum which the owner or an associate of the owner requires or may reasonably be expected to require to be processed by the facility for the purposes of any business carried on by the owner or associate, or
 - (c) the processing by the facility of the quantities of petroleum which another person with a right to have petroleum processed by the facility requires to be processed in the exercise of that right.