



Energy Act 2011

2011 CHAPTER 16

PART 2

SECURITY OF ENERGY SUPPLIES

CHAPTER 3

UPSTREAM PETROLEUM INFRASTRUCTURE

85 Variation of notices under sections 82 and 84

- (1) The persons to whom a notice is given under subsection (11) of section 82 or subsection (2) of section 84 may agree to vary or set aside the notice.
- (2) The Secretary of State may vary a notice under subsection (11) of section 82 or subsection (2) of section 84 on the application of one of the persons to whom the notice was given.
- (3) But the Secretary of State may do so only if satisfied that the variation is necessary to resolve a dispute that has arisen in connection with the notice between the persons to whom it was given.
- (4) In considering whether to vary a notice the Secretary of State must give an opportunity to be heard to—
 - (a) the persons to whom the notice was given;
 - (b) any person with a right to have anything conveyed by the pipeline concerned or processed by the facility concerned;
 - (c) the Health and Safety Executive; and
 - (d) such other persons as the Secretary of State considers appropriate.
- (5) For the purposes of this section and section 86, a person is to be treated as having been given a notice if the person has had assigned to him or her a right which is secured by the notice or a duty which is imposed by the notice.