STATUTORY INSTRUMENTS

2018 No. 79

PETROLEUM

The Scotland Act 2016 (Onshore Petroleum) (Consequential Amendments) Regulations 2018

Made - - - - 19th January 2018

Coming into force in accordance with regulation 1(2)

The Secretary of State for Business, Energy and Industrial Strategy makes the following Regulations in exercise of the powers conferred by section 71 of the Scotland Act 2016(**1**).

In accordance with section 71(7) of the Scotland Act 2016 a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Scotland Act 2016 (Onshore Petroleum) (Consequential Amendments) Regulations 2018.

(2) Parts 1 and 2 come into force on the twenty-first day after the day on which these Regulations are made.

(3) Part 3 comes into force immediately after the commencement of Part 2 of Schedule 6 (amendments relating to onshore petroleum consequential on transfer of certain functions under the Petroleum Act 1998 to the Welsh Ministers) to the Wales Act 2017(**2**).

(4) An amendment or modification made by these Regulations has the same extent as the provision to which it relates.

(**1**) 2016 c.11.
(**2**) 2017 c.4.

PART 2

Transitional modifications of taxation legislation having effect until the commencement of Part 2 of Schedule 6 to the Wales Act 2016

Period for which the modifications made by regulations 3 to 7 have effect

2. The modifications specified in regulations 3 to 7 have effect until the commencement of Part 2 of Schedule 6 (amendments relating to onshore petroleum consequential on transfer of certain functions under the Petroleum Act 1998 to the Welsh Ministers) to the Wales Act 2017.

Oil Taxation Act 1975

3. In section 12(1) (interpretation of Part 1) of the Oil Taxation Act 1975(**3**), in the definition of "licensee", paragraph (b) has effect as if, for "the OGA" there were substituted—

"—

(i) the Scottish Ministers, where the rights relate to oil in the Scottish onshore area, as defined in section 8A of the Petroleum Act 1998, or

(ii) the OGA, where the rights relate to oil elsewhere,".

Taxation of Chargeable Gains Act 1992

4. Section 196 (interpretation) of the Taxation of Chargeable Gains Act 1992(**4**) has effect as if—

(a) in subsection (1), in paragraphs (a) and (b), and subsection (3), for "Oil and Gas Authority" there were substituted "appropriate authority";

(b) in subsection (5), after "section—" there were inserted—

""appropriate authority", in relation to a licence under Part 1 of the Petroleum Act 1998—

(a) the Scottish Ministers, in relation to the Scottish onshore area, as defined in section 8A of that Act, or

(b) otherwise, the Oil and Gas Authority;".

Finance Act 1993

5. Section 185 (abolition of petroleum revenue tax for oil fields with development consent on or after 16March 1993) of the Finance Act 1993(**5**) has effect as if—

(a) in subsection (1C), in paragraphs (a) and (b), for "OGA" there were substituted "appropriate authority";

(b) in subsection (2), in paragraph (b), for "OGA" there were substituted "appropriate authority";

(c) after subsection (2) there were inserted—

(**3**) 1975 c.22; the definition of "licensee" in section 12(1) was amended by the Petroleum Act 1998 (c.17), Schedule 4, para 7(3) and S.I. 2016/898, and is further amended by the Wales Act 2017 (c.4), Schedule 6, Part 1, paragraph 19 from a date to be appointed.

(**4**) 1992 c.12; relevant amendments to section 196 were made by the Finance Act 1996 (c.8), section 181(1) and (4), the Finance Act 2009 (c.10), Schedule 40, Part 1, paragraphs 1 and 6, the Finance Act 2011(c.11), Schedule 15, Part 1, paragraph 3(1) and (3) and S.I. 2016/898. Section 196 is further amended by the Wales Act 2017 (c.4), Schedule 6, Part 1, paragraph 21 from a date to be appointed.

(**5**) 1993 c.34; relevant amendments to section 185 were made by the Finance Act 2007 (c.11), section 102(1) and (3), and S.I. 2016/898. Section 185 is further amended by the Wales Act 2017 (c.4), Schedule 6, Part 1, paragraph 22 from a date to be appointed.