Draft Order in Council laid before Parliament under section 192(3) of the Energy Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No. 0000

PETROLEUM

The Petroleum Act 1998 (Third Party Access) Order 2007

Made - - - -	**** 2007*
Coming into force - -	**** 2007*

At the Court at Buckingham Palace, the *** day of *** 2007

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred on Her Majesty by section 189 of the Energy Act 2004(**1**).

A draft of this Order has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 192(3) of the Energy Act 2004.

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

Citation and commencement

1. This Order may be cited as the Petroleum Act 1998 (Third Party Access) Order 2007 and shall come into force on the day after the day on which it is made.

Amendment of the Petroleum Act 1998

2. The Petroleum Act 1998(**2**) is amended as set out in the Schedule to this Order.

Date Clerk of the Privy Council

(**1**) 2004 c. 20.
(**2**) 1998 c. 17.

SCHEDULE Article 2

AMENDMENTS TO THE PETROLEUM ACT 1998

1. In section 17F(**3**) (acquisition of rights to use controlled petroleum pipelines), at the end of subsection (1) insert ", other than pipelines to which section 17GA applies".

2. After section 17G(**4**) insert—

"**Controlled petroleum pipeline subject to Norwegian access system**

17GA.—(1) This section applies to any controlled petroleum pipeline which, under the terms of the Framework Agreement, is subject to a system whereby any terms or conditions on which persons who are not the owner of the pipeline are entitled to have things conveyed by it are determined according to the law of, or by the relevant authority of, the Kingdom of Norway.

(2) Where—

(a) under the terms of the Framework Agreement, any term or condition on which a person who is not the owner of a pipeline is entitled to have conveyed by the pipeline any petroleum originating wholly or partly from an area designated under section 1(7) of the Continental Shelf Act 1964(**5**) has been determined according to the law of, or by the relevant authority of, the Kingdom of Norway, and

(b) a dispute has arisen between the person mentioned in paragraph (a) and the owner as to whether the owner has complied with any term or condition so determined,

the person mentioned in paragraph (a) may apply to the Secretary of State for a determination under subsection (6).

(3) An application under subsection (2) shall specify the terms and conditions in dispute and the applicant's reasons for considering that the owner has failed to comply with them.

(4) The applicant shall give notice of the application to the owner of the pipeline.

(5) Where a person applies to the Secretary of State under subsection (2), the Secretary of State shall—

(a) give notice to the owner of the pipeline and the applicant that he proposes to consider the application; and

(b) after the expiry of 21 days beginning with the date on which notice under paragraph (a) was served, but before considering the application, give them an opportunity of being heard with respect to the application.

(6) The Secretary of State shall determine whether or not the owner has complied with the terms and conditions in question, and shall give notice of that determination to the owner and the applicant.

(7) Where the Secretary of State determines that the owner has not so complied, the notice shall state what the owner is required to do (or as the case may be, to refrain from doing) in order to comply with the terms and conditions in question.

(8) Where he is obliged to do so under the Framework Agreement, the Secretary of State shall make his determination and issue the notice under subsection (6) jointly with the relevant authority of the Kingdom of Norway.

(**3**) Section 17F was inserted by the Gas (Third Party Access and Accounts) Regulations 2000 (S.I.2000/1937), regulation 2(4), Schedule 4, paragraph 4.
(**4**) Section 17G was inserted by the Gas (Third Party Access and Accounts) Regulations 2000 (S.I. 2000/1937), regulation 2(4), Schedule 4, paragraph 4.
(**5**) 1964 c. 29.