1957 No. 1697

The Petroleum (Production) (Amendment) Regulations, 1957

Made - - - -	*24th September*, 1957
Laid before Parliament	*30th September*, 1957
Coming into Operation	*1st October*, 1957

The Minister of Power in pursuance of the powers conferred upon him by subsection (1) of section six of the Petroleum (Production) Act, 1934(**a**), and of all other powers him enabling, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the first day of October, nineteen hundred and fifty-seven, and may be cited as the Petroleum (Production) (Amendment) Regulations, 1957.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. The Petroleum (Production) Regulations, 1935(**c**), as amended by the Petroleum (Production) (Amendment) Regulations, 1954(**d**), shall have effect subject to the modifications specified in these Regulations.

3. At the end of Regulation one (which sets out the kinds of licences for which application may be made) there shall be added the words "or (*c*) a methane drainage licence.".

4. For paragraph (1) of Regulation two (which relates to applications for licences) there shall be substituted the following paragraph:—

"An application for a licence shall be made in writing and addressed to the Secretary, Ministry of Power, London, S.W.1, and shall in the case of a prospecting or mining licence be made on the form set out in the First Schedule hereto.".

5. In paragraph (4) of the said Regulation two after the words "For a mining licence . . . Forty pounds." there shall be inserted the words "For a methane drainage licence . . . Forty pounds.".

6. For paragraph (5) of the said Regulation two there shall be substituted the following paragraph:—

"(5) To the application there shall be attached two copies of the two and one half inch Ordnance Survey Map or such other Ordnance Survey Map as may be required by the Minister upon which shall be delineated the boundaries of the area in respect of which a licence is applied for.".

7. For paragraph (6) of the said Regulation two there shall be substituted the following paragraphs:—

"(6) An applicant for a prospecting or mining licence shall, with his application, furnish evidence as to his financial and technical qualifications,

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(**a**) 24 & 25 Geo. 5. c. 36. (**b**) 52 & 53 Vict. c. 63.
(**c**) S.R. & O. 1935/426 (Rev. XVIII, p. 46: 1935 p. 1360).
(**d**) S.I. 1954/1378 (1954 II, p. 1773).

and as to his ability to comply with any terms and conditions contained in the model clauses set out in the Second Schedule hereto relating to the licence for which application is made, and, in the case of an application by an alien or a company incorporated outside Great Britain or Northern Ireland, the like evidence in relation to any company intended to be incorporated in Great Britain or Northern Ireland for the purpose of receiving the grant of and exploiting any licence which may be granted in pursuance of the application.

(6A) An applicant for a licence shall forthwith, upon request by the Minister, furnish such evidence as may be required by the Minister in connection with the application, and, if such evidence shall not have been furnished to the satisfaction of the Minister within two months of the request therefor, the application shall unless the Minister otherwise determines be deemed void.".

8. In paragraph (3) of Regulation three (which relates to areas of licences) for the words "for which a licence is granted" there shall be substituted the words "for which a prospecting or mining licence is granted".

9. After paragraph (3) of the said Regulation three there shall be inserted the following paragraphs:—

"(3A) A methane drainage licence shall not be granted in respect of any area of more than 10,000 square miles, or less than 4 square miles.

(3B) Each area in respect of which a methane drainage licence is granted shall either be limited by clearly defined boundaries or be laid out in blocks which shall, so far as practicable, be in the form of rectangles.".

10. At the end of paragraph (4) of the said Regulation three there shall be added the words "or in the case of a methane drainage licence 10,000 square miles."

11. In Regulation four (which provides for the incorporation in licences of model clauses) after the word "hereto" there shall be inserted the words "and every methane drainage licence shall incorporate such of the model clauses set out in Part IV of the said Second Schedule".

12. In Part I of the Second Schedule (which sets out the model clauses common to prospecting and mining licences) at the end of the model clause of which the marginal note is "Right to search and bore for and get petroleum" there shall be added the words "PROVIDED THAT nothing in this Clause shall affect the right of the Minister to grant any methane drainage licence in respect of the whole or any part of the licensed area or affect the exercise of any rights so granted.".

13. At the end of the said Second Schedule there shall be added the Schedule to these Regulations.

Dated this twenty-fourth day of September, nineteen hundred and fifty-seven.

Mills,
Minister of Power.

THE SCHEDULE

PART IV.—CLAUSES APPLICABLE TO METHANE DRAINAGE LICENCES

In these Model Clauses:— **Interpretation.**

(1) The " Act " means the Petroleum (Production) Act, 1934.

(2) The " Regulations " means the Petroleum (Production) Regulations, 1935, as amended.

(3) " Licensee " means a person to whom a Licence under the Act is granted his successors in title and the persons deriving title under him.

(4) " The licensed area " means the area for the time being upon which the Licensee may exercise powers and privileges granted by this Licence.

(5) " Mine " has the meaning assigned to it in the Mines and Quarries Act, 1954(a).

Right to get natural gas.

In consideration of the annual payments hereinafter reserved and the performance and observance by the Licensee of all the terms and conditions hereof, the Minister of Power (hereinafter referred to as " the Minister ") in exercise of the powers conferred by the Act, hereby grants to the Licensee LICENCE AND LIBERTY during the continuance of this Licence and subject to the provisions hereof to get natural gas in the course of operations for making and keeping safe mines whether or not disused within ALL THOSE lands having a superficial area of or thereabouts, situate in the County (Counties) of and more particularly delineated and described on the Ordnance Survey Map annexed hereto and thereon edged with a red verge line.

Right of Licensee to determine Licence.

Without prejudice to any obligation or liability imposed by or incurred under the terms and conditions hereof the Licensee may at any time during the term hereby granted determine this Licence by giving to the Minister not less than one month's previous notice in writing to that effect.

Records.

The Licensee shall keep such records relating to the operations conducted in the licensed area under this Licence, the result thereof and the disposal of any natural gas won and saved as the Minister may from time to time require.

Reports to be treated as confidential.

All records, accounts and information which the Licensee is or may be from time to time required to furnish under the provisions of this Licence shall be supplied at the expense of the Licensee and shall (except with the consent in writing of the Licensee which shall not be unreasonably withheld) be treated by the Minister as confidential.

Notice of commencement and termination of operations.

As soon as the Licensee has decided to get natural gas at any place he shall notify the Minister in writing of the situation thereof stating—

(*a*) the name of the mine for the safety of which the operations are to be undertaken;

(*b*) whether such mine is a disused mine or not.

The Licensee shall also give to the Minister notice in writing of the termination of any such operation within one month of the date of termination.

Indemnity against third party claims.

The Licensee shall at all time keep the Minister effectually indemnified against all actions, proceedings, costs, charges, claims and demands whatsoever which may be made or brought against the Minister by any third party in relation to or in connection with this Licence or any matter or thing done or purported to be done in pursuance thereof.

Security.

(1) As security for the observance and performance by the Licensee of the terms and conditions hereof the Licensee shall on the execution of this Licence either—

(*a*) deposit with the Minister a sum of one thousand pounds; or

(*b*) furnish to the Minister a Bankers guarantee for the like amount.

(2) Upon the determination of this Licence any such deposit shall be returned to the Licensee or any such Bankers guarantee shall be released.

(a) 2 & 3 Eliz. 2. c. 70.

Assignment of Licence. The Licensee shall not assign or attempt to assign the rights granted by this Licence without the prior consent in writing of the Minister.

Power of Revocation. If there shall be any breach or non-observance by the Licensee of any of the terms and conditions herein contained the Minister may revoke this Licence and thereupon the same and all the rights hereby granted shall cease and determine but subject nevertheless and without prejudice to any obligation or liability imposed by or incurred under the terms and conditions hereof.

Power to inspect accounts etc. Any person authorised by the Minister may at all reasonable times enter into and upon any land for the time being possessed or occupied by the Licensee in the licensed area and inspect and make abstracts or copies of any records or accounts which the Licensee is required to keep or make in accordance with the provisions of this Licence.

Licensee to execute deed. It is a condition of this Licence that the Licensee shall simultaneously with the grant thereof execute a deed in such form as the Minister may require whereby the Licensee agrees to perform and observe all the terms and conditions of this Licence.

Arbitration. If at any time hereafter any dispute difference or question shall arise between the Minister and the Licensee touching the construction meaning or effect of this Licence or any clause or matter herein contained or any instruction given by the Minister or the rights or liabilities of the Minister and Licensee respectively under this Licence or otherwise howsoever in relation to the premises, then every such dispute difference or question shall, save where it is expressly provided by this Licence that the matter or thing to which the same relates shall be determined or decided by the Minister or the Licensee, be referred to the arbitration of two independent persons (one to be appointed by the Minister and the other by the Licensee), who shall have power in case of disagreement between them to appoint an umpire. The provisions of this Clause shall be deemed to be a submission to arbitration by the said parties hereto under the Arbitration Act, 1950(a), or any statutory modification or re-enactment thereof for the time being in force, and the provisions thereof shall accordingly apply as far as applicable.

[NOTE.—Where the licensed area is situate in Scotland for the words from " save where " to the end of the Clause there will be substituted:—" save where it is otherwise expressly provided by this Licence be determined by two arbiters (one to be appointed by the Minister and the other by the Licensee) who shall have power in case of disagreement between them to appoint an oversman."]

Annual payments. NOTE.—A Clause will be inserted in each Licence providing for the payment of sums agreed between the Minister, with the consent of the Treasury, and the Licensee as annual payments which will be payable in advance.

Term of Licence. This Licence unless sooner determined under any of the provisions hereof shall be and continue in force for the term of twenty-five years after the day of , 19 .

Renewal. The Minister may on an application in that behalf by the Licensee on three months' notice in writing grant a renewal of this Licence in respect of the whole of the licensed area or any part thereof which complies with the Regulations for the time being in force for a further term of twenty-five years upon the terms and conditions contained in the model clauses comprised in the Regulations for the time being in force subject to such modifications or exclusions as the Minister may in his discretion determine.

Review of Terms and Conditions of Licence by Minister. The Minister shall be entitled to review the terms and conditions of a Licence at the end of the tenth year thereof and at the end of the tenth year of any renewal thereof and at any time during the eleventh year of the Licence or of any renewal thereof, as the case may be, to vary the said terms and conditions provided that:

(*a*) no amendment shall be made so as to reduce the term of the Licence; and

(*b*) the Minister shall give at least six months' notice to the Licensee of his intention to vary the terms and conditions of the Licence, and any such variation shall take effect as from the expiration of such notice.

(a) 14 Geo. 6. c. 27.

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations amend the Petroleum (Production) Regulations, 1935, which set out the requirements for applications for, and the model clauses to be incorporated in, prospecting and mining licences issued under the Petroleum (Production) Act, 1934, to search, bore for and get petroleum.

The Regulations introduce a new type of licence, a methane drainage licence, and set out the requirements for applications for, and the model clauses to be incorporated in, such licences. The new licence authorises the getting of natural gas in the course of operations for making and keeping safe mines, is to be granted for areas of not less than four, and not more than ten thousand, square miles and is for a term of twenty-five years with provision for a renewal for a further twenty-five years. No royalties are to be levied but annual payments are to be made to be agreed between the Minister, with the consent of the Treasury, and the Licensee.

1957 No. 191

The Petroleum-Spirit (Conveyance by Road) Regulations, 1957

Made - - - -	*7th February,* 1957
Laid before Parliament	*14th February,* 1957
Coming into Operation	*1st July,* 1957

In pursuance of the powers conferred upon me by section six of the Petroleum (Consolidation) Act, 1928(a), both as enacted and as applied by the Petroleum (Mixtures) Order, 1929(b), made under section nineteen thereof, I hereby make the following Regulations :—

PART I

General

1.—(1) Subject as provided in this Regulation, these Regulations shall apply in relation to the conveyance of petroleum-spirit by road, and hereafter in these Regulations the expression "conveyance" means such conveyance as aforesaid.

(2) Except in the case of a tank wagon or a tank trailer, the conveyance of petroleum-spirit in the fuel tank of a vehicle for use only in the propulsion of that vehicle shall be deemed not to be conveyance in relation to which these Regulations apply.

(3) Except in the case of a tank wagon or a tank trailer, these Regulations shall not apply in relation to conveyance—

(*a*) if the quantity of petroleum-spirit conveyed does not exceed thirty-two gallons, and the petroleum-spirit is contained only in securely closed metal cans or drums of a capacity not exceeding ten gallons or any other securely closed containers of a capacity not exceeding two gallons if they are suitably protected to prevent breakage, or

(*b*) if the quantity conveyed does not exceed fifty gallons and the petroleum-spirit is contained only in a single securely closed steel barrel.

2. Every person engaged in the conveyance, and the loading and unloading in connection with conveyance, of petroleum-spirit shall observe all precautions necessary for preventing fire or explosion.

(a) 18 & 19 Geo. 5. c. 32. (b) S.R. & O. 1929/993 (Rev. XVIII, p. 7 : 1929 p. 1143).