STATUTORY INSTRUMENTS

1989 No. 150

MINISTERS OF THE CROWN

The Secretaries of State (Government Oil Pipe-line and Petroleum Licences) Order 1989

Made - - - -	*7th February 1989*
Laid before Parliament	*15th February 1989*
Coming into force	*1st April 1989*

At the Court at Buckingham Palace, the 7th day of February 1989

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 2 of the Ministers of the Crown Act 1975(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

Citation and commencement

1.—(1) This Order may be cited as the Secretaries of State (Government Oil Pipe-line and Petroleum Licences) Order 1989.

(2) This Order shall come into force on 1st April 1989.

The government pipe-line and storage system

2.—(1) There are hereby transferred to and vested in the Secretary of State for Defence–

(a) so much of the property and rights comprising the government pipe-line and storage system as is vested in any other Minister of the Crown; and

(b) any other property, rights and liabilities relating to that system to which any such Minister is entitled or subject.

(2) In this Order "the government pipe-line and storage system" means–

(a) any oil installations, within the meaning of the Land Powers (Defence) Act 1958(b)–

(i) which are government war works, within the meaning of the Requisitioned Land and War Works Act 1945(c), or

(ii) to which section 28 of the said Act of 1945 applies by virtue of section 12(4) or (5) of the Requisitioned Land and War Works Act 1948(d);

(b) any oil installations, within the meaning of the said Act of 1958, which have been, are being or are intended to be, constructed on land acquired for the purpose by virtue of section 13(a) of that Act; and

(a) 1975 c.26.
(b) 1958 c.30.
(c) 1945 c.43; meaning of "government war works" extended by the Land Powers (Defence) Act 1958 (c.30), s.12.
(d) 1948 c.17.

(c) any oil pipe-lines and minor works accessory thereto, within the meaning of section 14(1) of that Act, which have been, are being or are intended to be laid, installed or constructed by virtue of wayleave orders under that Act;

and the expression shall be taken to include, in particular, any land held for the purposes of the system.

(3) For the purposes of sections 14 to 18 of the Land Powers (Defence) Act 1958, the Secretary of State for Defence shall be regarded as having made any wayleave orders under that Act which were made otherwise than by him.

(4) This article shall not affect the validity of anything done before the coming into force of this Order by or in relation to any Minister of the Crown; and anything (including legal proceedings) which is then in the process of being done in relation to the government pipe-line and storage system by or in relation to any such Minister may be continued by or in relation to the Secretary of State for Defence.

(5) Any consents given in relation to the government pipe-line and storage system by any Minister of the Crown, or having effect as if so given, shall, if in force at the coming into force of this Order and so far as may be necessary for their continuation in force thereafter, have effect as if given by the Secretary of State for Defence.

(6) Any instrument, contract or other document relating to the government pipe-line and storage system and made before the coming into force of this Order shall have effect so far as may be necessary for the purposes of, or in consequence of, any of the preceding provisions of this article as if any reference to the Secretary of State for Energy or the Secretary of State for Trade and Industry or the Department of either of those Ministers or an officer of either of them were a reference to the Secretary of State for Defence or the Ministry of Defence or an officer of that Minister.

Licences under the Petroleum (Production) Act 1934(a)

3.—(1) There are hereby transferred to and vested in the Secretary of State for Energy all the property, rights and liabilities to which any other Minister of the Crown is entitled or subject in relation to petroleum licences granted to any person.

(2) In this Order "petroleum licences" means licences granted under section 2 of the Petroleum (Production) Act 1934 or having effect as if granted under that Act.

(3) This article shall not affect the validity of anything done before the coming into force of this Order by or in relation to any Minister of the Crown; and anything (including legal proceedings) which is then in the process of being done in relation to petroleum licences by or in relation to any such Minister may be continued by or in relation to the Secretary of State for Energy.

(4) Any notices, approvals, consents, directions, authorisations or instructions given in relation to petroleum licences by any Minister of the Crown, or having effect as if so given, shall, if in force at the coming into force of this Order and so far as may be necessary for their continuation in force thereafter, have effect as if given by the Secretary of State for Energy.

(5) Any instrument, contract or other document relating to petroleum licences and made before the coming into force of this Order shall have effect so far as may be necessary for the purposes of, or in consequence of, any of the preceding provisions of this article as if any reference to the Secretary of State for Trade and Industry or his Department or an officer of his were a reference to the Secretary of State for Energy or his Department or an officer of his.

G. I. de Deney
Clerk of the Privy Council

(a) 1934 c.36.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers property, rights and liabilities in consequence of certain transfers of Ministerial functions.

In consequence of the transfer to the Secretary of State for Defence of responsibility for the government oil pipe-line and storage system the Order provides for the transfer to that Secretary of State of all the property, rights and liabilities comprising or related to the system which are vested in any other Minister of the Crown.

The Order also transfers to the Secretary of State for Energy all the property, rights and liabilities to which any other Minister of the Crown is entitled or subject in relation to petroleum licences granted, or having effect as if granted, under section 2 of the Petroleum (Production) Act 1934. This affects licences granted before the transfer to the Secretary of State for Energy in 1974 of Ministerial responsibility for petroleum production.

The Order also contains consequential and supplemental provisions.