EXPLANATORY MEMORANDUM TO

THE SUBMARINE PIPELINES (DESIGNATED OWNERS) ORDER

2010 No. 3048

1. This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The provisions of the Petroleum Act 1998 for third party access to controlled petroleum pipelines require that owners of pipelines must first be designated by an order made by the Secretary of State. The purpose of this instrument is to make an order for the two pipelines that export petroleum from the Scott offshore platform. This will enable the Secretary of State to consider an application from a third party who wishes to gain access to these pipelines.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 This Order is made under section 27 of the Petroleum Act 1998.

5. Territorial Extent and Application

5.1 This instrument applies to two submarine pipelines in an area designated under section 1 (7) of the Continental Shelf Act 1964, adjacent to the territorial sea adjacent to Scotland. The instrument extends to England and Wales, Scotland and Northern Ireland.

6. European Convention on Human Rights

There is no parliamentary procedure associated with the Order, so no statement is required.

7. Policy background

7.1 There is no new policy – this instrument enables existing legislation in the Petroleum Act 1998 to be used. The legislation specifically allows the Secretary of State to consider applications from a third party to require modifications to, and grant rights to use controlled petroleum pipelines and to set terms if appropriate.

8. Consultation outcome

8.1 All persons who are being designated as owners of the two pipelines were given the opportunity to be heard, as required by section 27(3) of the Petroleum Act 1998. No other consultation was considered necessary.

9. Guidance

9.1 None required

10. Impact

10.1 No impact assessment has been prepared for this instrument as it will have no significant impact on business, charities or voluntary bodies or on the public sector.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This instrument may need revising if there is a material change to the ownership arrangements for the two pipelines specified. It is likely that the need for this instrument will cease if the proposals for third party access of upstream infrastructure in the 2010 Energy Bill become law.

13. Contact

Robert White at the Department of Energy and Climate Change Tel: 0300 068 6056 or email: robert.a.white@decc.gsi.gov.uk can answer any queries regarding the instrument.