You, decommissioning & Ince, in any case
In today’s modern world, decommissioning does not automatically equate with disposal. With ESG on board agendas, appropriate consideration of re-use and recycling before safe disposal has become increasingly significant in the circular economy.

**International recycling conventions**

International conventions and local regulations combine to create a complex regime, which is often ignored.

The sale of a ship or a rig, to an intermediate (cash) buyer, who then sells on the asset to a recycling/scraping facility, does not insulate the original owner from the risk of regulatory action, third party claims or reputational damage. On the contrary, the original owner will often remain liable as the “generator” of the waste, notwithstanding the sale of the asset to an intermediate buyer.

“... maintains a formidable reputation for its work for acting on offshore service companies and contractors, and for upstream oil and gas disputes.”

- The Legal 500 UK
Contract negotiation

Decommissioning programmes are complex and require contracts covering the various stages of the project to be negotiated carefully and thoughtfully.

We understand the risk apportionment between contractor and company on knock-for-knock, indemnities, liability caps and pollution regimes. Our offshore practice working for operators, drillers, transporters and contractors, allows us to be at the leading edge of developments on crucial contracting issues and principles.

We can advise and assist with the drafting and qualification of:

- Removal and disposal contracts (whether on LOGIC or on a more bespoke EPRD basis);
- Operational contracts (heavy lift/tow charters and offshore services contracts);
- Other contracting arrangements; and
- Assist throughout the tendering process, from pre-qualification through to bid award, providing support and guidance every step of the way.

Inevitably, practical issues will arise. Our lawyers are adept at overcoming these through applying past experience and sector knowledge into creating solutions that work. In addition, our contract experts are also litigators, meaning they are also drawing on their experience of past disputes and applying foresight to the drafting and negotiation stage. It’s our role to navigate a path for our clients to prevent and avoid legal disputes during construction and conversion projects without the other party even knowing of our involvement.

“...understands client needs and always gives first-class advice.”

- The Legal 500 UK

Project support

Once you have agreed contracts for the decommissioning process, we can help you to brief your project team on how the contracts will work in practice and what specific administration procedures will be required by those contracts and give guidance on how they can operate their terms during the project.

We can also provide a document summarising the key contents of the various contracts agreed and, where appropriate, a check list for ease of reference throughout the project. This can be a good investment to help reduce the risk of substantial legal costs later. A clear contract scheme and a good briefing can save time and streamline your work.

Services that we can provide to enhance the operation of your decommissioning project include:

- Providing advice and support during the project to tackle issues early to minimise impact and resolve issues amicably to best advantage.
- Reviewing and advising on project correspondence, strengths and weakness of your position on contractual issues.
- Assisting with the evaluation, review, preparation, negotiation and management of claims including delay and disruption claims, variations or change orders, cost overruns, disruption, acceleration, defective work, guarantee and warranty claims, sub-contractor disputes, business interruption, and accidents or failures causing loss of life and injury as well as property damage. We will review all of the evidence, advise on an appropriate strategy and identify available options resulting in practical solutions. We provide, at the earliest possible opportunity, objective assessments of the strengths, weaknesses, opportunities and threats that exist in all claim situations. We help clients effectively assess risk and achieve the best possible commercial solution.
- Providing tailored in-house training, seminars and workshops to guide and train your key contract and management personnel.
Tax advice

As part of the Ince Group, we have leading independent specialist corporate tax consultants who work alongside our legal experts in a wide number of projects specifically within the oil and gas industry. CW Energy is well known and respected in the industry and has been providing commercially relevant tax advice to multiple clients since 1990, including oil majors, state owned companies, UK quoted independents, private equity and privately owned companies.

The team is embedding in the sector and is very active across the industry; regularly participating in the industry tax committees and contributing to lobbying the government in respect of technical issues in the interests of their clients. They also contribute to technical publications on matters affecting the wider oil and gas sector.

Their advice encompasses all corporate tax issues arising on:

- Corporate mergers & acquisitions;
- Farm-outs;
- Asset acquisitions and disposals;
- Financing;
- Transfer pricing;
- Leasing; and
- International taxation.

Our Energy & Infrastructure team

Embedded in the sector, the wider team can assist you with your projects in any way you require, and can provide you with a full service offering, from the conception of your project to the conclusion, as well as dealing with any issues that you encounter along the way. This ranges from identifying potential target acquisitions, setting up corporate structures, carrying out due diligence, advising on financing and raising capital, operational issues, employment and tax issues, regulatory issues and everything in between. We also have a strong reputation for handling heavyweight, technical disputes and resolving your conflicts in a swift, pragmatic and cost effective way.

The team is accustomed to dealing with all aspects of the contracting, design, project financing, construction, leasing, insurance and operation of fixed and floating production installations (gas and oil) including process topsides, specialised vessels such as well stimulation ships, mobile offshore drilling units and heavy lift and offshore installation projects.

We have also negotiated all related contracts including EPC, lease and charter arrangements, O&M arrangements, conversion contracts and terminal/mooring arrangements. We have worked extensively with BIMCO, LOGIC and FIDIC contracting arrangements (in respect of both onshore and offshore contracts), and have worked with Offshore Energies UK (formerly Oil & Gas UK), BIMCO and FIDIC themselves in the production of updated editions of their standard forms.

Contact us

For more information and advice, get in touch with us today:

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In this fast-paced world you are seeking a pro-active business services partner that moves your company forward, someone who understands your challenges and the importance of commitment.

Meet Ince, your trusted partner, in any case.

From our offices in Europe, the Middle East and Asia, our dedicated team of legal and business services professionals can guide you in developing and delivering on your roadmap for sustainable success and provide you with advice that will not only safeguard your business interests but ensure you reap commercial rewards.

Providing you with strategic guidance and well considered advice, we are renowned for the depth and breadth of our legal services and our understanding of the industries in which you operate. We recognise your needs and offer business focussed legal services, together with advice that makes commercial sense.

One firm, in any case

With over 150 years of experience, we have cultivated a seamless ‘one-firm’ approach that is tailored to your personal needs and pairs you with the best legal and strategic business professionals in your field; whenever, wherever, and in any case.

We are more than just a law firm; across The Ince Group we offer legal, consultancy and corporate finance advice. In particular, our Corporate Finance offering provides bespoke advice and structured finance solutions across four divisions: advice, M&A, capital and restructuring.

Support, every step of the way

By leveraging our sector expertise, legal skills and market experience, you can feel safe in the knowledge that we will both handle complex legal issues on your behalf while providing you with expert strategic advice when the need arises.