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STATUTORY INSTRUMENTS

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**2016 No. 912**

**ENERGY**

**The Energy (Transfer of Functions, Consequential Amendments and Revocation) Regulations 2016**

*Made* - - - - *7th September 2016*  
*Laid before Parliament* *13th September 2016*  
*Coming into force* - - *1st October 2016*

The Secretary of State is designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the environment. Accordingly, the Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act, section 4(1)(c) of the Petroleum Act 1998<sup>(3)</sup>, and sections 2(2) to (4) and (6) and 82(2) and (3) of the Energy Act 2016<sup>(4)</sup>.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Energy (Transfer of Functions, Consequential Amendments and Revocation) Regulations 2016 and come into force on 1st October 2016.

(2) Regulations 1 to 3 extend to England and Wales, Scotland and Northern Ireland.

(3) An amendment or revocation made by regulations 4 to 26 has the same extent as the provision to which the amendment or revocation relates.

**Continuity and the validity of things done before the relevant date**

2.—(1) Anything (including legal proceedings) which, at the relevant date, is in the process of being done by or in relation to the Secretary of State in connection with a transferred function may be continued by or in relation to the OGA<sup>(5)</sup>.

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(1) [S.I. 2008/301](#).

(2) [1972 c. 68](#). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 ([c. 51](#)) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 ([c. 7](#)). Section 57(1) of the Scotland Act 1998 ([c. 46](#)) provides that despite the transfer to the Scottish Ministers of functions in relation to observing and implementing obligations under Community law, any function of a Minister of the Crown shall continue to be exercisable by that Minister as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972.

(3) [1998 c. 17](#). Section 4 is amended by section 48(6) of the Scotland Act 2016 ([c. 11](#)), which has not yet been commenced.

(4) [2016 c. 20](#).

(5) The OGA is defined as the Oil and Gas Authority in section 1(4) of the Energy Act 2016.

(2) Anything done (or having effect as if done) by or in relation to the Secretary of State in connection with a transferred function has effect, so far as is necessary for continuing its effect after the relevant date, as if done by or in relation to the OGA.

(3) Subject to paragraph (4), any instrument made, granted or given before the relevant date has effect, so far as is appropriate in connection with a transferred function, as if references to the Secretary of State (and references which are to be read as references to the Secretary of State), were or included references to the OGA.

(4) Any instrument which is a licence granted before the relevant date has effect, so far as is appropriate in connection with a transferred function, as if references to the Secretary of State (and references which are to be read as references to the Secretary of State), in any provision relating to the following, included references to the OGA—

- (a) instructions relating to the avoidance of harmful methods of working;
- (b) the training of persons employed in activities related to the exercise of rights granted by a licence;
- (c) disclosure of information furnished under a licence;
- (d) rights of access to examine installations, wells, plant, appliances and works, or
- (e) arbitration.

(5) Documents or forms produced for use in connection with a transferred function may be used in connection with that function even though they contain (or are to be read as containing) references to the Secretary of State.

(6) For the purposes of the use of any documents or forms referred to in paragraph (5) after the relevant date, references to the Secretary of State are to be read as references to the OGA.

(7) These Regulations do not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State in connection with a transferred function before the relevant date.

(8) In this regulation—

- “instrument” includes awards, licences, authorisations, consents, approvals, judgments, decrees and other documents granted or given in connection with a transferred function;
- “relevant date” means the date on which a transferred function is transferred ;
- “Secretary of State” includes a Minister of the Crown<sup>(6)</sup> and the department or an officer of the Secretary of State;
- “transferred function” means a function transferred to the OGA by regulations made under section 2(2) of, or by Schedule 1 to, the Energy Act 2016.

## Review

3.—(1) The Secretary of State must from time to time—

- (a) carry out a review of regulation 2;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by regulation 2;
- (b) assess the extent to which those objectives are achieved;

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<sup>(6)</sup> Minister of the Crown is defined in section 2(6) of the Energy Act 2016 as having the same meaning as the Ministers of the Crown Act 1975 (c. 26).

- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.
- (3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which regulation 2 comes into force.
- (4) Subsequent reports under this regulation must be published at intervals not exceeding five years.

#### **Oil Taxation (Gas Banking Schemes) Regulations 1982**

4.—(1) Regulation 5 (conditions for elections) of the Oil Taxation (Gas Banking Schemes) Regulations 1982(7) is amended as follows.

(2) In paragraph (5)(a), for “Secretary of State for Energy or by the Department of Commerce for Northern Ireland as the case may be” substitute “appropriate authority”.

(3) In paragraph (5)(a)(i) and (ii), for “Minister” substitute “appropriate authority”.

(4) After paragraph (5) insert—

“(5A) In paragraph (5)(a), “the appropriate authority” means—

- (a) in the case of a licence granted under the Petroleum (Production) Act 1934(8), the Oil and Gas Authority;
- (b) in the case of a licence granted under the Petroleum (Production) Act (Northern Ireland) 1964(9), the Department for the Economy.”.

#### **Hydrocarbons Licensing Directive Regulations 1995**

5.—(1) The Hydrocarbons Licensing Directive Regulations 1995(10) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of “licence” insert—

““the OGA” means the Oil and Gas Authority”.

(3) In regulation 3 (determination of applications), for “Secretary of State” (in both places) substitute “OGA”.

(4) In regulation 5(2) (advance notice of terms and conditions), for “Secretary of State” substitute “OGA”.

(5) In regulation 6 (duration of licence), for “Secretary of State” (in both places) substitute “OGA”.

(6) In regulation 7 (information), for “Secretary of State” (in both places) substitute “OGA”.

#### **Petroleum (Production) (Landward Areas) Regulations 1995**

6.—(1) The Petroleum (Production) (Landward Areas) Regulations 1995(11) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of “Official Journal” insert—

““the OGA” means the Oil and Gas Authority;”.

(3) In regulation 3(1) (application of the regulations), for “Secretary of State” substitute “OGA”.

(4) In regulation 5 (applications for licences)—

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(7) S.I. 1982/92, to which there are amendments not relevant to these Regulations.

(8) 1934 c. 36.

(9) 1964 c. 28 (N.I.).

(10) S.I. 1995/1434.

(11) S.I. 1995/1436, amended by S.I. 2009/229 and 2015/766; there are other amending instruments but none is relevant.

- (a) in paragraph (1)(a), for “Energy Development Unit, Department of Energy and Climate Change, London, SW1” insert “the OGA, Aberdeen AB10”;
- (b) at the end of paragraph (1)(b) insert “, as set out in the Oil and Gas Authority (Fees) Regulations 2016(12)”;
- (5) in paragraph (2), for “Secretary of State” substitute “OGA”.
- (6) In regulation 9(1) (form of licences), for “Secretary of State” substitute “OGA”.
- (7) Omit regulation 10(3) (fees).
- (8) After regulation 11 (plurality of licences), insert—

**“Review**

- 12.—(1) The Secretary of State must from time to time—
  - (a) carry out a review of these Regulations;
  - (b) set out the conclusions of the review in a report; and
  - (c) publish the report.
- (2) The report must in particular—
  - (a) set out the objectives intended to be achieved by these Regulations;
  - (b) assess the extent to which those objectives are achieved;
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.
- (3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.
- (4) Subsequent reports under this regulation must be published at intervals not exceeding five years.”.
- (9) Schedule 5 (model clauses for methane drainage licences) is amended as follows.
- (10) In clause 1(1) (interpretation), for the definition of “the Minister” insert—
 

““the OGA” means the Oil and Gas Authority.”.
- (11) In clause 2 (grant of licence), for “Minister” substitute “OGA”.
- (12) In clause 4 (right of licensee to determine licence), for “Minister” substitute “OGA”.
- (13) In clause 5 (payment of consideration for licence), for “Minister” (in both places) substitute “OGA”.
- (14) In clause 6 (records), for “Minister” (in both places) substitute “OGA”.
- (15) In clause 7 (power to inspect accounts), for “Minister” substitute “OGA”.
- (16) In clause 8 (records to be treated as confidential)—
  - (a) after “employment of the” insert “OGA or the”;
  - (b) for “Minister” (in both places) substitute “OGA”.
- (17) In clause 9 (notice of commencement and termination of operations), for “Minister” (in both places) substitute “OGA”.
- (18) In clause 10 (indemnity against third party claims), for “Minister” (in both places) substitute “OGA”.
- (19) In clause 11 (agreement not to assign), for “Minister” substitute “OGA”.

- (20) In clause 12 (power of revocation), for “Minister” substitute “OGA”.
- (21) In clause 13 (arbitration)—
  - (a) in paragraph (1), for “Minister” (in both places) substitute “OGA”;
  - (b) in paragraph (2), for “Minister” substitute “OGA”;
  - (c) in paragraph (2A), for “Minister” substitute “OGA”;
  - (d) in the Note after paragraph (2A), for “Minister” substitute “OGA”.

### **Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999**

7.—(1) The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999(13) are amended as follows.

- (2) In regulation 3(1) (interpretation)—
  - (a) after the definition of “notice” insert—

““the OGA” means the Oil and Gas Authority;”;
  - (b) in the definition of “relevant requirement”, for “Secretary of State” substitute “OGA”.
- (3) In regulation 4 (requirements as to contents of licences)—
  - (a) in paragraphs (1), (3) and (4), for “Secretary of State” (in each place) substitute “OGA”;
  - (b) in paragraph (3), for “him” substitute “it”.
- (4) In regulation 5 (grant of consent by Secretary of State)—
  - (a) in the heading, for “Grant of consent by” substitute “Agreement of”;
  - (b) before paragraph (1) insert—

“(A1) The OGA shall not grant a consent in respect of a relevant project without the agreement of the Secretary of State.”;
  - (c) in paragraphs (1), (4), (5) and (6), for “grant” (in each place) substitute “agree to the grant of”;
  - (d) in paragraph (7)—
    - (i) for “gives his consent” substitute “agrees to the grant of consent”;
    - (ii) for “that consent” substitute “that agreement”.
- (5) In regulation 6(2) (provisions as to directions that no environmental statement need be prepared), for “grant of consent by” substitute “agreement of”.
- (6) In regulation 7(3) (opinion by Secretary of State as to content of environmental statements), for “Secretary of State”, in the third place it occurs, substitute “OGA”.
- (7) In regulation 11 (exercise of powers under licences)—
  - (a) in the heading, for “Secretary of State” substitute “OGA”;
  - (b) for paragraph (1) substitute—

“(1) Where the OGA exercises any powers under a licence so as to require a licensee to submit to it for its approval any proposals for the carrying out of a relevant project comprising a development then, subject to paragraph (2) below, the licensee shall submit an environmental statement to the Secretary of State.”;
  - (c) in paragraph (2)—

- (i) for the words before sub-paragraph (a), substitute “An environmental statement need not be submitted under paragraph (1) above where—”;
- (ii) for sub-paragraph (a), substitute—
  - “(a) the licensee has submitted the appropriate particulars to the Secretary of State in respect of the development referred to in the proposals the licensee has submitted to the OGA; and”;
- (d) in paragraph (4)—
  - (i) in the words before sub-paragraph (a), for “Secretary of State” substitute “OGA”;
  - (ii) in sub-paragraph (a), for “his” substitute “the Secretary of State’s”;
  - (iii) in sub-paragraph (b), for “he” substitute “the Secretary of State”;
  - (iv) in the words following sub-paragraph (b)—
    - (aa) for “he” (in the first place) substitute “the Secretary of State”;
    - (bb) for “he” (in the second place) substitute “the OGA”;
    - (cc) for “him” substitute “the Secretary of State”;
- (e) for paragraph (5)(a) substitute—
  - “(a) an environmental statement is submitted to the Secretary of State in compliance with paragraph (1) above; or”;
- (f) after paragraph (5) insert—
  - “(5A) The OGA shall not approve proposals which entail the carrying out of a relevant project comprising a development or exercise any power under a licence to require the carrying out of a relevant project comprising a development without the agreement of the Secretary of State.”;
- (g) in paragraph (6)—
  - (aa) for “approve” substitute “agree to”;
  - (bb) for “exercise” substitute “the exercise of”;
- (h) in paragraph (7)—
  - (i) in the words before sub-paragraph (a)—
    - (aa) for “grant an” (in both places) substitute “agree to the grant of”;
    - (bb) for “impose” (in both places) substitute “the imposition of”;
  - (ii) in sub-paragraph (b), omit the words “to the application for approval or, as the case may be, the relevant requirement he is minded to impose” ;
- (i) in paragraph (8)—
  - (i) for “approves” substitute “agrees to”
  - (ii) for “(1)” substitute “(A1)”;
  - (iii) for “imposes” substitute “the imposition of”;
  - (iv) for “approval or requirement” substitute “agreement”;
- (j) in paragraph (9A)—
  - (i) in sub-paragraph (a), omit “pursuant to a licence”;
  - (ii) in sub-paragraph (b), for “Secretary of State” substitute “OGA”.
- (8) In regulation 12(2)(a) (projects affecting other States)—
  - (a) for “approval” substitute “agreement”;

- (b) for “Secretary of State”, in the second and third places it occurs, substitute “OGA”.
- (9) In regulation 16 (application to court by person aggrieved)—
  - (a) in paragraph (1), for “grant of consent by” substitute “agreement of”;
  - (b) in paragraph (2), for “Secretary of State” substitute “OGA”.
- (10) In regulation 17 (application to court by Secretary of State)—
  - (a) in paragraph (1)(a), for “Secretary of State” substitute “OGA”;
  - (b) in paragraph (2)(a)(i), for “Secretary of State” substitute “OGA”.
- (11) In regulation 18(2)(b) (offences), for “Secretary of State” substitute “OGA”.
- (12) After regulation 18, insert—

#### “Review

- 19.—(1) The Secretary of State must from time to time—
  - (a) carry out a review of these Regulations;
  - (b) set out the conclusions of the review in a report; and
  - (c) publish the report.
- (2) In carrying out the review, the Secretary of State must, so far as is reasonable, have regard to how the Directive(14) (which is implemented by these Regulations), is implemented in other member States.
- (3) The report must in particular—
  - (a) set out the objectives intended to be achieved by these Regulations;
  - (b) assess the extent to which those objectives are achieved;
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.
- (5) Subsequent reports under this regulation must be published at intervals not exceeding five years.”.

#### Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001

- 8.—(1) The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001(15) are amended as follows.
- (2) In regulation 2(1) (interpretation)—
  - (a) after the definition of “offshore oil and gas activities” insert—

““OGA” means the Oil and Gas Authority;”;
  - (b) in the definitions of “relevant function” and “relevant power”, after “Secretary of State” insert “or the OGA”.
- (3) In regulation 3(1) (application of directives)—
  - (a) after “Secretary of State” insert “and the OGA”;
  - (b) after “shall exercise” insert “their respective,”;

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(14) The Directive is defined in regulation 3(1) of S.I. 1999/360 as Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

(15) S.I. 2001/1754, amended by S.I. 2007/77, 2007/1842 and 2010/1513; there are other amending instruments but none is relevant.

- (c) omit “conferred on him”;
  - (d) for “he” substitute “each”.
- (4) In regulation 5 (appropriate assessments)—
- (a) before paragraph (1), insert—
    - “(A1) The OGA shall not grant any Petroleum Act licence, consent or authorisation without the agreement of the Secretary of State.”;
  - (b) in paragraph (1)—
    - (i) for “granting” substitute “agreeing to the grant of”;
    - (ii) after “any consent,” insert “or”;
    - (iii) for “any approval” substitute “granting any consent or approval”;
  - (c) in paragraph (3), for “grant any such licence, consent, authorisation or approval” substitute “agree to the grant of any such licence, consent, or authorisation or grant any such consent or approval”.
- (5) After regulation 21 (use of electronic communication), insert—

**“Review**

- 22.—**(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
  - (b) set out the conclusions of the review in a report; and
  - (c) publish the report.
- (2) In carrying out the review, the Secretary of State must, so far as is reasonable, have regard to how the Directives<sup>(16)</sup> (which are implemented by these Regulations), are implemented in other member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by these Regulations;
  - (b) assess the extent to which those objectives are achieved;
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.
- (5) Subsequent reports under this regulation must be published at intervals not exceeding five years.”.

**Offshore Chemicals Regulations 2002**

- 9.—**(1) The Offshore Chemicals Regulations 2002<sup>(17)</sup> are amended as follows.
- (2) In regulation 2(1) (interpretation), in paragraph (a) of the definition of “offshore petroleum activities”, after “Secretary of State” insert “or the Oil and Gas Authority”.
- (3) In regulation 7(2)(b) (publicity for permit applications), for “Secretary of State” substitute “Oil and Gas Authority”.

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<sup>(16)</sup> The Directives are defined in regulation 2(1) of [S.I. 2001/1754](#) as the Habitats Directive and the Wild Birds Directive (which are further defined in that regulation).

<sup>(17)</sup> [S.I. 2002/1355](#), amended by [S.I. 2005/2055](#), [2010/1513](#) and [2011/982](#); there are other amending instruments but none is relevant.



(4) After regulation 19 (service of notices), insert—

**“Review**

**19A.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of regulations 2 to 19 of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by those regulations;
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.

(4) Subsequent reports under this regulation must be published at intervals not exceeding five years.”.

**Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005**

**10.**—(1) The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005(18) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “offshore installation”, after “Secretary of State” insert “or the Oil and Gas Authority”.

(3) In regulation 5A(5)(b) (publicity for permit applications), for “Secretary of State” substitute “Oil and Gas Authority”.

(4) After regulation 18 (disapplication or consequential modifications of enactments), insert—

**“Review**

**18A.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of regulations 2 to 18(1) of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by those regulations;
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.

(4) Subsequent reports under this regulation must be published at intervals not exceeding five years.”.

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(18) S.I. 2005/2055, amended by S.I. 2011/983; there are other amending instruments but none is relevant.

### **Offshore Installations (Safety Case) Regulations 2005**

- 11.**—(1) The Offshore Installations (Safety Case) Regulations 2005(**19**) are amended as follows.
- (2) In the definition of “field development programme” in regulation 2(1) (interpretation)—
- (a) for “Department of Energy and Climate Change” substitute “Oil and Gas Authority”; and
  - (b) for “Department of Energy and Climate Change’s” substitute “Oil and Gas Authority’s”.
- (3) In regulation 6(1) and (2) (design and relocation notifications for production installation), for “Department of Energy and Climate Change” substitute “Oil and Gas Authority”.
- (4) After regulation 24 (appeals) insert—

#### **“Review**

- 24A.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of regulations 1 to 24;
  - (b) set out the conclusions of the review in a report; and
  - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Council [Directive 92/91/EEC](#) concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling(**20**) (which is implemented by means of these Regulations) is implemented in other member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
  - (b) assess the extent to which those objectives are achieved; and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published by 18th July 2020.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”

### **Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007**

- 12.** In regulations 25(6)(c) and 27(6)(c) of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (protection of European offshore marine sites and European sites and review of existing decisions and consents)(**21**), after “Secretary of State” insert “or the Oil and Gas Authority”.

### **Petroleum Licensing (Production) (Seaward Areas) Regulations 2008**

- 13.**—(1) The Petroleum Licensing (Production) (Seaward Areas) Regulations 2008(**22**) are amended as follows.
- (2) After regulation 2 (model clauses), insert—

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(19) [S.I. 2005/3117](#), amended by [S.I. 2009/229](#) and [2015/398](#).

(20) OJ No L 348, 28.11.92, p. 9.

(21) [S.I. 2007/1842](#), amended by [S.I. 2010/1513](#); there are other amending instruments but none is relevant.

(22) [S.I. 2008/225](#), amended by [S.I. 2009/229](#) and [S.I. 2009/3283](#).

**“Review**

- 3.—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
  - (b) set out the conclusions of the review in a report; and
  - (c) publish the report.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by these Regulations;
  - (b) assess the extent to which those objectives are achieved;
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.
- (3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.
- (4) Subsequent reports under this regulation must be published at intervals not exceeding five years.”.
- (3) The Schedule (model clauses for seaward area production licences) is amended as follows.
- (4) In clause 1(1) (interpretation)—
- (a) in the definition of “Block”, for “Department of Energy and Climate Change” substitute “OGA”;
  - (b) after the definition of “the Minister” insert—  
““the OGA” means the Oil and Gas Authority;”.
- (5) In clause 2 (grant of licence)—
- (a) for “Minister” (in both places) substitute “OGA”; and
  - (b) for “him” substitute “it”.
- (6) In clause 4 (initial term)—
- (a) in paragraph (1)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “his” substitute “its”;
  - (b) in paragraph (2)—
    - (i) in the words before sub-paragraph (a)—
      - (aa) for “Minister” substitute “OGA”;
      - (bb) for “his” substitute “its”;
    - (ii) in sub-paragraph (c), for “Minister” substitute “OGA”.
- (7) In clause 5 (surrender during initial term), for “Minister” (in both places) substitute “OGA”.
- (8) In clause 6 (option to continue licence into a second term), for “Minister” (in both places) substitute “OGA”.
- (9) In clause 7 (extension of the initial or second term)—
- (a) in paragraph (2), for “Minister” substitute “OGA”;
  - (b) in paragraph (3)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “his” substitute “its”;
  - (c) in paragraph (4), for “Minister” substitute “OGA”.

- (10) In clause 8 (option to continue the licence into a third term)—
- (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (3)(a), for “Minister” substitute “OGA”;
  - (c) in paragraph (3)(b)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “him” substitute “it”;
  - (d) in paragraph (3)(c), for “Minister” substitute “OGA”.
- (11) In clause 9 (power further to extend term of licence)—
- (a) for “Minister” (in each place) substitute “OGA”;
  - (b) for “him” substitute “it”;
  - (c) for “his” substitute “its”.
- (12) In clause 10 (right of licensee to determine licence or surrender part of licensed area), for “Minister” substitute “OGA”.
- (13) In clause 11 (areas surrendered), for “Minister” (in each place) substitute “OGA”.
- (14) In clause 12 (payment of consideration for licence), for “Minister” (in both places) substitute “OGA”.
- (15) In clause 13 (provision of contact details)—
- (a) in the heading, for “Minister” substitute “OGA”;
  - (b) for “Minister” (in each place) substitute “OGA”.
- (16) In clause 14 (measurement of petroleum obtained from the licensed area)—
- (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (2), for “Minister” substitute “OGA”;
  - (c) in paragraph (3), for “Minister” substitute “OGA”;
  - (d) in paragraph (4), for “Minister” (in each place) substitute “OGA”;
  - (e) in paragraph (5)—
    - (i) for “Minister” (in each place) substitute “OGA”;
    - (ii) for “Minister’s” substitute “OGA’s”;
  - (f) in paragraph (6), for “Minister” substitute “OGA”.
- (17) In clause 15 (keeping of accounts), for “Minister” (in each place) substitute “OGA”.
- (18) In clause 16 (working obligations)—
- (a) in paragraph (2), for “Minister” (in both places) substitute “OGA”;
  - (b) in paragraph (3)—
    - (i) in the words before sub-paragraph (a)—
      - (aa) for “Minister” substitute “OGA”;
      - (bb) for “him” substitute “it”;
    - (ii) in sub-paragraph (a), for “he” substitute “it”;
    - (iii) in sub-paragraph (b)—
      - (aa) for “he” (in both places) substitute “it”;
      - (bb) for “his” substitute “its”.
  - (c) in paragraph (4), for “Minister” (in both places) substitute “OGA”;

- (d) in paragraph (5), for “Minister” (in each place) substitute “OGA”;
  - (e) in paragraph (6)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “he” (in each place) substitute “it”;
  - (f) in paragraph (7), for “Minister” substitute “OGA”.
- (19) In clause 17 (development and production programmes)—
- (a) in paragraph (1), for “Minister” (in both places) substitute “OGA”;
  - (b) in paragraph (2), for “Minister” (in each place) substitute “OGA”;
  - (c) in paragraph (3), for “Minister” substitute “OGA”;
  - (d) in paragraph (4)—
    - (i) in the words before sub-paragraph (a)—
      - (aa) for “Minister” substitute “OGA”;
      - (bb) for “him” substitute “it”;
      - (cc) for “he” substitute “it”;
    - (ii) in sub-paragraph (a), for “Minister” substitute “OGA”;
    - (iii) in sub-paragraph (b), for “Minister” (in both places) substitute “OGA”;
    - (iv) in sub-paragraph (c), for “Minister” (in both places) substitute “OGA”;
    - (v) in the words after sub-paragraph (c)(ii), for “Minister” substitute “OGA”;
  - (e) in paragraph (5)—
    - (i) in the words before sub-paragraph (a), for “Minister” substitute “OGA”;
    - (ii) in sub-paragraph (a), for “he” (in both places) substitute “it”;
    - (iii) in sub-paragraph (b), for “he” (in both places) substitute “it”;
    - (iv) in sub-paragraph (c), for “Minister” substitute “OGA”;
  - (f) in paragraph (6)—
    - (i) for “Minister” (in each place) substitute “OGA”;
    - (ii) for “him” (in the first and third places) substitute “it”;
    - (iii) for “he” substitute “it”;
  - (g) in paragraph (7)—
    - (i) in the words before sub-paragraph (a)—
      - (aa) for “Minister” substitute “OGA”;
      - (bb) for “he” substitute “it”;
    - (ii) in sub-paragraph (a), for “Minister” substitute “OGA”;
    - (iii) in sub-paragraph (b), for “him” substitute “it”;
  - (h) in paragraph (8), for “Minister” (in both places) substitute “OGA”.
- (20) In clause 18 (provisions supplementary to clause 17)—
- (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (2), for “Minister” (in each place) substitute “OGA”;
  - (c) in paragraph (4)—
    - (i) in the words before sub-paragraph (a)—
      - (aa) for “Minister” substitute “OGA”;

- (bb) for “he” substitute “it”;
- (ii) in sub-paragraph (a), for “Minister” substitute “OGA”;
- (iii) in sub-paragraph (b), for “him” substitute “it”;
- (iv) in the words after sub-paragraph (b)—
  - (aa) for “Minister” (in both places) substitute “OGA”;
  - (bb) for “he” substitute “it”;
- (d) in paragraph (5), for “Minister” (in both places) substitute “OGA”;
- (e) in paragraph (6), for “Minister” substitute “OGA”;
- (f) in paragraph (8), for “Minister” (in each place) substitute “OGA”;
- (g) in paragraph (9)—
  - (i) in the words before sub-paragraph (a)—
    - (aa) for “Minister” substitute “OGA”;
    - (bb) for “he” (in both places) substitute “it”;
  - (ii) in sub-paragraph (a), for “he” (in both places) substitute “it”;
  - (iii) in sub-paragraph (b), for “he” (in both places) substitute “it”;
  - (iv) in the words after sub-paragraph (b), for “Minister” substitute “OGA”.
- (21) In clause 19 (commencement and abandonment and plugging of wells)—
  - (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (2), for “Minister” substitute “OGA”;
  - (c) in paragraph (4)—
    - (i) for “Minister” (in each place) substitute “OGA”;
    - (ii) for “Minister’s” substitute “OGA’s”;
  - (d) in paragraph (5), for “Minister” substitute “OGA”;
  - (e) in paragraph (6), for “Minister” substitute “OGA”;
  - (f) in paragraph (11), for “Minister” substitute “OGA”;
  - (g) in paragraph (12), for “Minister” (in both places) substitute “OGA”;
  - (h) in paragraph (13), for “Minister” substitute “OGA”;
  - (i) in paragraph (14), for “Minister” substitute “OGA”.
- (22) In clause 20 (distance of wells from boundaries of licensed area), for “Minister” substitute “OGA”.
- (23) In clause 21 (control of development wells), for “Minister” (in each place) substitute “OGA”.
- (24) In clause 23 (avoidance of harmful methods of working)—
  - (a) in paragraph (2), after “Minister” insert “or the OGA”;
  - (b) in paragraph (3), for “Minister” substitute “OGA”;
  - (c) in paragraph (4), for “Minister” (in both places) substitute “OGA”;
  - (d) in paragraph (5), for “Minister” (in each place) substitute “OGA”;
  - (e) in paragraph (6)—
    - (i) for “Minister” (in both places) substitute “OGA”;
    - (ii) for “him” substitute “it”;
  - (f) in paragraph (7), for “Minister” (in both places) substitute “OGA”;

- (g) in paragraph (8), for “Minister” substitute “OGA”;
- (h) in paragraph (9)—
  - (i) for “Minister” (in each place) substitute “OGA”;
  - (ii) for “he” substitute “it”;
  - (iii) for “him” substitute “it”.
- (25) In clause 24 (appointment of operators)—
  - (a) for “Minister” (in each place) substitute “OGA”;
  - (b) for “his” (in both places) substitute “its”.
- (26) In clause 26 (training)—
  - (a) in paragraph (1), after “Minister” insert “or the OGA”;
  - (b) in paragraph (2)—
    - (i) after “Minister” insert “or the OGA”
    - (ii) for “he” substitute “the Minister or the OGA (as applicable)”;
  - (c) in paragraph (3), after “Minister” (in both places) insert “or the OGA”.
- (27) In clause 27 (unit development)—
  - (a) in paragraph (1), for “Minister” (in both places) substitute “OGA”;
  - (b) in paragraph (2), for “Minister” (in both places) substitute “OGA”;
  - (c) in paragraph (3), for “Minister” (in both places) substitute “OGA”;
  - (d) in paragraph (4)—
    - (i) for “Minister” (in each place) substitute “OGA”;
    - (ii) for “himself” substitute “itself”;
  - (e) in paragraph (5), for “Minister” (in both places) substitute “OGA”.
- (28) In clause 28(1) (directions as to oil fields across boundaries)—
  - (a) for “Minister” (in each place) substitute “OGA”;
  - (b) for “Minister’s” substitute “OGA’s”.
- (29) In clause 29 (licensee to keep records), for “Minister” (in each place) substitute “OGA”.
- (30) In clause 30 (returns), for “Minister” (in each place) substitute “OGA”.
- (31) In clause 31 (licensee to keep samples)—
  - (a) in paragraph (2)—
    - (i) in sub-paragraph (a), for “Minister” substitute “OGA”;
    - (ii) in sub-paragraph (b)—
      - (aa) for “Minister or any person authorised by him” substitute “OGA”;
      - (bb) for “he” substitute “it”;
      - (cc) at the end of the sub-paragraph, for “him” substitute “it”;
  - (b) in paragraph (3)—
    - (i) in the words before sub-paragraph (a), for “Minister or any person authorised by him” substitute “OGA”;
    - (ii) in sub-paragraph (a)—
      - (aa) for “he” substitute “it”;
      - (bb) for “him” substitute “it”.

- (32) In clause 32 (reports to be treated as confidential)—
- (a) in the words before paragraph (a), after “employment of the” insert “OGA or the”;
  - (b) in paragraph (a), for “Minister” (in both places) substitute “OGA”;
  - (c) in paragraph (b), for “Minister” substitute “OGA”;
  - (d) in paragraph (c), for “Minister” substitute “OGA”;
  - (e) in paragraph (d)—
    - (i) for “Minister” (in each place) substitute “OGA”;
    - (ii) in sub-paragraph (iii), for “him” substitute “it”.
- (33) In clause 33(a) (inspection of records)—
- (a) omit “in the service or employment of the Crown”;
  - (b) for “Minister” (in both places) substitute “OGA”.
- (34) In clause 34 (rights of access)—
- (a) in the words before paragraph (a), after “Minister” insert “or the OGA”;
  - (b) in paragraph (b), for “Minister” substitute “OGA”.
- (35) In clause 35 (power to execute works), for “Minister” (in both places) substitute “OGA”.
- (36) In clause 36(2) (right of distress)—
- (a) for “Minister” substitute “OGA”;
  - (b) for “he” substitute “it”.
- (37) In clause 37(2) (diligence)—
- (a) for “Minster” substitute “OGA”;
  - (b) for “Minister” substitute “OGA”;
  - (c) for “he” substitute “it”.
- (38) In clause 38 (indemnity against third party claims), for “Minister” (in both places) substitute “OGA”.
- (39) In clause 39 (advertisements, prospectuses), for “Her Majesty or any Government Department or any person or body acting on behalf of Her Majesty has or have” substitute “the OGA has”.
- (40) In clause 40 (restrictions on assignment), for “Minister” (in each place) substitute “OGA”.
- (41) In clause 41 (power of revocation)—
- (a) for “Minister” (in each place) substitute “OGA”;
  - (b) in paragraph (2)(i), for “his” substitute “its”.
- (42) In clause 42 (power of partial revocation), for “Minister” (in both places) substitute “OGA”.
- (43) In paragraphs (1) and (2) of clause 43 (arbitration), after “Minister” (in each place) insert “or the OGA”.
- (44) In clause 45 (relationship with fishing industry)—
- (a) in paragraph (1)(b)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “him” substitute “it”;
  - (b) in paragraph (2) for “Minister” (in both places) substitute “OGA”.



## **Offshore Gas Storage and Unloading (Licensing) Regulations 2009**

14.—(1) The Offshore Gas Storage and Unloading (Licensing) Regulations 2009(23) are amended as follows.

(2) For regulation 2 (applications for licences under section 4), substitute—

### **“Applications for licences under section 4**

2. An application for a licence must be made in writing.”.

(3) After regulation 3 (model clauses for gas storage licences) insert—

### **“Review**

4.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate, and if so, the extent to which they could be achieved in a less burdensome way.

(3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.

(4) Subsequent reports under this regulation must be published at intervals not exceeding five years.”.

(4) The Schedule (model clauses) is amended as follows.

(5) In clause 1(1) (interpretation), after the definition of “the Minister” insert—

““the OGA” means the Oil and Gas Authority;”.

(6) In clause 3 (term of licence), for “Minister” (in each place) substitute “OGA”.

(7) In clause 4 (extension of exploration period), for “Minister” (in each place) substitute “OGA”.

(8) In clause 5 (right of licensee to terminate licence) for “Minister” (in both places) substitute “OGA”.

(9) In clause 6 (provision of contact details)—

- (a) in the heading, for “Minister” substitute “OGA”;
- (b) for “Minister” (in each place) substitute “OGA”.

(10) In clause 7 (working obligations)—

- (a) in paragraph (2), for “Minister” (in both places) substitute “OGA”;
- (b) in paragraph (4), for “Minister” (in each place) substitute “OGA”;
- (c) in paragraph (5), for “Minister” (in both places) substitute “OGA”;
- (d) in paragraph (6), for “Minister” (in each place) substitute “OGA”;
- (e) in paragraph (7)—
  - (i) for “Minister” substitute “OGA”;

- (ii) for “he” (in each place) substitute “it”;
- (f) in paragraph (8), for “Minister” substitute “OGA”.
- (11) In clause 8 (development plans), for “Minister” (in both places) substitute “OGA”.
- (12) In clause 9 (commencement and abandonment and plugging of wells)—
  - (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (2), for “Minister” substitute “OGA”;
  - (c) in paragraph (4)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “Minister’s” substitute “OGA’s”;
  - (d) in paragraph (5), for “Minister” substitute “OGA”;
  - (e) in paragraph (6), for “Minister” substitute “OGA”;
  - (f) in paragraph (11), for “Minister” substitute “OGA”;
  - (g) in paragraph (12), for “Minister” (in both places) substitute “OGA”;
  - (h) in paragraph (13), for “Minister” substitute “OGA”.
- (13) In clause 10 (control of development wells), for “Minister” (in each place) substitute “OGA”.
- (14) In clause 12(2) (avoidance of harmful methods of working and ensuring security of supply), after “Minister” insert “or the OGA”.
- (15) In clause 13 (appointment of operators), for “Minister” (in each place) substitute “OGA”.
- (16) In clause 15 (training), after “Minister” (in each place) insert “or the OGA”.
- (17) In clause 16 (licensee to keep records), for “Minister” (in each place) substitute “OGA”.
- (18) In clause 17(1) (returns), for “Minister” (in both places) substitute “OGA”.
- (19) In clause 18 (licensee to keep samples)—
  - (a) in paragraph (2)—
    - (i) in sub-paragraph (a), for “Minister” substitute “OGA”;
    - (ii) in sub-paragraph (b)—
      - (aa) for “Minister or any person authorised by him” substitute “OGA”;
      - (bb) for “he” substitute “it”;
      - (cc) at the end of the sub-paragraph, for “him” substitute “it”;
  - (b) in paragraph (3)—
    - (i) in the words before sub-paragraph (a), for “Minister or any person authorised by him” substitute “OGA”;
    - (ii) in sub-paragraph (a)—
      - (aa) for “he” substitute “it”;
      - (bb) for “him” substitute “it”.
- (20) In clause 19 (reports to be treated as confidential)—
  - (a) in the words before paragraph (a), after “employment of the” insert “OGA or the”;
  - (b) in paragraph (a), for “Minister” (in both places) substitute “OGA”;
  - (c) in paragraph (b), for “Minister” substitute “OGA”;
  - (d) in paragraph (c), for “Minister” substitute “OGA”;
  - (e) in paragraph (d)—

- (i) for “Minister” (in each place) substitute “OGA”;
  - (ii) in sub-paragraph (iii), for “him” substitute “it”.
- (21) In clause 20(a) (inspection of records)—
- (a) omit “in the service or employment of the Crown”;
  - (b) for “Minister” (in both places) substitute “OGA”.
- (22) In clause 21 (power to execute works), for “Minister” (in both places) substitute “OGA”.
- (23) In clause 22 (rights of access)—
- (a) in the words before paragraph (a), after “Minister” insert “or the OGA”;
  - (b) in paragraph (b), for “Minister” substitute “OGA”.
- (24) In clause 23 (transfer of licence), for “Minister” substitute “OGA”.
- (25) In clause 24 (revocation of licence), for “Minister” (in each place) substitute “OGA”.
- (26) In clause 25 (power of partial revocation), for “Minister” (in both places) substitute “OGA”.
- (27) In clause 26 (arbitration)—
- (a) in paragraphs (1) and (2), after “Minister” (in each place) insert “or the OGA”;
  - (b) in paragraph (5), after “Minister” insert “or the OGA (as applicable)”.
- (28) In clause 28 (relationship with fishing industry)—
- (a) in paragraph (1)(b)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “him” substitute “it”;
  - (b) in paragraph (2), for “Minister” (in both places) substitute “OGA”.
- (29) In clause 29 (discovery of petroleum), for “Minister” (in each place) substitute “OGA”.

### **Offshore Exploration (Petroleum, and Gas Storage and Unloading) (Model Clauses) Regulations 2009**

**15.**—(1) The Offshore Exploration (Petroleum, and Gas Storage and Unloading) (Model Clauses) Regulations 2009<sup>(24)</sup> are amended as follows.

- (2) In regulation 2(2)(a) (model clauses), for “Secretary of State” substitute “OGA”.
- (3) After regulation 3 (application of the Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004), insert—

#### **“Review**

- 4.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
  - (b) set out the conclusions of the review in a report; and
  - (c) publish the report.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by these Regulations;
  - (b) assess the extent to which those objectives are achieved;

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(24) S.I. 2009/2814.

- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.
- (3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.
- (4) Subsequent reports under this regulation must be published at intervals not exceeding five years.”.
- (4) The Schedule (model clauses for exploration licences) is amended as follows.
- (5) In clause 1(1) (interpretation), after the definition of “the Minister” insert—
  - ““the OGA” means the Oil and Gas Authority;”.
- (6) In clause 2 (grant of licence), for “Minister” (in both places) substitute “OGA”.
- (7) In clause 3(1) (prospecting methods), for “Minister” substitute “OGA”.
- (8) In clause 4 (term of licence), for “Minister” substitute “OGA”.
- (9) In clause 5 (right of licensee to terminate licence), for “Minister” substitute “OGA”.
- (10) In clause 6 (provision of contact details)—
  - (a) in the heading, for “Minister” substitute “OGA”;
  - (b) for “Minister” (in each place) substitute “OGA”.
- (11) In clause 7 (payment of consideration for licence), for “Minister” (in both places) substitute “OGA”.
- (12) In clause 8 (commencement, abandonment and plugging of wells)—
  - (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (2), for “Minister” substitute “OGA”;
  - (c) in paragraph (4)—
    - (i) in sub-paragraph (a)—
      - (aa) for “Minister” substitute “OGA”;
      - (bb) for “Minister’s” substitute “OGA’s”;
    - (ii) in sub-paragraph (b), for “Minister” (in both places) substitute “OGA”;
  - (d) in paragraph (5), for “Minister” substitute “OGA”;
  - (e) in paragraph (9), for “Minister” substitute “OGA”;
  - (f) in paragraph (10), for “Minister” substitute “OGA”;
  - (g) in paragraph (11), for “Minister” substitute “OGA”.
- (13) In clause 9 (avoidance of harmful methods of working)—
  - (a) in paragraph (2), after “Minister” insert “or the OGA”;
  - (b) in paragraph (3), for “Minister” substitute “OGA”.
- (14) In clause 11 (licensee to keep records), for “Minister” (in each place) substitute “OGA”.
- (15) In clause 12 (returns), for “Minister” (in each place) substitute “OGA”.
- (16) In clause 13 (licensee to keep samples)—
  - (a) in paragraph (2)—
    - (i) in sub-paragraph (a), for “Minister” substitute “OGA”;
    - (ii) in sub-paragraph (b)—
      - (aa) for “Minister or any person authorised by him” substitute “OGA”;
      - (bb) for “he” substitute “it”;

- (cc) at the end of the sub-paragraph, for “him” substitute “it”;
- (b) in paragraph (3)—
  - (i) in the words before sub-paragraph (a), for “Minister or any person authorised by him” substitute “OGA”;
  - (ii) in sub-paragraph (a)—
    - (aa) for “he” substitute “it”;
    - (bb) for “him” substitute “it”.
- (17) In clause 14 (reports to be treated as confidential)—
  - (a) in the words before paragraph (a), after “employment of the” insert “OGA or the”;
  - (b) in paragraph (a), for “Minister” (in both places) substitute “OGA”;
  - (c) in paragraph (b), for “Minister” substitute “OGA”;
  - (d) in paragraph (c), for “Minister” substitute “OGA”;
  - (e) in paragraph (d)—
    - (i) for “Minister” (in each place) substitute “OGA”;
    - (ii) in sub-paragraph (iii), for “him” substitute “it”.
- (18) In clause 15(a) (inspection of records)—
  - (a) omit “in the service of employment of the Crown”;
  - (b) for “Minister” (in both places) substitute “OGA”.
- (19) In clause 16 (rights of access)—
  - (a) in the words before paragraph (a), after “Minister” insert “or the OGA”;
  - (b) in paragraph (b), for “Minister” substitute “OGA”.
- (20) In clause 17 (power to execute works), for “Minister” (in both places) substitute “OGA”.
- (21) In clause 18 (indemnity against third-party claims), for “Minister” (in both places) substitute “OGA”.
- (22) In clause 20(1) (power of revocation), for “Minister” substitute “OGA”.
- (23) In clause 21 (power of partial revocation), for “Minister” (in both places) substitute “OGA”.
- (24) In clause 22 (arbitration)—
  - (a) in paragraphs (1) and (2), after “Minister” (in each place) insert “or the OGA”;
  - (b) in paragraph (5), after “Minister” insert “or the OGA (as applicable)”.
- (25) In clause 24 (relationship with fishing industry)—
  - (a) for “Minister” (in each place) substitute “OGA”;
  - (b) in paragraph (2)(b), for “him” substitute “it”.

## **Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010**

16.—(1) The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010(25) is amended as follows.

(2) In article 3(3)(b) (modification of Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001), after “Secretary of State” insert “or the Oil and Gas Authority”.

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(25) [S.I. 2010/1513](#), to which there are amendments not relevant to these Regulations.

(3) After article 9 (Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005), insert—

**“Review**

**9A.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of articles 2, 3(1) to (5) and 9 of this Order;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the following Directives, or articles of the Directives (which are implemented by means of articles 2, 3(1) to (5) and 9), are implemented in other member States—

- (a) the amendments to Council [Directive 85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment(26) made by Article 31 of [Directive 2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide(27);
- (b) Council [Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora(28), and
- (c) [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds(29).

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by those articles;
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(4) The first report under this article must be published before the end of the period of five years beginning with the day on which this article comes into force.

(5) Subsequent reports under this article must be published at intervals not exceeding five years.”.

**Storage of Carbon Dioxide (Licensing etc.) Regulations 2010**

**17.**—(1) The Storage of Carbon Dioxide (Licensing etc.) Regulations 2010(30) are amended as follows.

(2) After regulation 1 (citation, commencement and interpretation), insert—

**“Review**

**1A.**—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of regulations 1(2) to 20;
- (b) set out the conclusions of the review in a report; and

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(26) OJ No L 175, 5.7.1985, p. 40, amended by Council [Directive 97/11/EC](#) (OJ No L 73, 14.3.1997, p. 5), [Directive 2003/35/EC](#) of the European Parliament and of the Council (OJ No L 156, 25.6.2003, p. 17) and [Directive 2009/31/EC](#) of the European Parliament and of the Council (OJ No L 140, 5.6.2009, p. 114).

(27) OJ No L 140, 5.6.2009, p. 128.

(28) OJ No L 206, 22.7.1992, p. 7, amended by Council [Directive 97/62/EC](#) (OJ No L 305, 8.11.1997, p. 42).

(29) OJ No L 20, 26.1.2010, p. 7.

(30) [S.I. 2010/2221](#). Regulation 3 is amended by paragraph 79 of the Energy Act 2016, which has not yet been commenced; there are other amending instruments but none is relevant.

- (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive<sup>(31)</sup> (which is implemented by means of regulations 1(2) to 20) is implemented in other member States.
- (3) The report must in particular—
  - (a) set out the objectives intended to be achieved by the regulatory system established by regulations 1(2) to 20;
  - (b) assess the extent to which those objectives are achieved; and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) In this regulation, “review period” means—
  - (a) the period of five years beginning with the day on which this regulation comes into force; and
  - (b) subject to paragraph (5), each successive period of five years.
- (5) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.”.
- (3) In regulation 3(1) (applications for a licence)—
  - (a) in sub-paragraph (a), omit “and” in the third place it occurs;
  - (b) omit sub-paragraph (b).

### **Storage of Carbon Dioxide (Licensing etc.) (Scotland) Regulations 2011**

**18.** In regulation 1(3) of the Storage of Carbon Dioxide (Licensing etc.) (Scotland) Regulations 2011 (interpretation)<sup>(32)</sup>, in the definition of “general exploration licence”, for “Secretary of State” substitute “Oil and Gas Authority”.

### **Storage of Carbon Dioxide (Termination of Licences) Regulations 2011**

**19.—**(1) The Storage of Carbon Dioxide (Termination of Licences) Regulations 2011<sup>(33)</sup> are amended as follows.

- (2) In regulation (3) (interpretation)—
  - (a) after the definition of “applicant” insert—
    - ““appropriate Minister” means either—
    - (a) the Secretary of State, where the OGA is the licensing authority in accordance with section 18(2); or
    - (b) the Scottish Ministers, where the Scottish Ministers are the licensing authority in accordance with section 18(2);”;
  - (b) in the definition of “authority”, for “Secretary of State” substitute “OGA”;
  - (c) in the definition of “post-transfer costs”, for “authority” substitute “appropriate Minister”.
- (3) In regulation 10 (financial obligations)—
  - (a) in paragraph (4)(b), for “authority” substitute “appropriate Minister”;

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<sup>(31)</sup> The Directive is defined in regulation 1(3) of [S.I. 2010/2221](#) as [Directive 2009/31/EC](#) of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide.

<sup>(32)</sup> [S.S.I. 2011/24](#), to which there are amendments not relevant to these Regulations.

<sup>(33)</sup> [S.I. 2011/1483](#).

- (b) after paragraph (4), insert—
  - “(4A) Where the OGA is the licensing authority in accordance with section 18(2), it must provide to the Secretary of State a copy of any notification given under paragraph (4).”;
- (c) in paragraph (5), for “authority” substitute “appropriate Minister”.
- (4) In regulation 11 (serving a termination notice)—
  - (a) after paragraph (2), insert—
    - “(2A) Where the OGA is the licensing authority in accordance with section 18(2), it must provide to the Secretary of State a copy of any notification given under paragraph (2)(b).”;
  - (b) in paragraph (4)(c), after “contribution” insert “from the appropriate Minister”;
  - (c) in the words after paragraph (4)(c), for “authority” substitute “appropriate Minister”.
- (5) In regulation 13 (termination notices and the provision of information)—
  - (a) after paragraph (1), insert—
    - “(1A) Where the OGA is the licensing authority in accordance with section 18(2), it must provide to the Secretary of State a copy of any termination notification served under paragraph (1).”;
  - (b) in paragraph (2), for “authority” in the second and third places it occurs substitute “appropriate Minister”;
  - (c) in paragraph (3)—
    - (i) for “authority” (in both places) substitute “appropriate Minister”;
    - (ii) omit the words “to it” (in each place);
    - (iii) omit the words “of its”.
- (6) In regulation 14(2) (transfer of obligations), for “authority” substitute “appropriate Minister”.
- (7) In regulation 15 (transfer of liabilities), for “authority” (in both places) substitute “appropriate Minister”.
- (8) In regulation 16(1) and (3) (recovery of costs), for “authority” (in each place) substitute “appropriate Minister”.
- (9) For regulation 17 (information), substitute—

**“Information**

**17. The licence holder must—**

- (a) to the extent it is not obliged to do so under the licence, provide the authority with such information as the authority may from time to time request for the purpose of determining whether—
  - (i) to request a transfer report from the operator pursuant to regulation 5; or
  - (ii) to exercise any other function conferred on the authority by these Regulations;
- (b) provide the appropriate Minister with such information as the appropriate Minister may from time to time request for the purpose of exercising any function conferred on the appropriate Minister by these Regulations.”.



## **The Town and Country Planning (Development Management Procedure) (Wales) Order 2012**

**20.**—(1) The Town and Country Planning (Development Management Procedure) (Wales) Order 2012<sup>(34)</sup> is amended as follows.

(2) In the English language text, in article 17(1)(b) (notification of mineral applications), for “Secretary of State for Energy and Climate Change” substitute “Oil and Gas Authority”.

(3) In the Welsh language text, in article 17(1)(b) (hysbysu ynghylch ceisiadau mwynau), for “Ysgrifennydd Gwladol dros Ynni a Newid Hinsawdd” substitute “Awdurdod Olew a Nwy”.

## **Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013**

**21.** In regulation 2(1) of the Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 (interpretation)<sup>(35)</sup>, in paragraph (b) of the definition of “carbon dioxide storage or unloading platform”, for “Secretary of State” substitute “Oil and Gas Authority”.

## **Gas and Petroleum (Consents) Charges Regulations 2013**

**22.** The Gas and Petroleum (Consents) Charges Regulations 2013<sup>(36)</sup> are revoked.

## **Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014**

**23.**—(1) The Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014<sup>(37)</sup> are amended as follows.

(2) After regulation 2 (model clauses), insert—

### **“Review**

**3.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.

(4) Subsequent reports under this regulation must be published at intervals not exceeding five years.”.

(3) Schedule 2 (model clauses for petroleum exploration and development licences) is amended as follows.

(4) In clause 1(1) (interpretation)—

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<sup>(34)</sup> S.I. 2012/801, to which there are amendments not relevant to these Regulations.

<sup>(35)</sup> S.I. 2013/971.

<sup>(36)</sup> S.I. 2013/1138.

<sup>(37)</sup> S.I. 2014/1686.

- (a) in the definition of “Block” for “Department of Energy and Climate Change, London, SW1” substitute “Oil and Gas Authority, Aberdeen, AB10”;
- (b) omit the definition of “the Minister”;
- (c) after the definition of “Methane Drainage Licence” insert—
  - ““the OGA” means the Oil and Gas Authority;”.
- (5) In clause 2 (right to search and bore for and get petroleum)—
  - (a) for “Minister” (in both places), substitute “OGA”;
  - (b) for “him” substitute “it”.
- (6) In clause 4(1) (determination of licence during initial term where a drill-or-drop period is specified)—
  - (a) for “Minister” substitute “OGA”;
  - (b) for “his” substitute “its”.
- (7) In clause 5 (option to continue licence as to part of the licensed area)—
  - (a) in the words after paragraph (1)(b), for “Minister” substitute “OGA”;
  - (b) in paragraph (2), for “Minister” substitute “OGA”;
  - (c) in paragraph (5)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “him” substitute “the OGA”.
- (8) In clause 6 (extension of the initial or second term)—
  - (a) in paragraph (2), for “Minister” substitute “OGA”;
  - (b) in paragraph (3)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “his” substitute “its”;
  - (c) in paragraph (4) for “Minister” substitute “OGA”.
- (9) In clause 7 (continuance of licence after the second term)—
  - (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (2)(a)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “him” substitute “it”;
  - (c) in paragraph (2)(b), for “Minister” substitute “OGA”;
  - (d) in paragraph (2)(c), for “Minister” substitute “OGA”;
  - (e) in paragraph (4)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “he” substitute “it”.
- (10) In clause 8 (power further to extend term of licence)—
  - (a) for “Minister” (in each place) substitute “OGA”;
  - (b) for “him” substitute “it”.
- (11) In clause 9 (right of licensee to determine licence or surrender part of licensed area), for “Minister” (in both places) substitute “OGA”.
- (12) In clause 11 (provision of contact details)—

- (a) in the heading, for “Minister” substitute “OGA”;
  - (b) for “Minister” (in each place) substitute “OGA”.
- (13) In clause 12 (payment of consideration for licence), for “Minister” (in both places) substitute “OGA”.
- (14) In clause 13 (measurement of petroleum obtained from the licensed area)—
- (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (2), for “Minister” substitute “OGA”;
  - (c) in paragraph (3), for “Minister” substitute “OGA”;
  - (d) in paragraph (4), for “Minister” (in each place) substitute “OGA”;
  - (e) in paragraph (5)—
    - (i) for “Minister” (in each place) substitute “OGA”;
    - (ii) for “Minister’s” substitute “OGA’s”;
  - (f) in paragraph (6), for “Minister” substitute “OGA”.
- (15) In clause 14 (keeping of accounts), for “Minister” (in each place) substitute “OGA”.
- (16) In clause 15 (working obligations)—
- (a) in paragraph (3), for “Minister” (in both places) substitute “OGA”;
  - (b) in paragraph (4), for “Minister” substitute “OGA”;
  - (c) in paragraph (5), for “Minister” (in both places) substitute “OGA”;
  - (d) in paragraph (6)—
    - (i) in the words before sub-paragraph (a)—
      - (aa) for “Minister” substitute “OGA”;
      - (bb) for “him” substitute “it”;
    - (ii) in sub-paragraph (a), for “he” substitute “it”;
    - (iii) in sub-paragraph (b)—
      - (aa) for “he” (in both places) substitute “it”;
      - (bb) for “his” substitute “its”;
  - (e) in paragraph (7)—
    - (i) in sub-paragraph (b), for “Minister” substitute “OGA”;
    - (ii) in the words after sub-paragraph (b), for “Minister” substitute “OGA”;
  - (f) in paragraph (8), for “Minister” (in each place) substitute “OGA”;
  - (g) in paragraph (9)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “he” (in each place) substitute “it”;
  - (h) in paragraph (10), for “Minister” substitute “OGA”.
- (17) In clause 16 (retention areas), for “Minister” (in each place) substitute “OGA”.
- (18) In clause 17 (development and production programmes)—
- (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (2), for “Minister” (in each place) substitute “OGA”;
  - (c) in paragraph (3), for “Minister” substitute “OGA”;
  - (d) in paragraph (4)—

- (i) in the words before sub-paragraph (a)—
  - (aa) for “Minister” substitute “OGA”;
  - (bb) for “him” substitute “it”;
  - (cc) for “he” substitute “it”;
- (ii) in sub-paragraph (a), for “Minister” (in both places) substitute “OGA”;
- (iii) in sub-paragraph (b), for “Minister” (in both places) substitute “OGA”;
- (iv) in sub-paragraph (c), for “Minister” (in each place) substitute “OGA”;
- (v) in the words after sub-paragraph (c), for “Minister” substitute “OGA”;
- (e) in paragraph (5)—
  - (i) in the words before sub-paragraph (a), for “Minister” substitute “OGA”;
  - (ii) in sub-paragraph (a), for “he” (in both places) substitute “it”;
  - (iii) in sub-paragraph (b), for “he” (in both places) substitute “it”;
  - (iv) in sub-paragraph (c), for “Minister” substitute “OGA”;
- (f) in paragraph (6)—
  - (i) for “Minister” (in each place) substitute “OGA”;
  - (ii) for “him” (in the first and third places) substitute “it”;
  - (iii) for “he” substitute “it”;
- (g) in paragraph (7)—
  - (i) in the words before sub-paragraph (a)—
    - (aa) for “Minister” substitute “OGA”;
    - (bb) for “he” substitute “it”;
  - (ii) in sub-paragraph (a), for “Minister” substitute “OGA”;
  - (iii) in sub-paragraph (b), for “him” substitute “it”;
- (h) in paragraph (8), for “Minister” (in both places) substitute “OGA”.
- (19) In clause 18 (provisions supplementary to clause 17)—
  - (a) in paragraph (1), for “Minister” (in each place) substitute “OGA”;
  - (b) in paragraph (3)—
    - (i) in the words before sub-paragraph (a)—
      - (aa) for “Minister” substitute “OGA”;
      - (bb) for “he” substitute “it”;
    - (ii) in sub-paragraph (a), for “Minister” substitute “OGA”;
    - (iii) in sub-paragraph (b), for “him” substitute “it”;
    - (iv) in the words after sub-paragraph (b)—
      - (aa) for “Minister” (in both places) substitute “OGA”;
      - (bb) for “he” substitute “it”;
  - (c) in paragraph (4), for “Minister” (in both places) substitute “OGA”;
  - (d) in paragraph (5), for “Minister” substitute “OGA”;
  - (e) in paragraph (7), for “Minister” (in each place) substitute “OGA”;
  - (f) in paragraph (8)—

- (i) in the words before sub-paragraph (a)—
    - (aa) for “Minister” substitute “OGA”;
    - (bb) for “he” (in both places) substitute “it”;
  - (ii) in sub-paragraph (a), for “he” (in both places) substitute “it”;
  - (iii) in sub-paragraph (b), for “he” (in both places) substitute “it”;
  - (iv) in the words after sub-paragraph (b), for “Minister” substitute “OGA”.
- (20) In clause 19 (development areas)—
- (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (2)—
    - (i) in the words before sub-paragraph (a)—
      - (aa) for “Minister” substitute “OGA”;
      - (bb) for “him” substitute “it”;
      - (cc) for “he” substitute “it”;
    - (ii) in sub-paragraph (a), for “he” (in both places) substitute “it”;
    - (iii) in sub-paragraph (b)—
      - (aa) for “he” substitute “it”;
      - (bb) for “his” substitute “its”;
  - (c) in paragraph (3)(b), for “Minister” substitute “OGA”;
  - (d) in paragraph (4), for “Minister” substitute “OGA”;
  - (e) in paragraph (5), for “Minister” (in both places) substitute “OGA”.
- (21) In clause 20 (commencement and abandonment and plugging of wells)—
- (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (2), for “Minister” substitute “OGA”;
  - (c) in paragraph (4)—
    - (i) for “Minister” (in each place) substitute “OGA”;
    - (ii) for “Minister’s” substitute “OGA’s”.
  - (d) in paragraph (5), for “Minister” substitute “OGA”;
  - (e) in paragraph (6), for “Minister” substitute “OGA”;
  - (f) in paragraph (10), for “Minister” substitute “OGA”;
  - (g) in paragraph (11), for “Minister” (in both places) substitute “OGA”;
  - (h) in paragraph (12), for “Minister” substitute “OGA”;
  - (i) in paragraph (13), for “Minister” substitute “OGA”.
- (22) In clause 21 (distance of wells from boundaries of licensed area), for “Minister” substitute “OGA”.
- (23) In clause 22 (control of development wells), for “Minister” (in each place) substitute “OGA”.
- (24) In clause 24 (avoidance of harmful methods of working)—
- (a) in paragraph (2), for “Minister” substitute “OGA”;
  - (b) in paragraph (3), for “Minister” substitute “OGA”;
  - (c) in paragraph (4)—
    - (i) for “Minister” (in both places) substitute “OGA”;

- (ii) for “him” substitute “it”;
- (d) in paragraph (5), for “Minister” (in both places) substitute “OGA”;
- (e) in paragraph (6), for “Minister” substitute “OGA”;
- (f) in paragraph (7)—
  - (i) in the words before sub-paragraph (a)—
    - (aa) for “Minister” (in both places) substitute “OGA”;
    - (bb) for “he” substitute “it”;
  - (ii) in sub-paragraph (a), for “Minister” substitute “OGA”;
  - (iii) in sub-paragraph (b), for “him” substitute “it”.
- (25) In clause 25 (appointment of operators)—
  - (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (2)—
    - (i) for “Minister” (in both places) substitute “OGA”;
    - (ii) for “his” (in both places) substitute “its”.
- (26) In clause 27 (training)—
  - (a) in paragraph (1), for “Minister” substitute “OGA”;
  - (b) in paragraph (2)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “he” substitute “it”;
  - (c) in paragraph (3), for “Minister” (in both places) substitute “OGA”.
- (27) In clause 28 (unit development)—
  - (a) in paragraph (1), for “Minister” (in both places) substitute “OGA”;
  - (b) in paragraph (2), for “Minister” (in both places) substitute “OGA”;
  - (c) in paragraph (3), for “Minister” (in both places) substitute “OGA”;
  - (d) in paragraph (4)—
    - (i) for “Minister” (in each place) substitute “OGA”;
    - (ii) for “himself” substitute “itself”;
  - (e) in paragraph (5), for “Minister” (in both places) substitute “OGA”.
- (28) In clause 29 (licensee to keep records), for “Minister” (in each place) substitute “OGA”.
- (29) In clause 30 (returns), for “Minister” (in each place) substitute “OGA”.
- (30) In clause 31 (licensee to keep samples)—
  - (a) in paragraph (2)—
    - (i) in sub-paragraph (a), for “Minister” substitute “OGA”;
    - (ii) in sub-paragraph (b)—
      - (aa) for “Minister or any person authorised by him” substitute “OGA”;
      - (bb) for “he” substitute “it”;
      - (cc) at the end of the sub-paragraph, for “him” substitute “it”;
  - (b) in paragraph (3)—
    - (i) in the words before sub-paragraph (a), for “Minister or any person authorised by him” substitute “OGA”;

- (ii) in sub-paragraph (a)—
  - (aa) for “he” (in both places) substitute “it”;
  - (bb) for “him” substitute “it”.
- (31) In clause 32 (reports to be treated as confidential)—
  - (a) in paragraph (1), after “employment of the” insert “OGA or the”;
  - (b) in paragraph (2)—
    - (i) for “Minister” (in each place) substitute “OGA”;
    - (ii) in sub-paragraph (d)(ii), for “him” substitute “it”.
- (32) In clause 33(a) (inspection of records)—
  - (a) omit “in the service or employment of the Crown”;
  - (b) for “Minister” (in both places) substitute “OGA”.
- (33) In clause 34 (rights of access), for “Minister” (in both places) substitute “OGA”.
- (34) In clause 35 (power to execute works)—
  - (a) for “Minister” (in both places) substitute “OGA”;
  - (b) for “his” substitute “its”.
- (35) In clause 36(2) (right of distress)—
  - (a) for “Minister” substitute “OGA”;
  - (b) for “he” substitute “it”.
- (36) In clause 37(2) (diligence)—
  - (a) for “Minister” (in both places) substitute “OGA”;
  - (b) for “he” substitute “it”.
- (37) In clause 38 (indemnity against third party claims), for “Minister” (in both places) substitute “OGA”.
- (38) In clause 39 (advertisements, prospectuses), for “Her Majesty or any Government Department or any person or body acting on behalf of Her Majesty has or have” substitute “the OGA has”.
- (39) In clause 40 (restrictions on assignment), for “Minister” (in each place) substitute “OGA”.
- (40) In clause 41 (power of revocation)—
  - (a) for “Minister” (in each place) substitute “OGA”;
  - (b) in sub-paragraph (2)(i), for “his” substitute “its”.
- (41) In clause 42 (power of partial revocation), for “Minister” (in both places) substitute “OGA”.
- (42) In clause 43 (power of partial revocation in respect of parts of the licensed area which are not retention areas or development areas)—
  - (a) for “Minister” (in each place) substitute “OGA”;
  - (b) in sub-paragraph (2)(b), for “his” substitute “its”;
  - (c) in sub-paragraph (2)(c), for “him” substitute “it”.
- (43) In clause 44 (arbitration), for “Minister” (in each place) substitute “OGA”.
- (44) Schedule 3 (model clauses for landward petroleum exploration licences) is amended as follows.
- (45) In clause 1(1) (interpretation), for the definition of “the Minister” substitute—
  - ““the OGA” means the Oil and Gas Authority;”.

- (46) In clause 2(1) (grant of licence), for “Minister” substitute “OGA”.
- (47) In clause 3 (prospecting methods), for “Minister” (in each place) substitute “OGA”.
- (48) In clause 5 (right of licensee to terminate licence), for “Minister” substitute “OGA”.
- (49) In clause 6 (provision of contact details)—
- (a) in the heading, for “Minister” substitute “OGA”;
  - (b) for “Minister” (in each place) substitute “OGA”.
- (50) In clause 7 (payment of consideration for licence), for “Minister” (in both places) substitute “OGA”.
- (51) In clause 8(2) (avoidance of harmful methods of working), for “Minister” substitute “OGA”.
- (52) In clause 10(2) (licensee to keep records), for “Minister” (in both places) substitute “OGA”.
- (53) In clause 11 (returns), for “Minister” (in each place) substitute “OGA”.
- (54) In clause 12 (reports to be treated as confidential)—
- (a) in the words before paragraph (a), after “employment of the” insert “OGA or the”;
  - (b) in paragraph (a), for “Minister” (in both places) substitute “OGA”;
  - (c) in paragraph (b), for “Minister” substitute “OGA”;
  - (d) in paragraph (c), for “Minister” substitute “OGA”;
  - (e) in paragraph (d)—
    - (i) for “Minister” (in each place) substitute “OGA”;
    - (ii) in sub-paragraph (iii), for “him” substitute “it”.
- (55) In clause 13(a) (inspection of records)—
- (a) omit “in the service or employment of the Crown”;
  - (b) for “Minister” (in both places) substitute “OGA”.
- (56) In clause 14 (rights of access), for “Minister” (in both places) substitute “OGA”.
- (57) In clause 15 (power to execute works), for “Minister” (in both places) substitute “OGA”.
- (58) In clause 16 (indemnity against third-party claims), for “Minister” (in both places) substitute “OGA”.
- (59) In clause 17 (no transfer, assignment or sub-licence)—
- (a) in paragraph (1), for “Minister” (in both places) substitute “OGA”;
  - (b) in paragraph (2)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “he” substitute “it”;
  - (c) in paragraph (3)—
    - (i) for “Minister” substitute “OGA”;
    - (ii) for “he” substitute “it”.
- (60) In clause 18(1) (power of revocation), for “Minister” substitute “OGA”.
- (61) In clause 19 (power of partial revocation), for “Minister” (in both places) substitute “OGA”.
- (62) In clause 20 (arbitration), for “Minister” (in each place) substitute “OGA”.



### **Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015**

**24.**—(1) The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015<sup>(38)</sup> are amended as follows.

- (2) In the definition of “field development plan” in regulation 2(1) (interpretation)—
  - (a) for “Department of Energy and Climate Change” substitute “Oil and Gas Authority”; and
  - (b) for “Department of Energy and Climate Change’s” substitute “Oil and Gas Authority’s”.
- (3) In regulation 15(2) and (4) (design and relocation notifications for production installation), for “Department of Energy and Climate Change” substitute “Oil and Gas Authority”.

### **Petroleum Licensing (Applications) Regulations 2015**

**25.**—(1) The Petroleum Licensing (Applications) Regulations 2015<sup>(39)</sup> are amended as follows.

- (2) In regulation 2 (interpretation)—
  - (a) in the definition of “application notice”, for “Secretary of State” substitute “OGA”;
  - (b) in the definition of “block”, for “Department of Energy and Climate Change” substitute “OGA”;
  - (c) after the definition of “model clauses” insert—

““the OGA” means the Oil and Gas Authority;”.
- (3) In regulation 4 (applications for licences: general)—
  - (a) in paragraph (2)(a), omit “by the Department of Energy and Climate Change”;
  - (b) in paragraph 2(d), for “regulation 7” substitute “the Oil and Gas Authority (Fees) Regulations 2016<sup>(40)</sup>”.
  - (c) in paragraph (6), for “Secretary of State” (in both places) substitute “OGA”;
  - (d) in paragraph (8), for “Secretary of State” substitute “OGA”.
- (4) In regulation 5(6) (applications for a petroleum exploration and development licence or a seaward area production licence), for “Secretary of State” (in both places) substitute “OGA”.
- (5) Omit regulation 7 (fees).
- (6) In regulation 8 (form of licences), for “Secretary of State” substitute “OGA”.
- (7) After regulation 8, insert—

#### **“Review**

- 9.**—(1) The Secretary of State must from time to time—
  - (a) carry out a review of these Regulations;
  - (b) set out the conclusions of the review in a report; and
  - (c) publish the report.
- (2) The report must in particular—
  - (a) set out the objectives intended to be achieved by these Regulations;
  - (b) assess the extent to which those objectives are achieved;
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

<sup>(38)</sup> S.I. 2015/398.

<sup>(39)</sup> S.I. 2015/766.

<sup>(40)</sup> S.I. 2016/894.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.

(4) Subsequent reports under this regulation must be published at intervals not exceeding five years.”.

(8) In paragraph 6 of Schedule 2 (information and supporting documentation required for an application for a petroleum exploration and development licence or a seaward area production licence), for “Secretary of State” substitute “OGA”.

(9) In paragraph 2 of Schedule 3 (additional information and supporting documentation required for an application for a seaward area production licence), for “Secretary of State” substitute “OGA”.

### **The Town and Country Planning (Development Management Procedure) (England) Order 2015**

**26.**—(1) The Town and Country Planning (Development Management Procedure) (England) Order 2015**(41)** is amended as follows.

(2) In article 26(1)(b) (notification of mineral applications), for “Secretary of State for Energy and Climate Change” substitute “Oil and Gas Authority”.

*Neville-Rolfe*  
Minister of State for Energy and Intellectual  
Property  
Department for Business, Energy and Industrial  
Strategy

7th September 2016

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations transfer certain functions from the Secretary of State to the Oil and Gas Authority (the “OGA”) and make various amendments and revocations consequential to the transfer of functions to the OGA under the Energy Act 2016 (c. 20).

Regulation 2 makes provision for the continuity of acts, instruments and documents relating to functions being transferred to the OGA. In particular, it provides that any instrument (e.g., licence) made before the relevant date has effect, so far as is appropriate in connection with a transferred function, as if references to the Secretary of State were or included references to the OGA. It also provides for the continuing validity of things done before the transfer of functions. Regulation 3 provides for a review by the Secretary of State of regulation 2.

Regulations 5, 6, 13 to 15, 19, 23 and 25 make consequential amendments to regulations relating to functions transferred to the OGA, as well as making provision for the Secretary of State to review those regulations, where appropriate. Those functions concern the licensing of petroleum exploration and production, the licensing of the storage and unloading of combustible gas (including exploration) and the licensing of the storage of carbon dioxide (in England and Wales). The amendments made to the model clauses for licences by regulations 13(24)(a), (26), (34)(a) and (43), 14(14), (16), (23)(a) and (27) and 15(13)(a), (19)(a) and (24) retain references to “Minister” in those provisions which relate to the Secretary of State’s environmental, conservation or pollution prevention obligations.

Regulations 4, 7 to 12, 16, 18, 20, 21, 24 and 26 make consequential amendments to legislation relating to other matters to reflect the role of the OGA, as well as making provision for the Secretary of State to review those regulations, where appropriate. The legislation relates to the taxation of oil and gas (regulation 4); the Secretary of State’s environmental, conservation and pollution prevention obligations (regulations 7 to 10, 12, 16, 21); the obligations of the Health and Safety Executive in relation to offshore installations (regulations 11 and 24); the licensing of the storage of carbon dioxide in Scotland (regulation 18) and town and country planning (in England and Wales, regulations 20 and 26).

Regulations 14(2), 17(3), 22 and 25(5) revoke existing provisions relating to the fees charged by the Secretary of State for applications for licences and various consents, which in future will be charged by the OGA instead.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.