



Energy Act 2016

2016 CHAPTER 20

PART 1

THE OGA

The OGA and its core functions

2 Transfer of functions to the OGA

- (1) Schedule 1 transfers certain functions of the Secretary of State to the OGA.
- (2) The Secretary of State may by regulations provide—
 - (a) for the transfer to the OGA of any relevant functions exercisable by a Minister of the Crown, or
 - (b) for any such functions that are to be transferred to the Scottish Ministers or the Welsh Ministers to be exercisable by the OGA until the transfer to those Ministers takes effect.
- (3) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, any provision contained in—
 - (a) Schedule 1, or
 - (b) regulations under subsection (2).
- (4) The provision that may be made under subsection (3) includes provision—
 - (a) amending, repealing or revoking any enactment,
 - (b) amending any relevant authorisation (including any model clause incorporated, or having effect as if incorporated, in it) granted or given before the date when the regulations take effect,
 - (c) for anything done by or in relation to a Minister of the Crown in connection with any functions transferred to be treated as done, or to be continued, by or in relation to the OGA, and
 - (d) about the continuation of legal proceedings.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2016, Section 2. (See end of Document for details)

(5 Regulations under this section may not provide for the transfer to, or exercise by, the OGA of any power to legislate by means of orders, rules, regulations or other subordinate instrument.

(6 In this section and section 3—

“enactment” includes an enactment comprised in subordinate legislation, within the meaning of the Interpretation Act 1978;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975, and includes such Ministers acting jointly;

“relevant authorisation” means—

- (a) a licence, authorisation or notice granted or given by a Minister of the Crown in the exercise of a relevant function, or
- (b) a licence granted under section 2 of the Petroleum (Production) Act 1934 (searching for and getting petroleum);

“relevant function” means a function conferred by or under—

- (a) Schedule 1 to the Oil Taxation Act 1975,
- (b) the Petroleum Act 1998 (except Part 4),
- (c) Chapter 2 or 3 of Part 1 of the Energy Act 2008,
- (d) Part 8 of the Corporation Tax Act 2010,
- (e) Chapter 3 of Part 2 of the Energy Act 2011,
- (f) the Hydrocarbons Licensing Directive Regulations 1995 (S.I. 1995/1434),
- (g) any regulations amended or modified by the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (S.I. 2010/1513),
- (h) the Storage of Carbon Dioxide (Licensing etc) Regulations 2010 (S.I. 2010/2221),
- (i) the Storage of Carbon Dioxide (Termination of Licences) Regulations 2011 (S.I. 2011/1483),
- (j) the Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 (S.I. 2011/2305), or
- (k) any other enactment that relates to matters similar to those to which an enactment mentioned in any of the preceding paragraphs relates.

Commencement Information

I1 S. 2(1) in force at 1.10.2016 by S.I. 2016/920, **reg. 2(a)**

I2 S. 2(2)-(6) in force at 24.5.2016 by S.I. 2016/602, **reg. 2(b)**

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2016, Section 2.