



# Energy Act 1976

## 1976 CHAPTER 76

*Other measures for controlling energy sources and promoting economy* [<sup>F1</sup>: Secretary of State's functions]

### 12 Disposal of gas by flaring, etc. **E+W+S**

- (1) Subject to subsection (3) below, the Secretary of State's consent is required for natural gas to be disposed of (whether at source or elsewhere) by flaring or by releasing it unignited into the atmosphere.
- (2) This section applies to all natural gas of the United Kingdom, whether obtained there or in territorial waters, or in areas designated under the <sup>M1</sup>Continental Shelf Act 1964, [<sup>F2</sup>except gas conveyed through pipes to premises by a public gas transporter][<sup>F3</sup>within the meaning of Part I of the Gas Act 1986]

[<sup>F4</sup>(2A) Disposal of gas by flaring, or by releasing it unignited into the atmosphere, does not require consent under this section if consent—

- (a) is required under section 12A (disposal of gas by flaring etc: OGA's functions), or
  - (b) would be required under that section but for subsection (3) of that section.]
- (3) Disposal of gas by flaring does not require consent under this section—
    - (a) if it is permitted under the terms of a production licence granted under United Kingdom legislation;
    - (b) if it is of refinery tail gas produced in refining crude liquid petroleum (and “refining” here does not include the treatment of crude for the sole purpose of enabling it to be safely stored or transported);
    - (c) if it is necessary in connection with the start-up or shut-down of manufacturing plant; or
    - (d) if it is necessary in the interests of the safety of such plant; or
    - (e) if it is necessary in order to comply with a requirement imposed by or under any enactment.

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 1976, Section 12. (See end of Document for details)*

- (4) In this section “manufacturing plant” means plant used for any of the activities referred to in any of the minimum list headings in Orders III to XIX (inclusive) of the Standard Industrial Classification.
- (5) The Secretary of State’s consent under this section—
- (a) may be given either with reference to particular cases or by means of orders of general application; and
  - (b) may in any case be made subject to conditions which may, in particular, be framed by reference to the description or origin of the gas, or the quantities to be disposed of.

#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

#### Textual Amendments

- F2** Words in s. 12(2) substituted (E.W.S.) (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 11(2)**; S.I. 1996/218, **art. 2**.
- F3** Words substituted by virtue of **Gas Act 1986 (c. 44, SIF 44:2)**, s. 67(1)(3), **Sch. 7 para. 26(2)**, **Sch. 8 para. 33**
- F4** S. 12(2A) inserted (1.10.2016) by **Energy Act 2016 (c. 20)**, s. 84(3), **Sch. 1 para. 2(2)**; S.I. 2016/920, reg. 2(a)

#### Marginal Citations

- M1** 1964 c. 29.

## 12 Disposal of gas by flaring, etc. **N.I.**

- (1) Subject to subsection (3) below, the Secretary of State’s consent is required for natural gas to be disposed of (whether at source or elsewhere) by flaring or by releasing it unignited into the atmosphere.
- (2) This section applies to all natural gas of the United Kingdom, whether obtained there or in territorial waters, or in areas designated under the <sup>M2</sup>Continental Shelf Act 1964, except gas supplied by [<sup>F5</sup>a public gas supplier within the meaning of Part I of the Gas Act 1986].
- [<sup>F4</sup>(2A) Disposal of gas by flaring, or by releasing it unignited into the atmosphere, does not require consent under this section if consent—
- (a) is required under section 12A (disposal of gas by flaring etc: OGA’s functions), or
  - (b) would be required under that section but for subsection (3) of that section.]
- (3) Disposal of gas by flaring does not require consent under this section—
- (a) if it is permitted under the terms of a production licence granted under United Kingdom legislation;
  - (b) if it is of refinery tail gas produced in refining crude liquid petroleum (and “refining” here does not include the treatment of crude for the sole purpose of enabling it to be safely stored or transported);

---

**Status:** *There are multiple versions of this provision on screen. These apply to different geographical extents.* **Skip to:** *E+W+S - England, Wales and Scotland extent* *N.I. - Northern Ireland extent*  
**Changes to legislation:** *There are currently no known outstanding effects for the Energy Act 1976, Section 12. (See end of Document for details)*

---

- (c) if it is necessary in connection with the start-up or shut-down of manufacturing plant; or
  - (d) if it is necessary in the interests of the safety of such plant; or
  - (e) if it is necessary in order to comply with a requirement imposed by or under any enactment.
- (4) In this section “manufacturing plant” means plant used for any of the activities referred to in any of the minimum list headings in Orders III to XIX (inclusive) of the Standard Industrial Classification.
- (5) The Secretary of State’s consent under this section—
- (a) may be given either with reference to particular cases or by means of orders of general application; and
  - (b) may in any case be made subject to conditions which may, in particular, be framed by reference to the description or origin of the gas, or the quantities to be disposed of.

---

**Extent Information**

**E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

---

**Textual Amendments**

**F4** S. 12(2A) inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 2\(2\)](#); S.I. 2016/920, [reg. 2\(a\)](#)

**F5** Words substituted by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), [Sch. 7 para. 26\(2\)](#), [Sch. 8 para. 33](#)

---

**Marginal Citations**

**M2** [1964 c. 29](#).

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 1976, Section 12.