Energy Act 2016

2016 CHAPTER 20

PART 2

FURTHER FUNCTIONS OF THE OGA RELATING TO OFFSHORE PETROLEUM

CHAPTER 5

SANCTIONS

The OGA's procedures

59 Procedure for enforcement decisions

(1) The OGA must determine the procedure that it proposes to follow in relation to enforcement decisions.

(2) That procedure must be designed to secure, among other things, that an enforcement decision is taken—

(a) by a person falling within subsection (3), or

(b) by two or more persons, each of whom falls within subsection (3).

(3) A person falls within this subsection if the person was not directly involved in establishing the evidence on which the enforcement decision is based.

(4) The OGA must issue a statement of its proposals.

(5) The statement must be published in a way appearing to the OGA to be best calculated to bring the statement to the attention of the public.

(6) When the OGA takes an enforcement decision, the OGA must follow its stated procedure.

(7) If the OGA changes its procedure in a material way, it must publish a revised statement.

(8) A failure of the OGA in a particular case to follow its procedure as set out in the latest published statement does not affect the validity of an enforcement decision taken in that case.

(9) But subsection (8) does not prevent the Tribunal from taking into account any such failure in considering an appeal under section 51 or 52 in relation to a sanction notice.

(10) In this section "enforcement decision" means either of the following—

(a) a decision to give a sanction notice in respect of a failure to comply with a petroleum-related requirement;

(b) a decision as to the details of the sanction to be imposed by the notice.