

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS RELATING TO ONSHORE PETROLEUM

Petroleum Act 1998 (c. 17)

- 16 (1) Section 4A of that Act (onshore hydraulic fracturing: safeguards) is amended as follows.
- (2) In subsection (1), after “well consent” insert “for a well situated in the English onshore area”.
- (3) After subsection (1) insert—
- “(1A) The Welsh Ministers must not issue a well consent for a well situated in the Welsh onshore area that is required by an onshore licence for England or Wales unless the well consent imposes—
- (a) a condition that prohibits associated hydraulic fracturing from taking place in land at a depth of less than 1000 metres; and
- (b) a condition that prohibits associated hydraulic fracturing from taking place in land at a depth of 1000 metres or more unless the licensee has the Welsh Ministers’ consent for it to take place (a “hydraulic fracturing consent”).”
- (4) In subsection (3), after “made” insert “to the Secretary of State”.
- (5) After subsection (3) insert—
- “(3A) Where an application is made to the Welsh Ministers, the Welsh Ministers may not issue a hydraulic fracturing consent unless—
- (a) they are satisfied that—
- (i) the conditions in column 1 of the following table are met, and
- (ii) the conditions in subsection (6) are met, and
- (b) they are otherwise satisfied that it is appropriate to issue the consent.”
- (6) In subsections (4) and (5), after “Secretary of State” insert “or the Welsh Ministers”.
- (7) In subsection (7), for “which the Secretary of State thinks appropriate” substitute “thought to be appropriate by the Secretary of State or the Welsh Ministers”.