
STATUTORY INSTRUMENTS

1999 No. 360

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

Offences

18.—(1) Subject to paragraph (3) below, any person who intentionally or recklessly submits to the Secretary of State—

- (a) an environmental statement;
- (b) appropriate particulars; or
- (c) any other information required to be submitted by virtue of any provision of these Regulations,

which is false or misleading in a material particular shall be guilty of an offence.

(2) Subject to paragraphs (3), (4) and (8) below, an undertaker who—

- (a) intentionally acts in breach of the terms of a condition attached to any consent or approval, being a condition so attached for the purpose of reducing or eliminating any significant adverse effects on the environment; or
- (b) carries out any activity in relation to a relevant project without the necessary consent or approval of the [F¹OGA] granted in accordance with these Regulations or otherwise than in accordance with a relevant requirement imposed in accordance with these Regulations,

shall be guilty of an offence.

(3) Paragraphs (1) and (2) above shall not apply to anything which is an offence by virtue of section 21 of the Petroleum Act 1998 ^{M1} (enforcement).

(4) It shall be a defence to a charge under paragraph (2)(a) above for the undertaker to show—

- (a) that he took all reasonable steps to avoid the commission of the offence; or
- (b) that the acts in question were attributable to anything required to be done as a matter of urgency for the purposes of securing the safety of any person.

(5) A person guilty of an offence under this regulation shall on summary conviction be liable to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(6) Where any offence provided for by this regulation committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or on the part of any person purporting to act in such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) Where the affairs of a body corporate are managed by its members, paragraph (6) above shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(8) This regulation shall not apply to anything done in relation to a project which is the subject of an exemption granted pursuant to regulation 13 above (exempt projects).

(9) No proceedings shall be instituted in England and Wales or Northern Ireland except—

Changes to legislation: There are currently no known outstanding effects for the *The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999, Section 18. (See end of Document for details)*

- (a) in the case of proceedings in England and Wales, by or with the consent of the Director of Public Prosecutions; or
- (b) in the case of proceedings in Northern Ireland, by or with the consent of the Director of Public Prosecutions for Northern Ireland; or
- (c) in any case, by the Secretary of State or a person authorised by him in that behalf.

(10) Section 3 of the Territorial Waters Jurisdiction Act 1878 ^{M2} (restriction on prosecutions) shall not apply to any proceedings for an offence under this regulation.

(11) Proceedings for an offence under this regulation may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

Textual Amendments

F1 Word in reg. 18(2)(b) substituted (1.10.2016) by [The Energy \(Transfer of Functions, Consequential Amendments and Revocation\) Regulations 2016 \(S.I. 2016/912\)](#), regs. 1(1), **7(11)**

Marginal Citations

M1 1998 c. 17.

M2 1878 41 & 42 Vict. c. 73.

Changes to legislation:

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