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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Council Directive [85/337/EEC](#) (O.J. No. L175, 5.7.85, p.40) as amended by Council Directive [97/11/EC](#) (O.J. No. L73, 3.3.97, p.5) on the assessment of the effects of certain public and private projects on the environment insofar as it relates to authorisations for the construction of oil, gas or chemical pipe-lines on land in Great Britain.

The Electricity and Pipe-line Works (Assessment of Environmental Effects) Regulations 1990 (S.I.1990/442) (to which there are amendments not relevant to these Regulations) implemented Directive [85/337/EEC](#) in its unamended form insofar as it related both to authorisations under the Pipe-lines Act 1962 in respect of pipe-line works and to certain consents required under the Electricity Act [1989 \(c. 29\)](#). The 1990 Regulations are revoked by the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 (S.I. [2000/1927](#)) which re-enact the provisions of the 1990 Regulations in respect of electricity consents with the amendments necessary to implement Directive [97/11/EC](#). These Regulations make separate provision for pipe-line works requiring the authorisation of the Secretary of State under the Pipe-lines Act 1962 and implement Directive [85/337/EEC](#), as amended by Directive [97/11/EC](#).

Notwithstanding the revocation of the 1990 Regulations by the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000, these Regulations make provision for the 1990 Regulations to continue to apply to any relevant application for an authorisation under the Pipe-lines Act 1962 which was received before these Regulations came into force (regulation 1(3)).

Directive [85/337/EEC](#), as amended by Directive [97/11/EC](#), applies to the European Economic Area (“EEA”) (see Article 74 of, and Annex XX to, the Agreement on the European Economic Area (Cm 2073) as adjusted by the Protocol signed at Brussels on 17th March 1993 (Cm 2183)) with the result that member States of the EEA are given rights to participate in the decision making process in respect of projects likely to have significant trans-boundary effects (regulation 10).

Provision is made requiring applications for authorisation for the construction of certain pipe-lines to be accompanied by an environmental statement (regulation 3). (An environmental statement is a document or documents setting out the main features of the project in question and the likely environmental consequences of that project. The matters to be covered by an environmental statement are specified in regulation 2(1) and Schedule 1.) The relevant applications are those in respect of pipe-lines of more than 40 kilometres in length and more than 800 millimetres in diameter which carry oil, gas or chemicals (for which an environmental statement is mandatory) or any other pipe-line requiring authorisation which carries either oil or gas.

Provision is made, in respect of those cases where an environmental statement is not mandatory, for the Secretary of State, where he is satisfied that the pipe-line works in question will not have a significant effect on the environment, to direct that an application need not be accompanied by an environmental statement (regulation 4). The applicant is required to submit particulars of the pipe-line works in question for consideration by the Secretary of State, who must consult the relevant planning authorities before giving a direction. Provision is made for copies of directions by the Secretary of State as to the need for an environmental statement to be made available to the public.

Where an application is accompanied by an environmental statement, the Secretary of State must be satisfied before granting an authorisation that the requirements of the Regulations as to publicity and consultation have been substantially complied with and must consider any representations by environmental bodies interested in the works by reason of their environmental responsibilities and

**Status:** This is the original version (as it was originally made).

any representations by the public (regulation 3). Provision is also made for decisions by the Secretary of State in respect of authorisations to be made public.

Provision is made requiring the Secretary of State, when so requested, to give a preliminary opinion to an applicant as to the information to be included in an environmental statement which the applicant is to submit (regulation 5). The Secretary of State is required to consult certain public bodies (defined in regulation 2(1) as “the consultation bodies”) and the applicant before giving an opinion.

Provision is made to enable persons proposing to carry out pipe-line works to obtain information from the consultation bodies to assist in the preparation of environmental statements (regulation 6).

The Regulations also lay down requirements for publicity for and public consultation on the environmental statement and the application for authorisation (regulation 7). Power is conferred on the Secretary of State to require persons proposing to carry out pipe-line works to provide further information in relation to environmental statements submitted to him and for such information to be subject to publication requirements similar to those laid down by regulation 7 (regulation 8).

Provision is made for other EEA member States to participate in the decision making process in relation to pipe-line works likely to have a significant effect on their environment (regulation 10).

Provision is made by the Regulations for the making of applications to the court by persons challenging certain decisions of the Secretary of State. Subject to certain exceptions, provision is also made for the Secretary of State to make applications to the court to seek remedies in respect of the carrying out of pipe-line works in breach of any conditions imposed to protect the environment (regulations 11, 12 and 13).

Provision is made creating offences in respect of the intentional or reckless submission of false or misleading information pursuant to the Regulations and, subject to certain exceptions, the carrying out of pipe-line works in breach of any conditions imposed to protect the environment (regulation 14).

Provision is made in relation to the service of notices and other documents pursuant to the Regulations (regulation 15).

A regulatory impact assessment has been prepared in relation to these Regulations. It has been placed in the Library of each House of Parliament and copies are available from Oil and Gas Directorate, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET (Tel: 020 7215 5151).