
STATUTORY INSTRUMENTS

2001 No. 1091

The Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001

Interpretation

2. In these Regulations—

“address” in relation to electronic communication, includes any number or address used for the purposes of such communications;

“best available techniques” means, having regard to the matters set out in Schedule 1 to these Regulations, the most effective and advanced stage in the development of combustion installations and their methods of operation which can be practically applied on platforms and which allows the setting of emission limit values to reduce or, where possible, eliminate emissions into, and effects on, the environment as a whole from the operation of such installations, and for the purposes of this definition—

- (a) “available techniques” means those techniques which can be implemented on platforms under economically and technically viable conditions, balancing the costs of their implementation against the benefits to the environment;
- (b) “best” means, in relation to techniques, the most effective in achieving a high general level of protection of the environment as a whole; and
- (c) “techniques” includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

“business day” means any day except a Saturday, Sunday, Christmas Day, Good Friday or a day which is a Bank Holiday in any part of the United Kingdom under the Banking and Financial Dealings Act 1971 ^{M1};

“change in operation” means a change in the nature or functioning, or an extension, of a combustion installation which may have consequences for the environment;

“combustion installation” means any technical apparatus in which fuels are oxidised to use the heat thus generated and includes gas turbines and diesel and petrol-fired engines and any equipment on a platform connected to such apparatus which could have an effect on emissions from that apparatus or could otherwise give rise to pollution but does not include any apparatus the main use of which is the disposal of gas by flaring or incineration;

“EEA State” means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 ^{M2};

“electronic communication” means the same as in the Electronic Communications Act 2000 ^{M3};

“emission value limit” in relation to a polluting substance includes any limit expressed in terms of the emission of a mass of that substance over any given period;

“environmental statement” means an environmental statement within the meaning of regulation 2(1) of the Offshore Petroleum and Pipe-lines (Assessment of Environmental

Effects) Regulations 1998 ^{M4} or regulation 3(1) of the Offshore Petroleum and Pipe-lines (Assessment of Environmental Effects) Regulations 1999 ^{M5};

“existing qualifying offshore combustion installation” means any qualifying offshore combustion installation which—

- (a) was in operation on any platform before 30th October 1999; or
- (b) is in, or was put into, operation before 1st November 2000 in accordance with a consent granted by the Secretary of State pursuant to any licence granted or having effect as if granted under the provisions of the Petroleum Act 1998 ^{M6}, the application for such consent having been made before 30th October 1999;

“the Gazettes” means the London, Edinburgh and Belfast Gazettes;

“medium” means the air, water or, as the case may be, land or the seabed (including its subsoil);

“notice” means notice in writing or by such means of electronic communication as the Secretary of State may decide;

“operator” means any person who operates a qualifying offshore combustion installation;

“petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;

“platform” means any fixed or floating structure situated in the relevant area which—

- (a) is used for the purposes of or in connection with the production of petroleum; and
- (b) in the case of a floating structure, is maintained on a station during the course of production,

but does not include any structure where the principal purpose of the use of the structure is the establishment of the existence of petroleum or the appraisal of its characteristics, quality or quantity or the characteristics or extent of any reservoir in which it occurs;

“pollution” includes in particular the discharge or emission into the environment of those substances listed in Schedule 2 to these Regulations;

“prescribed date” means the date after the day on which the period of five months commencing on the day on which these Regulations come into force expires, save that where an application for a permit is made under regulation 5 before that date it means—

- (a) the date on which the permit is granted whether in pursuance of the application or, on an appeal under regulation 17, of an order of the court; or
- (b) where a permit is refused and the applicant appeals under regulation 17 the date on which the court upholds that refusal; or
- (c) the date after the day on which the period provided for under regulation 17(6) expires, as the case may be;

“qualifying offshore combustion installation” means any combustion installation (other than one which has been rendered inoperable by being wholly or partially dismantled) which—

- (a) is permanently installed on a platform; and
- (b) on its own or together with any other combustion installation installed on the same site (excluding any installation that has been rendered inoperable by complete or partial dismantling) has a rated thermal input exceeding 50 megawatts;

“relevant area” means the area (together with places above and below it) comprising—

- (a) those parts of the sea adjacent to England and Wales from the low water mark to the landward baseline of the United Kingdom territorial sea;

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to *The Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (b) the United Kingdom territorial sea apart from those areas comprised in Scottish controlled waters; and
- (c) those areas of sea in any area for the time being designated under section 1(7) of the Continental Shelf Act 1964 ^{M7};

“relevant environmental statement” means in relation to a qualifying offshore combustion installation, an environmental statement which contains information regarding the effects on the environment of the operation of the installation in question;

“Scottish controlled waters” means any waters which are controlled waters within the meaning of section 30A(1) of the Control of Pollution Act 1974 ^{M8}; and

“substantial change” means a change in operation which may have significant negative effects on people or the environment.

Marginal Citations

M1 1971 c. 80.

M2 Cm 2703 and Cm 2183.

M3 2000 c. 7.

M4 S.I. 1998/968.

M5 S.I. 1999/360. These latter Regulations revoke S.I. 1998/968 although S.I. 1998/968 remains in force for certain transitional cases (see [regulation 2](#) of S.I. 1999/360).

M6 1998 c. 17.

M7 1964 c. 29.

M8 1974 c. 40; the provisions of section 30A(1) were inserted into the 1974 Act by section 169 of, and Schedule 23 to, the [Water Act 1989](#) (1989 c. 15).

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2013/971 reg. 38\(1\)\(a\)](#)
- reg 2 am (with transtl provns) by [S.I. 2007/938 regs 3411](#)
- reg. 2 word inserted by [S.I. 2010/1513 art. 5\(a\)](#)
- reg. 2 words inserted by [S.I. 2010/1513 art. 5\(b\)](#)
- reg. 2 words inserted by [S.I. 2010/1513 art. 5\(c\)](#)
- reg. 2 words inserted by [S.I. 2010/1513 art. 5\(d\)](#)
- reg. 2 words omitted by [S.I. 2005/2055 Sch. 1 para. 1](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 4(4A)-(4B) inserted by [S.I. 2003/3311 Sch. 5 para. 3\(b\)](#)
- reg 7A added (with transtl provns) by [S.I. 2007/938 regs 3711](#)
- reg. 13(3)-(3B) inserted by [S.I. 2005/2055 Sch 1 para 4\(2\)](#)