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STATUTORY INSTRUMENTS

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**2001 No. 1754**

**The Offshore Petroleum Activities  
(Conservation of Habitats) Regulations 2001**

**Interpretation**

2.—(1) In these Regulations—

“the 1998 Act” means the Petroleum Act 1998(1);

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

“approval” means approval of an abandonment programme pursuant to Part IV of the 1998 Act;

“authorisation” means an authorisation granted pursuant to section 14 of the 1998 Act relating to the construction or use of a pipe-line;

“consent” means a consent granted pursuant to a UKCS licence, including any consent required pursuant to the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999(2) and any consent required pursuant to regulation 4 below;

“the Directives” means the Habitats Directive and the Wild Birds Directive;

“electronic communication” means the same as in the Electronic Communications Act 2000(3);

“the Habitats Directive” means Council Directive 92/43 of May 21, 1992 on the conservation of natural habitats and of wild fauna and flora(4);

“Natura 2000” means the European network of special areas of conservation, and special protection areas under the Wild Birds Directive, provided for by Article 3(1) of the Habitats Directive;

“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;

“relevant function” means any function exercisable by the Secretary of State in relation to or in connection with UKCS oil and gas activities including, without limitation, functions exercisable under the 1998 Act or any licence granted or having effect as if granted under that Act;

“relevant power” means any power exercisable by the Secretary of State in relation to or in connection with UKCS oil and gas activities including, without limitation, powers exercisable under the 1998 Act or any licence granted or having effect as if granted under that Act;

“relevant project” means any plan or project which relates to UKCS oil and gas activities;

“relevant site” means—

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(1) 1998 c. 17.

(2) S.I.1999/360.

(3) 2000 c. 7.

(4) O.J. 1992, L206/7, as amended by the Act of Accession to the European Union of Austria, Finland and Sweden and by Council Directive 97/62/EC, O.J. 1997, L305.

- (a) a special area of conservation,
- (b) a site of Community importance which has been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive,
- (c) a site hosting a priority natural habitat type or priority species in respect of which consultation has been initiated under Article 5(1) of the Habitats Directive, during the consultation period or pending a decision of the Council under Article 5(3),
- (d) an area classified pursuant to Article 4(1) or (2) of the Wild Birds Directive,
- (e) a site included in the list of sites which has been transmitted to the Commission by the United Kingdom pursuant to Article 4 of the Habitats Directive, or
- (f) a site as to which the Secretary of State, having consulted the Joint Nature Conservation Committee<sup>(5)</sup>, is of the opinion that it is one which would be likely to be included in the list of sites transmitted to the Commission by the United Kingdom pursuant to Article 4 of the Habitats Directive.

A site shall cease to qualify as a site under paragraph (e) above at such time as—

the draft list of sites of Community importance is established under the first sub-paragraph of Article 4(2) of the Habitats Directive where in any case the site is not included in that list, or

the list of sites referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive is adopted by the Commission in accordance with that sub-paragraph.

A site shall cease to qualify as a site under paragraph (f) above at such time as—

the Secretary of State, having consulted the Joint Nature Conservation Committee, is of the opinion that it will not be included in the list of sites transmitted to the Commission by the United Kingdom pursuant to Article 4 of the Habitats Directive, or

it is included in the list of sites which has been transmitted to the Commission by the United Kingdom pursuant to Article 4 of the Habitats Directive;

“UKCS licence” means a licence which is granted under or has effect as if granted under the 1998 Act or a licence which is to be granted under that Act which relates to an area wholly or partly in an area for the time being designated under section 1(7) of the Continental Shelf Act 1964<sup>(6)</sup>;

“UKCS oil and gas activities” means any activities for or in connection with the exploration for or production of petroleum where that petroleum is situated wholly or partly in an area for the time being designated under section 1(7) of the Continental Shelf Act 1964;

“UKCS pipe-line” means a pipe-line any part of which is situated in any area for the time being designated under section 1(7) of the Continental Shelf Act 1964;

“the Wild Birds Directive” means Council Directive 79/409 of April 2, 1979 on the conservation of wild birds<sup>(7)</sup>.

(2) Unless the context otherwise requires, expressions used in these Regulations and in the Habitats Directive or in the Wild Birds Directive have the same meaning as in those Directives.

(5) The Joint Nature Conservation Committee was established under section 128 of the Environmental Protection Act 1990 (1990 c. 43).

(6) 1964 c. 29.

(7) O.J. 1979, L103/1.