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STATUTORY INSTRUMENTS

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**2001 No. 1754**

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

**Control of activities under licence**

7.—(1) Where the Secretary of State is satisfied that anything done, being done or proposed to be done pursuant to a [<sup>F1</sup>Petroleum Act licence, consent,] authorisation or approval—

- (a) has had, is having, or is likely to have an adverse effect on the integrity of a relevant site; or
- (b) has caused, is causing, or is likely to cause deterioration of natural habitats or the habitats of species in such a site or disturbance of species for which that site may be or has been designated or classified pursuant to either of the Directives, in so far as such disturbance could be significant in relation to the objectives of the Habitats Directive; and
- (c) steps can be taken to avoid, reverse, reduce or eliminate that effect, deterioration or disturbance,

he shall, subject to paragraphs (3), (4), (5) and (6) below, give a direction in writing requiring the person to whom it is addressed to take such steps or refrain from taking such steps as may be specified in the direction.

(2) Without prejudice to the generality of paragraph (1) above, a direction given pursuant to this regulation may require within such period as may be specified in the direction—

- (a) the submission to the Secretary of State for his approval of a plan of the steps to be taken;
- (b) the carrying out of a plan of the kind referred to in sub-paragraph (a) above which has been approved by the Secretary of State;
- (c) the installation on a fixed or floating structure used in connection with [<sup>F2</sup>offshore oil and gas activities] of such equipment as may be specified in the direction; or
- (d) the carrying out of a modification of such a structure or the manner in which it is operated.

(3) Prior to any direction being given pursuant to this regulation the Secretary of State shall consult the [<sup>F3</sup>appropriate nature conservation body] as to the steps to be specified in the direction.

(4) Any direction given pursuant to this regulation may revoke or modify the terms and conditions of a consent, authorisation or approval.

(5) Any direction given pursuant to this regulation shall be in writing and shall not have effect unless it has been served on the person to whom it is addressed.

(6) Subject to paragraph (7) below, the Secretary of State shall not give a direction to any person pursuant to this regulation unless—

- (a) he has served on that person a copy of a draft of the direction that he is proposing to give;
- (b) that person has been afforded a reasonable opportunity of making representations regarding the content of the proposed direction; and
- (c) the Secretary of State has taken into account any representations made by that person.

(7) Paragraph (6) above shall not apply in a case of urgency where the Secretary of State is of the opinion that the giving of a direction is necessary for the purposes set out in paragraph (1) above or (9) below.

(8) A direction given pursuant to this regulation may be modified or revoked by a further direction given by the Secretary of State.

(9) A direction shall be given under this regulation in respect of an area which is not a relevant site, but as to which the Secretary of State, having consulted the [<sup>F4</sup>appropriate nature conservation body], is of the opinion that it would be likely to be classified as a special protection area [<sup>F5</sup>under any of the retained transposing regulations] where the Secretary of State is satisfied that anything done, being done or proposed to be done pursuant to a [<sup>F6</sup>Petroleum Act licence, consent,] authorisation or approval—

- (a) has had, is having, or is likely to have an adverse effect on the integrity of that area; or
- (b) has caused, is causing, or is likely to cause pollution or deterioration of natural habitats or disturbance of species for which that site is likely to be classified in so far as such disturbance could be significant in relation to the objectives of Article 4 of the Wild Birds Directive; and
- (c) steps can be taken to avoid, reverse, reduce or eliminate that effect, pollution, deterioration or disturbance.

#### Textual Amendments

- F1** Words in [reg. 7\(1\)](#) substituted (18.2.2007) by [The Offshore Petroleum Activities \(Conservation of Habitats\) \(Amendment\) Regulations 2007 \(S.I. 2007/77\)](#), regs. 1, [2\(7\)\(a\)](#)
- F2** Words in [reg. 7\(2\)\(c\)](#) substituted (18.2.2007) by [The Offshore Petroleum Activities \(Conservation of Habitats\) \(Amendment\) Regulations 2007 \(S.I. 2007/77\)](#), regs. 1, [2\(7\)\(b\)](#)
- F3** Words in [reg. 7\(3\)](#) substituted (18.2.2007) by [The Offshore Petroleum Activities \(Conservation of Habitats\) \(Amendment\) Regulations 2007 \(S.I. 2007/77\)](#), regs. 1, [2\(7\)\(c\)](#)
- F4** Words in [reg. 7\(9\)](#) substituted (18.2.2007) by [The Offshore Petroleum Activities \(Conservation of Habitats\) \(Amendment\) Regulations 2007 \(S.I. 2007/77\)](#), regs. 1, [2\(7\)\(d\)\(i\)](#)
- F5** Words in [reg. 7\(9\)](#) substituted (31.12.2020) by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/579\)](#), regs. 1, [77](#); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in [reg. 7\(9\)](#) substituted (18.2.2007) by [The Offshore Petroleum Activities \(Conservation of Habitats\) \(Amendment\) Regulations 2007 \(S.I. 2007/77\)](#), regs. 1, [2\(7\)\(d\)\(ii\)](#)

#### Modifications etc. (not altering text)

- C1** [Reg. 7](#) applied (16.5.2017) by [S.I. 2010/1513](#), [art. 3\(5\)](#) (as substituted by [The Offshore Petroleum Production and Pipe-lines \(Environmental Impact Assessment and other Miscellaneous Provisions\) \(Amendment\) Regulations 2017 \(S.I. 2017/582\)](#), regs. 1, 60 (with reg. 58))

**Changes to legislation:**

There are currently no known outstanding effects for the The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001, Section 7.