
STATUTORY INSTRUMENTS

2009 No. 2809

**The Energy Act 2008 (Commencement No. 4
and Transitional Provisions) Order 2009**

Transitional provisions: Food and Environment Protection Act 1985

4.—(1) Paragraph (2) applies where—

- (a) immediately before the commencement date a person holds a FEPA licence for the deposit of a substance or article in the sea or under the sea-bed (“a licensed deposit”); and
- (b) that deposit is made in the course of carrying on an activity within section 2(3) of the Act.

(2) Notwithstanding the provisions of the Act commenced by this Order, a licence under section 4 of the Act is not required for that deposit (but this is without prejudice to the requirement for such a licence in respect of any operation, such as the recovery of stored gas, that does not consist in the making of a licensed deposit).

(3) However—

- (a) nothing in paragraph (2) affects any requirement for a licence under section 4 of the Act in respect of the drilling of a well or borehole; and
- (b) paragraph (2) ceases to apply if, on or after the commencement date, the FEPA licence is varied, expires or is revoked.

(4) In this article—

- (a) a reference to a licence under section 4 of the Act includes a reference to a consent given under such a licence; and
- (b) “FEPA licence” means a licence required by section 5 of the Food and Environment Protection Act 1985⁽¹⁾.

(1) 1985 c. 48; section 5 was amended by sections 146 and 162 of, and Part 8 of Schedule 16 to, the [Environmental Protection Act 1990 \(c. 43\)](#), and by Part 2 of Schedule 1 to the [Statute Law \(Repeals\) Act 1993 \(c. 50\)](#).