
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to charge fees regarding activities carried out by the Secretary of State relating to the environmental regulation of the offshore oil and gas industry.

Regulation 2 amends the Pollution Prevention and Control (Fees) (Miscellaneous Amendment and Other Provisions) Regulations 2015 (S.I. 2015/1431) (the “2015 Fees Regulations”), which were previously amended by the Pollution Prevention and Control (Fees) (Miscellaneous Amendments) Regulations 2016 (S.I. 2016/529) (the “2016 Fees Regulations”). Regulation 2 allows fees to be charged in relation to certain advice given and activities carried out as part of the Secretary of State’s functions under Part 4A of the Energy Act 2008 (c. 32) and Part 4 of the Marine and Coastal Access Act 2009 (c. 23).

Regulations 3 and 4 each allow fees to be charged in relation to making an appropriate assessment under regulation 5(1) of the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 (S.I. 2001/1754) (the “2001 Regulations”). The charging powers for the 2001 Regulations are set out at regulation 20A, which was originally inserted by the 2015 Fees Regulations, and was then amended by the 2016 Fees Regulations. Regulation 3 amends regulation 20A of the 2001 Regulations to allow fees to be charged where an appropriate assessment is made to support a decision on a specific application for a Petroleum Act licence. A Petroleum Act licence is a licence which is granted under the Petroleum Act 1998 (c. 17) (see the definition at regulation 2(1) of the 2001 Regulations). Similarly, regulation 4 amends article 3 of the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (S.I. 2010/1513) (the “2010 Order”), in order to allow fees to be charged where an appropriate assessment is made to support a decision on a specific application for an Energy Act licence or for a consent that is pursuant to an Energy Act licence. An Energy Act licence is a licence granted under section 4 or section 18 of the Energy Act 2008 (see the definition at article 1(2)(b) of the 2010 Order).

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum which is available alongside these Regulations on www.legislation.gov.uk.