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STATUTORY INSTRUMENTS

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**2017 No. 582**

The Offshore Petroleum Production and Pipelines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017

PART 1

Amendment of the 1999 Offshore Regulations

**New regulation 13 (exempt projects)**

17. For regulation 13, substitute—

**“Exempt projects**

**13.—**(1) The Secretary of State may direct that—

- (a) these Regulations do not apply in relation to a relevant project if the project comprises or forms part of a project—
  - (i) having national defence as its sole purpose; or
  - (ii) having the response to a civil emergency as its sole purpose; and
- (b) in the opinion of the Secretary of State compliance with these Regulations would have an adverse effect on that purpose.

(2) Subject to paragraph (4), the Secretary of State may, in exceptional cases, direct that a relevant project is exempt in whole or in part from the requirements of these Regulations if circumstances exist such that the application of all or some of the provisions of these Regulations would adversely affect the purpose of the relevant project.

(3) Where a direction is given under paragraph (1) or (2), the Secretary of State shall send a copy of any such direction to the OGA.

(4) A direction must not be given under paragraph (2) unless the Secretary of State —

- (a) has considered whether another form of assessment is appropriate;
- (b) in a case where the Secretary of State considers that the project is likely to have significant environmental effects on the environment in another EEA State, is satisfied that a form of consultation with that state broadly equivalent to the form described in regulation 12 will take place before any consent is given in respect of the project, and
- (c) has informed the Commission of the European Union of the reasons justifying the exemption to be granted and has provided it with details of the information to be made available to the public pursuant to paragraph (5).

(5) A direction given by the Secretary of State under paragraph (2) may disapply such provisions of these Regulations as may in the circumstances appear to the Secretary of State to be appropriate and shall—

- (a) require the carrying out of such form of assessment as the Secretary of State considers appropriate in order to ensure a high level of protection of the environment and of human health;
  - (b) require that all information relating to the main effects the project is likely to have on the environment collected pursuant to sub-paragraph (a) is to be made available to the public and specify the manner in which it is to be made available;
  - (c) specify the extent to which these Regulations are to apply or that they are not to apply at all; and
  - (d) include a statement of the Secretary of State's reasons for giving the direction and the information on which that decision is based.
- (6) The Secretary of State shall publish—
- (a) details of the direction given under paragraph (2) in the Gazettes together with information as to how the public concerned may obtain a copy of the direction; and
  - (b) the direction itself on a public website.”.