
STATUTORY INSTRUMENTS

2018 No. 311

**The Oil and Gas Authority (Levy) and Pollution Prevention
and Control (Fees) (Amendment) Regulations 2018**

PART 2

The Oil and Gas Authority Levy

Liability to pay non-production levy

- 4.—(1) This regulation applies to a licensee who at the relevant time holds either—
- (a) an offshore exploration licence; or
 - (b) an offshore production licence where regulation 3(1)(b) does not apply.
- (2) Subject to paragraph (3), where paragraph (1) applies, the licensee is liable to pay the non-production levy in respect of each licence to which the criteria in paragraph (1)(a) or (b) applies, held by the licensee.
- (3) Paragraph (2) does not apply where at the relevant time a licensee is a micro-enterprise and—
- (a) holds an innovate licence in phase B of its initial term; or
 - (b) holds—
 - (i) a promote licence in its promote period; or
 - (ii) an innovate licence in phase A of its initial term.
- (4) A licensee to whom the criteria referred to in paragraph (3)(a) apply is liable to pay the non-production levy discounted by 80 per cent in respect of that licence.
- (5) A licensee to whom the criteria referred to in paragraph (3)(b) apply is liable to pay the non-production levy discounted by 90 per cent in respect of that licence.
- (6) Where the licensee is more than one person—
- (a) the liability under this regulation is joint and several, and
 - (b) the licensee is only a micro-enterprise for the purposes of paragraph (3) if every person who is the licensee is a micro-enterprise.
- (7) In this regulation—
- “innovate licence” means an offshore production licence in which, in accordance with the model clauses, the initial term of the licence (within the meaning of the licence) is divided into phases;
- “micro-enterprise” has the meaning given in article 2(3) of the Annex to Commission Recommendation 2003/361/EC of 6th May 2003 concerning the definition of micro, small and medium-sized enterprises⁽¹⁾;

(1) OJ L 124, 20.5.2003, p36.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“model clauses” means model clauses prescribed by the Petroleum Licensing (Production) (Seawards Areas) Regulations 2008⁽²⁾;

“promote licence” means an offshore production licence in which, in accordance with the terms of the licence—

- (a) a “Promote Period” is specified, and
- (b) a clause is included concerning the effect of the expiry of the Promote Period in relation to the continuation of that licence beyond that period.

(2) [S.I. 2008/225](#). This instrument is amended by [S.I. 2009/3283](#); [S.I. 2016/912](#), [S.I. 2017/426](#) and [S.I. 2017/855](#).