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STATUTORY INSTRUMENTS

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**2018 No. 56**

The Scotland Act 2016 and Onshore Petroleum  
(Consequential, Transitional and Saving  
Provisions and Model Clauses) Regulations 2018

PART 2

Amendments to secondary legislation

**Hydrocarbons Licensing Directive Regulations 1995**

- 2.—(1) The Hydrocarbons Licensing Directive Regulations 1995(1) are amended as follows.  
(2) After regulation 1, insert—

**“Application**

1A.—(1) Except for regulations 2, 4 and 5(2), these Regulations do not apply in relation to a licence in respect of an area within the Scottish onshore area.

(2) In this regulation, “Scottish onshore area” has the meaning given in section 8A(3) of the Petroleum Act 1998(2).”.

- (3) In regulation 5(2), for “invites” substitute “or the Scottish Ministers invite”.

**Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014**

- 3.—(1) The Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014(3) are amended as follows.

- (2) After regulation 1, insert—

**“Application**

1A.—(1) Except for regulations 1(2) and 2(1A) and Schedules 2A and 3A, these Regulations do not apply in relation to a landward petroleum exploration licence or a petroleum exploration and development licence in respect of an area within the Scottish onshore area.

(2) In this regulation, “Scottish onshore area” has the meaning given in section 8A(3) of the Petroleum Act 1998.”.

- (3) In regulation 1(2), for the definition of “landward area” substitute—

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(1) [S.I. 1995/1434](#), amended by [S.I. 2016/912](#).

(2) [1998 c.17](#). Section 8A is inserted by section 48(16) of the Scotland Act 2016 from a date to be appointed.

(3) [S.I. 2014/1686](#), amended by [S.I. 2016/912](#) and [2017/855](#).

““landward area” means an area of Great Britain that is within the baselines established by any Order in Council under section 1(1)(b) of the Territorial Sea Act 1987 (extension of territorial sea)(4).”.

(4) After regulation 2(1), insert—

“(1A) For the purposes of section 4(1B) of the Petroleum Act 1998—

(a) the model clauses prescribed for petroleum exploration and development licences are those set out in Schedule 2A; and

(b) the model clauses prescribed for landward petroleum exploration licences are those set out in Schedule 3A.”

(5) Omit Schedule 1.

(6) After Schedule 2, insert Schedule 2A as set out in Schedule 1 to these Regulations.

(7) After Schedule 3, insert Schedule 3A as set out in Schedule 2 to these Regulations.

### **Petroleum Licensing (Application) Regulations 2015**

4.—(1) The Petroleum Licensing (Application) Regulations 2015(5) are amended as follows.

(2) In regulation 2—

(a) for the definition of “landward area” substitute—

““landward area” means an area of Great Britain that is within the baselines established by any Order in Council under section 1(1)(b) of the Territorial Sea Act 1987 (extension of territorial sea);”;

(b) for the definition of “low water line” substitute—

““low water line” means the line so marked on the Ordnance map on a scale of 1:25,000 in the case of maps relating to Great Britain, and 1:50,000 in the case of maps relating to Northern Ireland, in the edition for the areas to which they respectively relate last published prior to the date on which these Regulations are made;”, and

(c) for paragraph (a) in the definition of “seaward area” substitute—

“(a) islands on the seaward side of the baselines around Great Britain established by any Order in Council under section 1(1)(b) of the Territorial Sea Act 1987.”.

(3) At the beginning of regulation 3(1), insert “Subject to paragraph (1A),”.

(4) After regulation 3(1), insert—

“(1A) These Regulations do not apply in relation to a landward petroleum exploration licence or a petroleum exploration and development licence in respect of an area within the Scottish onshore area.

(1B) In this regulation, “Scottish onshore area” has the meaning given in section 8A(3) of the Petroleum Act 1998.”

(5) Omit Schedule 1.

### **Oil and Gas Authority (Fees) Regulations 2016**

5.—(1) The Oil and Gas Authority (Fees) Regulations 2016(6) are amended as follows.

(2) After regulation 1, insert—

(4) 1987 c.49. The existing baselines were established by S.I. 2014/1353.

(5) S.I. 2015/766, amended by S.I. 2016/912 and 2017/855.

(6) S.I. 2016/904, amended by S.I. 2017/426.

**“Application**

**1A.—**(1) These Regulations do not apply in relation to a petroleum licence in respect of an area within the Scottish onshore area.

(2) In this regulation, “Scottish onshore area” has the meaning given in section 8A(3) of the Petroleum Act 1998.”.