
STATUTORY INSTRUMENTS

2018 No. 980

The Scotland Act 2016, Wales Act 2017 and Onshore Petroleum (Consequential, Transitional and Saving Provisions and Model Clauses) Regulations 2018

PART 4

Transitional provision and savings

Transitional modification of the Hydrocarbons Licensing Directive Regulations 1995

13.—(1) This regulation applies until any legislation made by the Welsh Ministers or the National Assembly for Wales relating to any matter to which the Hydrocarbons Licensing Directive Regulations 1995 relate comes into force.

(2) In relation to any application for a licence to be determined by the Welsh Ministers or any licence granted by the Welsh Ministers under section 3 of the Petroleum Act 1998, the Hydrocarbons Licensing Directive Regulations 1995 have effect as if they had been made by the Welsh Ministers.

(3) In relation to any application for a licence to be determined by the Welsh Ministers or any licence granted by the Welsh Ministers under section 3 of the Petroleum Act 1998, the Hydrocarbons Licensing Directive Regulations 1995 have effect as if —

- (a) the words inserted in regulation 1A(1) by regulation 2(2) of these Regulations were omitted;
- (b) the words inserted in regulation 1A(2) by regulation 2(3) of these Regulations were omitted, and
- (c) with the exception of regulation 5(2), references to the “the OGA” were references to “the Welsh Ministers”.

Transitional modification of the Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014

14.—(1) This regulation applies until the Welsh Ministers exercise section 4(1)(e) of the Petroleum Act 1998(1).

(2) Subject to paragraph (3), in relation to any licence granted by the Welsh Ministers under section 3 of the Petroleum Act 1998, the 2014 Regulations have effect as if they had been made by the Welsh Ministers.

(3) Paragraph (2) does not apply for the purposes of regulation 2(1A) and Schedules 2B and 3B as inserted by regulation 4(4), (5) and (6) of these Regulations.

(1) Section 4(1) is amended by section 48(6) of the Scotland Act 2016 and [S.I. 2016/898](#). Section 8A(2)(aa), inserted by section 23(3) of the Wales Act 2017 ([c.4](#)) with effect from 1 October 2018, provides that in relation to the Welsh onshore area, the Welsh Ministers are the “appropriate minister” for the purposes of section 4(1).

(4) In relation to any licence granted by the Welsh Ministers under section 3 of the Petroleum Act 1998, the 2014 Regulations have effect as if—

- (a) regulation 1A(1A) as inserted by regulation 4(2) of these Regulations were omitted;
- (b) the words inserted in regulation 1A(2) by regulation 4(3) of these Regulations were omitted;
- (c) in Schedule 2—
 - (i) in clause 1(1)—
 - (aa) in the definition of “Block”, for the words “Aberdeen, AB10” there were substituted “Cardiff, CF10 3NQ”, and
 - (bb) the definition of “the OGA” were omitted;
 - (ii) in clauses 5(1)(a) and 7(1), the words “to payment of those sums hereinafter provided for and” were omitted;
 - (iii) in clause 6(2), the words “to payment of those sums specified in Schedule 2 and” were omitted;
 - (iv) in clause 20(11), the reference to “OGA” were a reference to “Welsh Ministers or the Secretary of State”;
 - (v) the following were omitted—
 - (aa) clause 12;
 - (bb) clause 30(5);
 - (cc) clauses 36 and 37;
 - (dd) clause 41(2)(a);
 - (ee) clause 44(3) and (4), and
 - (vi) any other references to “the OGA” were references to “the Welsh Ministers”, and
- (d) in Schedule 3—
 - (i) in clause 1(1), the definition of “the OGA” were omitted;
 - (ii) in clause 2(1), for the words “payments provided for in clause 7” there were substituted “sums payable to the Oil and Gas Authority”;
 - (iii) clauses 7 and 18(2)(a) were omitted;
 - (iv) clause 20(3) were omitted, and
 - (v) any other references to “the OGA” were references to “the Welsh Ministers”.

(5) In relation to any review under regulation 3 of the 2014 Regulations, regulation 3(1)(a) has effect as if after “Regulations” there were inserted “, except in so far as they apply to any function exercised by the Welsh Ministers”.

(6) In this regulation, the “2014 Regulations” means the Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014.

Transitional modification of the Petroleum Licencing (Applications) Regulations 2015

15.—(1) This regulation applies until the Welsh Ministers exercise section 4(1)(a), (b) or (d) of the Petroleum Act 1998.

(2) In relation to any application for a licence to be determined by the Welsh Ministers or any licence granted by the Welsh Ministers under section 3 of the Petroleum Act 1998, the 2015 Regulations have effect as if they had been made by the Welsh Ministers.

(3) In relation to any application for a licence to be determined by the Welsh Ministers or any licence granted by the Welsh Ministers under section 3 of the Petroleum Act 1998, the 2015 Regulations have effect as if—

- (a) in regulation 2—
 - (i) in the definition of “model clauses” after the words “section 4(1)(e)” there were inserted “or section 4(1B)”;
 - (ii) the definition of “the OGA” were omitted, and
 - (iii) in the definition of “seaward petroleum exploration licence”, the words after “seaward area” were omitted;
- (b) the words inserted in regulation 3(1A) by regulation 5(2) of these Regulations were omitted;
- (c) the words inserted in regulation 3(1B) by regulation 5(3) of these Regulations were omitted;
- (d) for regulation 4(2) there were substituted—
 - “(2) Applications must be—
 - (a) made in writing, and
 - (b) accompanied by such evidence and particulars or documents in support as are specified in these Regulations in respect of the licence being applied for, and are appropriate to that application.”;
- (e) any other references to “the OGA” were references to “the Welsh Ministers”.

(4) In relation to any review under regulation 9 of the 2015 Regulations, regulation 9(1)(a) has effect as if after “Regulations” there were inserted “, except in so far as they apply to any function exercised by the Welsh Ministers”.

(5) In this regulation, the 2015 Regulations means the Petroleum Licensing (Applications) Regulations 2015.

Savings

16.—(1) Anything which, at the commencement of these Regulations, is in the process of being done by or in relation to the OGA⁽²⁾ in connection with a transferred function may be continued by or in relation to the Welsh Ministers.

(2) Anything done (or having effect as if done) by or in relation to the OGA before the commencement of these Regulations in connection with a transferred function has effect, so far as is necessary for continuing its effect after the commencement of these Regulations, as if done by or in relation to the Welsh Ministers.

(3) Any instrument (except an existing licence, an Act or subordinate legislation) made, granted or given before the commencement of these Regulations has effect, so far as is appropriate in connection with a transferred function, as if references to the OGA (and references which are to be read as references to the OGA) were or included references to the Welsh Ministers.

(4) These Regulations do not affect the validity of anything done (or having effect as if done) by or in relation to the OGA in connection with a transferred function before the commencement of the Regulations.

(5) In this regulation—

(2) The “OGA” is defined as the Oil and Gas Authority in section 1(4) of the Energy Act 2016 (c.20).

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- (a) “instrument” includes awards, authorisations, consents, approvals, judgments, decrees and other documents granted or given in connection with a transferred function but does not include any enactment;
- (b) “OGA” means the Oil and Gas Authority; and
- (c) “transferred function” means a function transferred to the Welsh Ministers in respect of the Welsh onshore area as a result of section 23 of, or Part 2 of Schedule 6 to, the Wales Act 2017⁽³⁾.

⁽³⁾ 2017 c.4.