



Energy Act 2016

CHAPTER 20

ENERGY ACT 2016

PART 1

THE OGA

The OGA and its core functions

- 1 The OGA
- 2 Transfer of functions to the OGA
- 3 Transfer of property, rights and liabilities to the OGA
- 4 Transfer of staff to the OGA
- 5 Transfer schemes: supplementary
- 6 Pensions
- 7 Contracting out of functions to the OGA

Exercise of functions

- 8 Matters to which the OGA must have regard
- 9 Directions: national security and public interest
- 10 Directions: requirements to notify Secretary of State

Information and samples

- 11 Power of Secretary of State to require information and samples

Funding

- 12 Powers of the OGA to charge fees
- 13 Levy on licence holders
- 14 The licensing levy: regulations
- 15 Payments and financial assistance

Review

- 16 Review of OGA and guidance from Secretary of State

PART 2

FURTHER FUNCTIONS OF THE OGA RELATING TO OFFSHORE PETROLEUM

CHAPTER 1

INTRODUCTION

- 17 Overview of Part 2
18 Interpretation of Part 2

CHAPTER 2

DISPUTES

- 19 Qualifying disputes and relevant parties
20 Reference of disputes to the OGA
21 Action by the OGA on a dispute reference
22 Power of the OGA to consider disputes on its own initiative
23 Procedure for consideration of disputes
24 Power of the OGA to acquire information
25 Power of the OGA to require attendance at meetings
26 Appeals against decisions of the OGA: disputes

CHAPTER 3

INFORMATION AND SAMPLES

Interpretation

- 27 Petroleum-related information and samples

Retention

- 28 Retention of information and samples
29 Retention: supplementary

Information and samples plans

- 30 Information and samples plans: termination of rights under offshore licences
31 Preparation and agreement of information and samples plans
32 Changes to information and samples plans
33 Information and samples plans: supplementary

Power to require information and samples

- 34 Power of the OGA to require information and samples

Coordinators

- 35 Information and samples coordinators

Appeals

- 36 Appeals against decisions of the OGA: information and samples plans

CHAPTER 4

MEETINGS

- 37 Meetings: interpretation
38 Duty to inform the OGA of meetings
39 Participation by the OGA in meetings
40 Provision of information to the OGA after meetings
41 Notices

CHAPTER 5

SANCTIONS

Power to give sanction notices

- 42 Power of OGA to give sanction notices

Sanction notices

- 43 Enforcement notices
44 Financial penalty notices
45 Amount of financial penalty
46 Payment of financial penalty
47 Revocation notices
48 Operator removal notices

Sanction warning notices

- 49 Duty of OGA to give sanction warning notices

Appeals

- 50 Appeals in relation to sanction notices
51 Appeals against finding of failure to comply
52 Appeals against sanction imposed

Supplementary

- 53 Publication of details of sanctions
54 Subsequent sanction notices
55 Withdrawal of sanction notices
56 Alternative means of enforcement

Information

- 57 Sanctions: information powers
58 Appeals against information requests

The OGA's procedures

- 59 Procedure for enforcement decisions

Interpretation

- 60 Sanctions: interpretation

CHAPTER 6

DISCLOSURE

General prohibition

- 61 Prohibition on disclosure
62 Meaning of “protected material” and related terms

Permitted disclosures

- 63 Disclosure by OGA to certain persons
64 Disclosure required for returns and reports prepared by OGA
65 Disclosure in exercise of certain OGA powers
66 Disclosure after specified period
67 Disclosure with appropriate consent
68 Disclosure required by legislation
69 Disclosure for purpose of proceedings

PART 3

INFRASTRUCTURE AND INFORMATION

Rights to use upstream petroleum infrastructure

- 70 Requirements to provide information
71 Applications to use infrastructure: changes of applicant and owner

Decommissioning

- 72 Abandonment of offshore installations
73 Duty to act in accordance with strategy: decommissioning and alternatives

Northern Ireland

- 74 Part 1A of the Petroleum Act 1998: Northern Ireland

International agreements

- 75 International oil and gas agreements: information exchange

PART 4

FEES

- 76 Powers to charge fees
77 Validation of fees charged

PART 5

WIND POWER

Consent under Electricity Act 1989

- 78 Onshore wind generating stations in England and Wales

Renewables obligation

- 79 Onshore wind power: closure of renewables obligation
- 80 Onshore wind power: circumstances in which certificates may be issued after the onshore wind closure date
- 81 Onshore wind power: use of Northern Ireland certificates

PART 6

FINAL PROVISIONS

- 82 Regulations
- 83 Regulations and orders: disapplication of requirements to consult the OGA
- 84 Commencement
- 85 Short title and extent

SCHEDULES

SCHEDULE 1 — TRANSFER OF FUNCTIONS TO THE OGA

PART 1 — PRIMARY LEGISLATION

- 1 Energy Act 1976
- 2 (1) Section 12 (disposal of gas by flaring, etc) is...
- 3 After section 12 insert— Disposal of gas by flaring, etc:...
- 4 (1) Section 18 (administration, enforcement and offences) is amended as...
- 5 In section 21 (interpretation), after the definition of “natural gas”...
- 6 Petroleum Act 1998
- 7 In section 9A(2) (principal objective and the strategy), for “Secretary...
- 8 In section 9B (exercise of certain functions)—
- 9 After section 9B insert— Exercise of certain functions of the...
- 10 Omit section 9D.
- 11 (1) Section 9E (security and resilience functions) is amended as...
- 12 (1) Section 9F (producing and revising a strategy) is amended...
- 13 (1) Section 9G (procedure for producing and revising a strategy)...
- 14 In section 14(1) (construction and use of pipelines), for “Secretary...
- 15 In section 15 (authorisations), for “Secretary of State” (in each...
- 16 In section 16 (compulsory modifications of pipelines), for “Secretary of...
- 17 (1) Section 17 (acquisition of rights to use pipelines) is...
- 18 (1) Section 17F (acquisition of rights to use controlled petroleum...
- 19 (1) Section 17G (section 17F: supplemental) is amended as follows....
- 20 (1) Section 17GA (controlled petroleum pipeline subject to Norwegian access...
- 21 (1) Section 17GB (section 17GA: supplemental) is amended as follows....
- 22 (1) Section 18 (termination of authorisations) is amended as follows....
- 23 (1) Section 19 (vesting of pipelines on termination or subsequent...
- 24 (1) Section 20 (inspectors etc) is amended as follows.
- 25 (1) Section 21 (enforcement) is amended as follows.
- 26 In section 25 (orders and regulations), for subsection (1) substitute—...
- 27 In section 28(1) (interpretation of Part 3), for the definition...
- 28 In section 45A (abandoned wells), for “Secretary of State” (in...

Status: This is the original version (as it was originally enacted).

- 29 In section 46(1) (Northern Ireland and Isle of Man shares...
- 30 (1) Section 47A (factors to take into account) is amended...
- 31 In section 48 (interpretation), after subsection (1) insert—
- 32 (1) Schedule 2 (authorisations) is amended as follows.
- 33 (1) Paragraph 4 is amended as follows.
- 34 (1) Paragraph 5 is amended as follows.
- 35 In paragraph 6, for “Secretary of State” (in both places)...
- 36 In paragraph 7— (a) for “Secretary of State” (in each...
- 37 (1) Paragraph 8 is amended as follows.
- 38 (1) Paragraph 9 is amended as follows.
- 39 In paragraph 10— (a) for “Secretary of State” (in each...
- 40 Energy Act 2004
- 41 Energy Act 2008
- 42 In section 4(1) (licences), for “Secretary of State” substitute “OGA”....
- 43 (1) Section 5 (applications) is amended as follows.
- 44 In section 6 (terms and conditions), for “Secretary of State”...
- 45 (1) Section 7 (model clauses) is amended as follows.
- 46 (1) Section 9 (offences relating to licences) is amended as...
- 47 In section 10 (power of direction), for “Secretary of State”...
- 48 In section 12 (injunctions restraining breaches of section 2(1)), for...
- 49 (1) Section 13 (inspectors) is amended as follows.
- 50 In section 14(5) (proceedings for offence created by regulations under...
- 51 In section 15 (interaction with petroleum licensing requirements), for
“Secretary...
- 52 In section 16 (interpretation), at the end insert— “the OGA”...
- 53 In section 18(2) (licences: the licensing authority), for “Secretary of...
- 54 In section 19 (requirements relating to grant of licences), after...
- 55 In section 21 (content of licences: regulations), after subsection (2)...
- 56 In section 26 (injunctions restraining breaches of section 17(1)), for...
- 57 (1) Section 27 (inspectors) is amended as follows.
- 58 In section 28(5) (proceedings for offence created by regulations under...
- 59 In section 29 (requirement for public register) at the end...
- 60 In section 31 (termination of licences: regulations), after
subsection (3)...
- 61 In section 33 (enhanced petroleum recovery: power to make orders),...
- 62 In section 35(1) (interpretation), after the definition of “offshore UK-
controlled...
- 63 Energy Act 2011
- 64 In section 82 (acquisition of rights to use upstream petroleum...
- 65 (1) Section 83 (power to give notice under section 82(11))...
- 66 In section 84 (compulsory modification of upstream petroleum
infrastructure), for...
- 67 In section 85 (variation of notices under sections 82 and...
- 68 In section 86 (publication of notices and variations), for “Secretary...
- 69 In section 87 (powers to require information), for “Secretary of...
- 70 (1) Section 88 (enforcement) is amended as follows.
- 71 In section 89 (minor, consequential and supplemental provision), for
“Secretary...
- 72 In section 90(1) (interpretation), after the definition of “gas processing...
- 73 Infrastructure Act 2015
- 74 Omit section 42 (levy on holders of certain energy industry...
- 75 In section 55(4)(b) (statutory instruments subject to affirmative
procedure), omit...

- 76 Omit Schedule 7 (the licensing levy).
 - PART 2 — SECONDARY LEGISLATION
- 77 Storage of Carbon Dioxide (Licensing etc) Regulations 2010
- 78 In regulation 1(3) (interpretation), in the definition of “the authority”,...
- 79 In regulation 3(1)(a) (applications for a licence), for “Department of...”
- 80 In paragraph 2(3)(a) of Schedule 1 (application for consent to...)
- 81 Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015

SCHEDULE 2 — ABANDONMENT OF OFFSHORE INSTALLATIONS

- 1 Petroleum Act 1998
- 2 Before section 29 insert— Restriction on abandonment (1) A person to whom a notice may be given...
- 3 (1) Section 29 (preparation of programmes) is amended as follows....
- 4 (1) Section 32 (approval of programmes) is amended as follows....
- 5 In section 33 (failure to submit programme), after subsection (3)...
- 6 (1) Section 34 (revision of programmes) is amended as follows....
- 7 After section 34 insert— Amendment of programmes (1) This section applies where an abandonment programme approved by...
- 8 After section 36 insert— Reduction of costs of carrying out...
- 9 In section 37 (default in carrying out programmes), after subsection...
- 10 In section 40 (offences: penalties)— (a) after “section” insert “28A,”...
- 11 (1) Section 41 (offences: general) is amended as follows.
- 12 (1) Section 42 (validity of Secretary of State’s acts) is...
- 13 Energy Act 2008