

SCHEDULES

SCHEDULE 2

Section 15.

AUTHORISATIONS UNDER SECTION 14

PART I

WORKS AUTHORISATIONS

- 1
- (1) The Secretary of State may by regulations make provision as to—

(a) the manner in which an application for a works authorisation is to be made; and

(b) the information to be included in or provided in connection with an application.

<sup>F1</sup>(2) .....

(3) A statutory instrument containing regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- Textual Amendments

F1

Sch. 2 para. 1(2) omitted (1.10.2016) by virtue of Energy Act 2016 (c. 20), s. 84(3), Sch. 1 para. 32(2); S.I. 2016/920, reg. 2(a)
- 2

The [<sup>F2</sup>OGA] shall, on receiving an application for a works authorisation—

(a) decide whether the application is to be considered further or rejected; and

(b) serve notice of [<sup>F3</sup>its] decision on the applicant and—

(i) in the case of a decision that the application is to be considered further, shall give the applicant such directions with respect to the application as the [<sup>F2</sup>OGA] considers appropriate for the purposes of paragraph 3; and

(ii) in the case of a decision to reject the application, shall include in the notice a statement of the reasons for the decision except any reason which in the opinion of the [<sup>F2</sup>OGA] it would be against the national interest to state.

Textual Amendments

F2

Word in Sch. 2 para. 2 substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), Sch. 1 para. 32(3)(a); S.I. 2016/920, reg. 2(a)

F3

Word in Sch. 2 para. 2(b) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), Sch. 1 para. 32(3)(b); S.I. 2016/920, reg. 2(a)

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- 3 Where the [F<sup>4</sup>OGA] serves on an applicant notice under paragraph 2 that the application is to be considered further, the applicant shall—
- (a) publish, in such manner as the [F<sup>4</sup>OGA] directs, a notice which—
    - (i) contains such particulars of the application as the [F<sup>4</sup>OGA] directs; and
    - (ii) states that representations with respect to the application may be made in writing to the [F<sup>4</sup>OGA] within the period of 28 days beginning with the date on which the notice is first published in accordance with this paragraph or within such longer period beginning with that date as is specified in the notice in accordance with a direction of the [F<sup>4</sup>OGA]; and
    - (iii) states where the map mentioned in sub-paragraph (b) may be inspected during the period specified in the notice under paragraph (ii);
  - (b) secure that a map of such scale and containing such particulars as the [F<sup>4</sup>OGA] directs is available for inspection by the public free of charge from 10 a.m. to 4 p.m. on each weekday during the period so specified; and
  - (c) serve a copy of the notice on such persons as the [F<sup>4</sup>OGA] directs;
- and the [F<sup>4</sup>OGA] shall defer [F<sup>5</sup>its] further consideration of the application until [F<sup>6</sup>it] is satisfied that the applicant has complied with this paragraph.

#### Textual Amendments

- F4** Word in [Sch. 2 para. 3](#) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\), s. 84\(3\), Sch. 1 para. 32\(4\)\(a\)](#); S.I. 2016/920, reg. 2(a)
- F5** Word in [Sch. 2 para. 3](#) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\), s. 84\(3\), Sch. 1 para. 32\(4\)\(b\)](#); S.I. 2016/920, reg. 2(a)
- F6** Word in [Sch. 2 para. 3](#) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\), s. 84\(3\), Sch. 1 para. 32\(4\)\(c\)](#); S.I. 2016/920, reg. 2(a)

- 4 (1) [F<sup>7</sup>Subject to sub-paragraph (1A),] this paragraph applies where the [F<sup>8</sup>OGA] decides that an application for a works authorisation is to be considered further and is of the opinion, either on [F<sup>9</sup>its] own initiative (except in relation to the purpose mentioned in paragraph 6(b)) or in consequence of representations made to [F<sup>10</sup>it] by the applicant or any other person,—
- (a) that the route proposed for the pipeline or part of it in the application ought to be altered in a particular manner for any of the purposes mentioned in paragraph 6; or
  - (b) that the capacity proposed for the pipeline or part of it in the application ought to be increased for any of the purposes mentioned in paragraph 6(b) or (d).
- [F<sup>11</sup>(1A)] This paragraph does not apply to the extent that the powers conferred by regulation 7 of the Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 are exercisable in relation to the matters mentioned in sub-paragraph (1)(a) or (b).]
- (2) Where this paragraph applies, the [F<sup>12</sup>OGA] shall, before deciding whether to issue an authorisation in consequence of the application, serve notice of [F<sup>13</sup>its] opinion—
- (a) on the applicant; and

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- (b) where the opinion relates to an alteration of the route proposed for the pipeline or part of it on—
- (i) any persons whom the [F12OGA] considers are likely to be affected by the alteration; or
  - (ii) any person appearing to the [F12OGA] to represent such persons.
- (3) In any notice of [F14its] opinion served under this paragraph the [F15OGA] shall state the reasons for [F14its] opinion except any reason which [F16it] considers that it would be against the national interest to state.

#### Textual Amendments

- F7** Words in Sch. 2 para. 4(1) inserted (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\)](#), reg. 1, **Sch. para. 12(a)**
- F8** Word in Sch. 2 para. 4(1) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 33(2)(a)**; S.I. 2016/920, reg. 2(a)
- F9** Word in Sch. 2 para. 4(1) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 33(2)(b)**; S.I. 2016/920, reg. 2(a)
- F10** Word in Sch. 2 para. 4(1) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 33(2)(c)**; S.I. 2016/920, reg. 2(a)
- F11** Sch. 2 para. 4(1A) inserted (16.9.2011) by [The Storage of Carbon Dioxide \(Access to Infrastructure\) Regulations 2011 \(S.I. 2011/2305\)](#), reg. 1, **Sch. para. 12(b)**
- F12** Word in Sch. 2 para. 4(2) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 33(3)(a)**; S.I. 2016/920, reg. 2(a)
- F13** Word in Sch. 2 para. 4(2) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 33(3)(b)**; S.I. 2016/920, reg. 2(a)
- F14** Word in Sch. 2 para. 4(3) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 33(4)(b)**; S.I. 2016/920, reg. 2(a)
- F15** Word in Sch. 2 para. 4(3) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 33(4)(a)**; S.I. 2016/920, reg. 2(a)
- F16** Word in Sch. 2 para. 4(3) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 33(4)(c)**; S.I. 2016/920, reg. 2(a)

- 5 (1) Where under paragraph 4 the [F17OGA] serves on the applicant notice of [F18its opinion it] shall give him an opportunity of being heard with respect to the opinion; and where the applicant is heard the [F17OGA] may give such other persons, if any, as [F19it thinks] fit an opportunity to be heard at the hearing.
- (2) Where under paragraph 4 the [F20OGA] serves on any person other than the applicant notice of [F21its opinion, it] shall state in the notice that representations in writing with respect to the opinion may be made to the [F20OGA] within a period specified in the notice.

#### Textual Amendments

- F17** Word in [Sch. 2 para. 5\(1\)](#) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 34(2)(a)**; S.I. 2016/920, reg. 2(a)
- F18** Words in [Sch. 2 para. 5\(1\)](#) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 34(2)(b)**; S.I. 2016/920, reg. 2(a)
- F19** Words in [Sch. 2 para. 5\(1\)](#) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 34(2)(c)**; S.I. 2016/920, reg. 2(a)

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- F20** Word in Sch. 2 para. 5(2) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\), s. 84\(3\), Sch. 1 para. 34\(3\)\(a\)](#); S.I. 2016/920, reg. 2(a)
- F21** Words in Sch. 2 para. 5(2) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\), s. 84\(3\), Sch. 1 para. 34\(3\)\(b\)](#); S.I. 2016/920, reg. 2(a)

- 6 The purposes referred to in paragraph 4(1) are—
- (a) the purpose of avoiding or reducing danger to navigation, to persons engaged in and vessels and equipment used for fishing, to some structure or apparatus (which may be the pipeline) or to marine flora or fauna;
  - (b) the purpose of facilitating the use of the pipeline by persons other than the applicant where it appears to the [F22OGA] that such persons desire to use the pipeline;
  - (c) the purpose of avoiding or reducing interference with fishing or the exploitation of mineral resources;
  - (d) any other purpose which the [F22OGA] considers proper.

#### Textual Amendments

- F22** Words in Sch. 2 para. 6 substituted (1.10.2016) by [Energy Act 2016 \(c. 20\), s. 84\(3\), Sch. 1 para. 35](#); S.I. 2016/920, reg. 2(a)

- 7 Where the [F23OGA]—
- (a) is satisfied that an applicant for a works authorisation has complied with paragraph 3; and
  - (b) has considered any representations relating to the application which were made to the [F23OGA]—
    - (i) within the period specified in the notice published in respect of the application under paragraph 3(a);
    - (ii) at a hearing held under paragraph 5(1); and
    - (iii) in accordance with a notice served by the [F23OGA] in respect of the application under paragraph 5(2),
- [F24:it] shall decide whether to issue an authorisation in consequence of the application.

#### Textual Amendments

- F23** Word in Sch. 2 para. 7 substituted (1.10.2016) by [Energy Act 2016 \(c. 20\), s. 84\(3\), Sch. 1 para. 36\(a\)](#); S.I. 2016/920, reg. 2(a)
- F24** Word in Sch. 2 para. 7 substituted (1.10.2016) by [Energy Act 2016 \(c. 20\), s. 84\(3\), Sch. 1 para. 36\(b\)](#); S.I. 2016/920, reg. 2(a)

- 8 (1) Where the [F25OGA] decides not to issue a works authorisation in consequence of an application [F26:it] shall serve on—
- (a) the applicant; and
  - (b) each person on whom a copy of notice of the application was required to be served under paragraph 3(c),

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a notice stating the decision and, in the case of the notice served on the applicant, stating also the reasons for the decision except any reason which the [F25 OGA] considers that it would be against the national interest to state.

- (2) Where the [F27 OGA] decides to issue a works authorisation in consequence of an application [F28 it] shall—
- (a) serve notice of the decision on—
    - (i) the applicant;
    - (ii) each person mentioned in sub-paragraph (1)(b); and
    - (iii) any other person who made representations as mentioned in paragraph 7(b)(ii) or (iii); and
  - (b) publish a copy of the notice in [F29 such manner as it considers appropriate].

#### Textual Amendments

- F25** Word in Sch. 2 para. 8(1) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), Sch. 1 para. 37(2)(a); S.I. 2016/920, reg. 2(a)
- F26** Word in Sch. 2 para. 8(1) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), Sch. 1 para. 37(2)(b); S.I. 2016/920, reg. 2(a)
- F27** Word in Sch. 2 para. 8(2) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), Sch. 1 para. 37(3)(a); S.I. 2016/920, reg. 2(a)
- F28** Word in Sch. 2 para. 8(2) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), Sch. 1 para. 37(3)(b); S.I. 2016/920, reg. 2(a)
- F29** Words in Sch. 2 para. 8(2)(b) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), Sch. 1 para. 37(3)(c); S.I. 2016/920, reg. 2(a)

- 9 (1) Sub-paragraphs (2) and (3) apply where the [F30 OGA] issues a works authorisation.
- (2) The [F31 OGA] shall serve on the persons on whom notice in respect of the authorisation was required to be served by paragraph 8(2)(a)(ii) and (iii) a notice stating that the authorisation has been issued and containing—
- (a) the name and address of the person to whom it was issued;
  - (b) such particulars as the [F31 OGA] considers appropriate of—
    - (i) the route of the pipeline;
    - (ii) its authorised capacity;
    - (iii) the things authorised to be conveyed by it; and
    - (iv) the persons authorised to use it; and
  - (c) such other information (if any) about the pipeline as the [F31 OGA] considers appropriate.
- [F32 (3) The OGA shall publish a copy of the notice in such manner as it considers appropriate.]

#### Textual Amendments

- F30** Word in Sch. 2 para. 9(1) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), Sch. 1 para. 38(2); S.I. 2016/920, reg. 2(a)
- F31** Word in Sch. 2 para. 9(2) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), Sch. 1 para. 38(3); S.I. 2016/920, reg. 2(a)

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**F32** Sch. 2 para. 9(3) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 38\(4\)](#); [S.I. 2016/920](#), reg. 2(a)

## PART II

### OTHER AUTHORISATIONS

- 10 Where the [<sup>F33</sup>OGA] issues an authorisation other than a works authorisation, [<sup>F34</sup>it shall publish, in such manner as it] considers appropriate, a notice stating that the authorisation has been issued and containing—
- (a) the name and address of the person to whom it was issued;
  - (b) such particulars as the [<sup>F33</sup>OGA] considers appropriate of—
    - (i) the route and capacity of the relevant pipeline;
    - (ii) the things authorised to be conveyed by it; and
    - (iii) the persons authorised to use it; and
  - (c) such other information (if any) about the pipeline as the [<sup>F33</sup>OGA] considers appropriate.

#### Textual Amendments

- F33** Word in [Sch. 2 para. 10](#) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 39\(a\)](#); [S.I. 2016/920](#), reg. 2(a)
- F34** Words in [Sch. 2 para. 10](#) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), [Sch. 1 para. 39\(b\)](#); [S.I. 2016/920](#), reg. 2(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Petroleum Act 1998, SCHEDULE 2.