



Infrastructure Act 2015

2015 CHAPTER 7

PART 6

ENERGY

Petroleum and geothermal energy in deep-level land

48 Interpretation

- (1) For the purposes of deciding whether land is deep-level land—
- (a) the depth of a point in land below surface level is the distance between that point and the surface of the land vertically above that point; and
 - (b) in determining what is the surface of the land, any building or other structure on the land, and any water covering the land, must be ignored.

[^{F1}(1A) The Secretary of State may make regulations setting out the definition of “landward area” as it applies in relation to—

- (a) the right to use deep-level land in England for the purposes of exploiting petroleum, and
- (b) the right to use deep-level land for the purposes of exploiting deep geothermal energy.

(1B) The Welsh Ministers may make regulations setting out the definition of “landward area” as it applies in relation to the right to use deep-level land in Wales for the purposes of exploiting petroleum within the Welsh onshore area.

(1C) Until regulations are made under subsection (1A) or (1B), “landward area” means those parts of the landward area, within the meaning of the 2014 Regulations, that are in England and Wales.]

- (2) In sections 43 to 47 and this section—

[^{F2}“the 2014 Regulations” means the Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014 (S.I. 2014/1686), as in force on the day on which subsections (1A) to (1C) come into force;]

Changes to legislation: There are currently no known outstanding effects for the Infrastructure Act 2015, Section 48. (See end of Document for details)

“deep geothermal energy” means geothermal energy in deep-level land (including in water or any other fluid in deep-level land);

“deep-level land” has the meaning given in section 43(4);

[^{F3}“England” includes the sea adjacent to England out as far as—

- (a) the seaward boundary of the territorial sea, or
- (b) if nearer to the land, any boundary between waters that are treated as part of the sea adjacent to Wales and those that are not, as determined by an order made under section 158(3) of the Government of Wales Act 2006;]

^{F4} ...

“petroleum” has the same meaning as in Part 1 of the Petroleum Act 1998 (see section 1 of that Act);

“relevant energy undertaking” means a person who proposes to exercise, or exercises, the right of use;

“relevant land” means land in respect of which the right of use is proposed to be, or is, exercised;

“relevant requirement” means a requirement imposed by regulations under section 45 or 46;

“right of use” means the right conferred by section 43;

“specified” means specified in regulations under section 45 or 46;

“substance” includes electricity and any other intangible thing;

[^{F5}“Wales” has the same meaning as in the Government of Wales Act 2006 (see section 158(1) and (3) of that Act);

“Welsh onshore area” has the same meaning as in Section D2 in Part 2 of Schedule 7A to the Government of Wales Act 2006.]

^{F6}(3)

Textual Amendments

- F1** S. 48(1A)-(1C) inserted (1.10.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 31(2)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 4(b)
- F2** Words in s. 48(2) inserted (1.10.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 31(3)(a)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 4(b)
- F3** Words in s. 48(2) inserted (1.10.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 31(3)(b)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 4(b)
- F4** Words in s. 48(2) omitted (1.10.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 31(3)(c)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 4(b)
- F5** Words in s. 48(2) inserted (1.10.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 31(3)(d)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 4(b)
- F6** S. 48(3) omitted (1.10.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 31(4)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 4(b)

Commencement Information

- I1** S. 48 in force at 12.4.2015, see s. 57(7)(b)

Changes to legislation:

There are currently no known outstanding effects for the Infrastructure Act 2015, Section 48.