

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Energy Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 1

TRANSFER OF FUNCTIONS TO THE OGA

PART 1

PRIMARY LEGISLATION

Energy Act 1976

1 The Energy Act 1976 is amended as follows.

Commencement Information

II [Sch. 1 para. 1](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

2 (1) Section 12 (disposal of gas by flaring, etc) is amended as follows.

(2) After subsection (2) insert—

“(2A) Disposal of gas by flaring, or by releasing it unignited into the atmosphere, does not require consent under this section if consent—

- (a) is required under section 12A (disposal of gas by flaring etc: OGA's functions), or
- (b) would be required under that section but for subsection (3) of that section.”

(3) At the end of the heading insert “ : Secretary of State's functions ”.

Commencement Information

I2 [Sch. 1 para. 2](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

3 After section 12 insert—

“12A Disposal of gas by flaring, etc: OGA's functions

(1) The OGA's consent is required for natural gas to be disposed of (whether at source or elsewhere)—

- (a) by flaring, or by releasing it unignited into the atmosphere, from anything that for the purposes of section 82(1) of the Energy Act 2011 is a relevant oil processing facility or a relevant gas processing facility, or

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- (b) by releasing it unignited into the atmosphere in connection with activities carried out under a licence granted under—
 - (i) section 3 of the Petroleum Act 1998, or
 - (ii) section 2 of the Petroleum (Production) Act 1934.
- (2) This section applies to all natural gas of the United Kingdom, whether obtained there or in territorial waters, or in areas designated under the Continental Shelf Act 1964, except gas conveyed through pipes to premises by a gas transporter within the meaning of Part 1 of the Gas Act 1986.
- (3) Disposal of gas does not require consent under this section if—
 - (a) it is necessary in order to reduce or avoid the risk of injury to any person,
 - (b) the risk could not reasonably have been foreseen in time to reduce or avoid it otherwise than by means of the disposal, and
 - (c) it was not reasonably practicable to obtain consent under this section in the time available.
- (4) A person who disposes of gas in cases where the consent of the OGA would have been required but for subsection (3) must inform the OGA of that disposal as soon as practicable after the disposal takes place.
- (5) The OGA's consent under this section—
 - (a) may be given only by reference to particular cases, and
 - (b) may be made subject to conditions which may, in particular, be framed by reference to the description or origin of the gas, or the quantities to be disposed of.

12B Sanctions for failure to comply with section 12A

- (1) The requirements imposed by subsections (1) and (4) of section 12A are to be treated for the purposes of Chapter 5 of Part 2 of the Energy Act 2016 (power of the OGA to impose sanctions) as petroleum-related requirements.
- (2) But the OGA may not give an enforcement notice, a revocation notice or an operator removal notice under that Chapter by virtue of this section.”

Commencement Information

I3 Sch. 1 para. 3 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 4 (1) Section 18 (administration, enforcement and offences) is amended as follows.
- (2) In subsection (2)(a), for “9 and 12” substitute “ 9, 12 and 12A ”.
- (3) In subsection (3)—
 - (a) in paragraph (a), for “9 or 12” substitute “ 9, 12 or 12A ”, and
 - (b) in paragraph (b), after “Secretary of State” insert “ or the OGA ”.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

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- 5 In section 21 (interpretation), after the definition of “natural gas” insert—
““the OGA” means the Oil and Gas Authority;”.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.10.2016 by [S.I. 2016/920](#), **reg. 2(a)**

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2016/602, art. 3 by [S.I. 2016/710 reg. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act excluded in part by [S.I. 2023/734 art. 6\(1\)](#)