

**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 2008*

41 The Energy Act 2008 is amended as follows.

##### Commencement Information

**I1** [Sch. 1 para. 41](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

42 In section 4(1) (licences), for “Secretary of State” substitute “ OGA ”.

##### Commencement Information

**I2** [Sch. 1 para. 42](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

43 (1) Section 5 (applications) is amended as follows.

(2) The existing provision becomes subsection (1).

(3) In that subsection, omit paragraph (e).

(4) After that subsection insert—

“(2) Before making any regulations under this section, the Secretary of State must consult the OGA.”

##### Commencement Information

**I3** [Sch. 1 para. 43](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

44 In section 6 (terms and conditions), for “Secretary of State” (in each place) substitute “ OGA ”.

##### Commencement Information

**I4** [Sch. 1 para. 44](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

45 (1) Section 7 (model clauses) is amended as follows.

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(2) In subsection (3), for “Secretary of State” substitute “ OGA ”.

(3) After that subsection insert—

“(4) Before making any regulations under this section, the Secretary of State must consult the OGA.”

#### Commencement Information

**I5** [Sch. 1 para. 45](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

46 (1) Section 9 (offences relating to licences) is amended as follows.

(2) In subsection (1)(a), for “Secretary of State” substitute “ OGA ”.

(3) In subsection (3)(b), for “Secretary of State” substitute “ OGA ”.

(4) In subsection (4)(b), for “Secretary of State” substitute “ OGA ”.

#### Commencement Information

**I6** [Sch. 1 para. 46](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

47 In section 10 (power of direction), for “Secretary of State” (in each place, including in the heading) substitute “ OGA ”.

#### Commencement Information

**I7** [Sch. 1 para. 47](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

48 In section 12 (injunctions restraining breaches of section 2(1)), for “Secretary of State” (in each place) substitute “ OGA ”.

#### Commencement Information

**I8** [Sch. 1 para. 48](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

49 (1) Section 13 (inspectors) is amended as follows.

(2) In subsection (1), for “Secretary of State” (in both places) substitute “ OGA ”.

(3) Omit subsection (2).

(4) In subsection (3)(b), for “Secretary of State” substitute “ OGA ”.

(5) After subsection (5) insert—

“(6) Before making any regulations under this section, the Secretary of State must consult the OGA.”

#### Commencement Information

**I9** [Sch. 1 para. 49](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

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- 50 In section 14(5) (proceedings for offence created by regulations under section 13), omit paragraph (b) and the word “and” immediately before it.

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**Commencement Information**

**I10** Sch. 1 para. 50 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 51 In section 15 (interaction with petroleum licensing requirements), for “Secretary of State” (in each place) substitute “ OGA ”.

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**Commencement Information**

**I11** Sch. 1 para. 51 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 52 In section 16 (interpretation), at the end insert—  
““the OGA” means the Oil and Gas Authority.”

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**Commencement Information**

**I12** Sch. 1 para. 52 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 53 In section 18(2) (licences: the licensing authority), for “Secretary of State” (in each place) substitute “ OGA ”.

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**Commencement Information**

**I13** Sch. 1 para. 53 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 54 In section 19 (requirements relating to grant of licences), after subsection (2) insert—  
“(2A) Where the licensing authority is the OGA—  
(a) regulations under subsection (1) are to be made by the Secretary of State (and not by the OGA),  
(b) the Secretary of State must consult the OGA before making the regulations, and  
(c) subsection (2)(d) does not apply.”

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**Commencement Information**

**I14** Sch. 1 para. 54 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 55 In section 21 (content of licences: regulations), after subsection (2) insert—  
“(2A) Where the licensing authority is the OGA—  
(a) regulations under subsection (1) are to be made by the Secretary of State (and not by the OGA), and  
(b) the Secretary of State must consult the OGA before making the regulations.”

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#### Commencement Information

**I15** [Sch. 1 para. 55](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 56 In section 26 (injunctions restraining breaches of section 17(1)), for “Secretary of State” (in each place) substitute “ OGA ”.

#### Commencement Information

**I16** [Sch. 1 para. 56](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 57 (1) Section 27 (inspectors) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) The following may appoint persons to act as inspectors to assist in carrying out their respective functions under this Chapter—
- (a) the OGA,
  - (b) the Scottish Ministers,
  - (c) the Welsh Ministers, and
  - (d) the Department of Enterprise, Trade and Investment in Northern Ireland.
- (2) The following may make payments, by way of remuneration or otherwise, to inspectors appointed by them under this section—
- (a) the Scottish Ministers,
  - (b) the Welsh Ministers, and
  - (c) the Department of Enterprise, Trade and Investment in Northern Ireland.”
- (3) In subsection (3)(b), for “Secretary of State” substitute “ OGA ”.
- (4) In subsection (6)—
- (a) for “This section applies” substitute “ Subsections (3) to (5) apply ”,
  - (b) for “it applies” substitute “ they apply ”, and
  - (c) at the end insert “ (reading the reference to the OGA in subsection (3)(b) as a reference to the Secretary of State) ”.
- (5) Omit subsection (7).

#### Commencement Information

**I17** [Sch. 1 para. 57](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 58 In section 28(5) (proceedings for offence created by regulations under section 27), at the beginning of paragraph (b) insert “ except in the case of an offence that relates to functions of the OGA under this Chapter, ”.

#### Commencement Information

**I18** [Sch. 1 para. 58](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

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59 In section 29 (requirement for public register) at the end insert—

“(8) The OGA must provide to the Secretary of State any information held by it that is required by the Secretary of State in order to comply with the requirements imposed by this section.”

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**Commencement Information**

**I19** [Sch. 1 para. 59](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

60 In section 31 (termination of licences: regulations), after subsection (3) insert—

“(3A) Where the licensing authority is the OGA—

- (a) regulations under this section are to be made by the Secretary of State (and not by the OGA), and
- (b) the Secretary of State must consult the OGA before making the regulations.”

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**Commencement Information**

**I20** [Sch. 1 para. 60](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

61 In section 33 (enhanced petroleum recovery: power to make orders), after subsection (1) insert—

“(1A) Before making an order under subsection (1), the Secretary of State must consult the OGA.”

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**Commencement Information**

**I21** [Sch. 1 para. 61](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

62 In section 35(1) (interpretation), after the definition of “offshore UK-controlled place” insert—

““the OGA” means the Oil and Gas Authority.”

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**Commencement Information**

**I22** [Sch. 1 para. 62](#) 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\(1\)](#)