

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

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

- (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)

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](#)

- 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\(a\)](#)

Petroleum Act 1998

- 6 The Petroleum Act 1998 is amended as follows.

Commencement Information

I6 [Sch. 1 para. 6](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 7 In section 9A(2) (principal objective and the strategy), for “Secretary of State” substitute “OGA”.

Commencement Information

I7 [Sch. 1 para. 7](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 8 In section 9B (exercise of certain functions)—
(a) for “Secretary of State” (including in the heading) substitute “OGA”,
(b) in paragraph (b), omit the words from “to the extent” to the end, and
(c) after paragraph (c) insert—
“(ca) exercising functions under Part 2 of the Energy Act 2016,”.

Commencement Information

I8 [Sch. 1 para. 8](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 9 After section 9B insert—

“9BA Exercise of certain functions of the Secretary of State

- (1) The Secretary of State must act in accordance with the current strategy or strategies when exercising the functions mentioned in subsection (2).
(2) Those functions are functions under Part 4 to the extent that they concern reduction of the costs of abandonment of offshore installations and submarine pipelines (including the reduction of such costs by means of the timing of measures proposed in abandonment programmes and by the inclusion in such programmes of provision for collaboration with other persons).”

Commencement Information

I9 [Sch. 1 para. 9](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

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](#)

10 Omit section 9D.

Commencement Information

I10 Sch. 1 para. 10 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 11 (1) Section 9E (security and resilience functions) is amended as follows.
- (2) In subsection (1), for “Secretary of State’s” substitute “OGA’s”.
- (3) In subsection (2), for “Secretary of State” substitute “ OGA ”.
- (4) In the heading, for “Secretary of State’s” substitute “OGA’s”.

Commencement Information

I11 Sch. 1 para. 11 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 12 (1) Section 9F (producing and revising a strategy) is amended as follows.
- (2) Omit subsection (1).
- (3) For subsection (2) substitute—
- “(2) After the first strategy has been produced, the OGA may—
- (a) produce a new strategy, or
- (b) revise a current strategy,
- whenever the OGA thinks appropriate.”
- (4) In subsection (3), for “Secretary of State” substitute “ OGA ”.
- (5) Omit subsection (4).

Commencement Information

I12 Sch. 1 para. 12 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 13 (1) Section 9G (procedure for producing and revising a strategy) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (a), and
- (b) for “Secretary of State” substitute “ OGA ”.
- (3) In subsection (2), for “Secretary of State” (in both places) substitute “ OGA ”.
- (4) For subsection (3) substitute—
- “(3) If, after complying with that duty, the OGA decides to proceed with the draft (in its original form or with modifications), the OGA must send the draft to the Secretary of State.
- (3A) The Secretary of State must either—
- (a) lay a copy of the draft before each House of Parliament, or
- (b) return the draft to the OGA and publish the Secretary of State’s reasons for doing so.

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](#)

(3B) The Secretary of State may return the draft to the OGA only if the Secretary of State thinks that—

- (a) the OGA has failed to comply with subsection (2), or
- (b) the strategy will not enable the principal objective to be met.”

(5) In subsection (4), for “The Secretary of State” substitute “ Where a copy of the draft has been laid in accordance with subsection (3A)(a), the OGA ”.

(6) In subsection (5), for “Secretary of State” substitute “ OGA ”.

(7) In subsection (6), for “Secretary of State” substitute “ OGA ”.

Commencement Information

I13 [Sch. 1 para. 13](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

14 In section 14(1) (construction and use of pipelines), for “Secretary of State” substitute “ OGA ”.

Commencement Information

I14 [Sch. 1 para. 14](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

15 In section 15 (authorisations), for “Secretary of State” (in each place) substitute “ OGA ”.

Commencement Information

I15 [Sch. 1 para. 15](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

16 In section 16 (compulsory modifications of pipelines), for “Secretary of State” (in each place) substitute “ OGA ”.

Commencement Information

I16 [Sch. 1 para. 16](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

17 (1) Section 17 (acquisition of rights to use pipelines) is amended as follows.

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

(3) In subsection (2)—

- (a) for “Secretary of State” substitute “ OGA ”, and
- (b) for “he” substitute “ it ”.

(4) In subsection (3)—

- (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
- (b) for “he” substitute “ it ”.

(5) In subsection (5), for “Secretary of State” substitute “ OGA ”.

(6) In subsection (7), for “Secretary of State” substitute “ OGA ”.

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](#)

- (7) In subsection (8)—
- (a) for “Secretary of State” substitute “ OGA ”, and
 - (b) for “he” substitute “ it ”.

Commencement Information

I17 [Sch. 1 para. 17](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 18 (1) Section 17F (acquisition of rights to use controlled petroleum pipelines) is amended as follows.
- (2) In subsection (2), for “Secretary of State” substitute “ OGA ”.
- (3) In subsection (5), for “Secretary of State” substitute “ OGA ”.
- (4) In subsection (6)—
- (a) for “Secretary of State” substitute “ OGA ”, and
 - (b) for “he” substitute “ it ”.
- (5) In subsection (7)—
- (a) for “Secretary of State” (in each place) substitute “ OGA ”, and
 - (b) for “he” substitute “ it ”.
- (6) In subsection (8), for “Secretary of State” substitute “ OGA ”.
- (7) In subsection (9)—
- (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
 - (b) for “he” substitute “ it ”.
- (8) In subsection (10), for “Secretary of State” substitute “ OGA ”.

Commencement Information

I18 [Sch. 1 para. 18](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 19 (1) Section 17G (section 17F: supplemental) is amended as follows.
- (2) In subsection (1)—
- (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
 - (b) for “himself” substitute “ itself ”.
- (3) In subsection (2)—
- (a) for “Secretary of State” substitute “ OGA ”, and
 - (b) for “him” substitute “ it ”.
- (4) In subsection (4)—
- (a) for “Secretary of State” substitute “ OGA ”,
 - (b) for “he” substitute “ it ”, and
 - (c) for “him” substitute “ it ”.
- (5) In subsection (6), for “Secretary of State” substitute “ OGA ”.
- (6) In subsection (7)—

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](#)

- (a) for “Secretary of State” substitute “ OGA ”, and
- (b) for “he” substitute “ it ”.

(7) In subsection (8), for “Secretary of State” substitute “ OGA ”.

Commencement Information

I19 [Sch. 1 para. 19](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 20 (1) Section 17GA (controlled petroleum pipeline subject to Norwegian access system) is amended as follows.
- (2) In subsection (2), for “Secretary of State” substitute “ OGA ”.
- (3) In subsection (5)—
- (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
 - (b) in paragraph (a), for “he” substitute “ it ”.
- (4) In subsection (6), for “Secretary of State” substitute “ OGA ”.
- (5) In subsection (7), for “Secretary of State” substitute “ OGA ”.
- (6) In subsection (8), for “he is obliged to do so under the Framework Agreement, the Secretary of State shall make his” substitute “ the Framework Agreement so requires, the OGA shall make its ”.

Commencement Information

I20 [Sch. 1 para. 20](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 21 (1) Section 17GB (section 17GA: supplemental) is amended as follows.
- (2) In subsection (1)—
- (a) for “Secretary of State” substitute “ OGA ”, and
 - (b) for “him” substitute “ it ”.
- (3) In subsection (2)—
- (a) for “Secretary of State” substitute “ OGA ”,
 - (b) for “he is required to do so” substitute “ the disclosure is required ”, and
 - (c) omit “on him”.

Commencement Information

I21 [Sch. 1 para. 21](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 22 (1) Section 18 (termination of authorisations) is amended as follows.
- (2) In subsection (1)(b), for “Secretary of State” substitute “ OGA ”.
- (3) In subsection (2)—
- (a) for “Secretary of State” substitute “ OGA ”, and
 - (b) for “he” substitute “ it ”.
- (4) In subsection (3)(b), for “Secretary of State” substitute “ OGA ”.

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](#)

- (5) In subsection (4)—
 - (a) for “Secretary of State” substitute “ OGA ”, and
 - (b) for “he” substitute “ it ”.
- (6) In subsection (5)—
 - (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
 - (b) for “he” (in each place) substitute “ it ”.
- (7) In subsection (6), for “Secretary of State” (in both places) substitute “ OGA ”.
- (8) In subsection (7)—
 - (a) for “Secretary of State” substitute “ OGA ”, and
 - (b) for “him” substitute “ it ”.
- (9) In subsection (8), for “Secretary of State” (in both places) substitute “ OGA ”.
- (10) In subsection (9)—
 - (a) for “Secretary of State” substitute “ OGA ”, and
 - (b) for “he” substitute “ it ”.

Commencement Information

I22 [Sch. 1 para. 22](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 23 (1) Section 19 (vesting of pipelines on termination or subsequent issue of authorisations) is amended as follows.
- (2) In subsection (1), for “Secretary of State” substitute “ OGA ”.
 - (3) In subsection (2)—
 - (a) for “Secretary of State” (in each place) substitute “ OGA ”, and
 - (b) for “he” substitute “ the OGA ”.

Commencement Information

I23 [Sch. 1 para. 23](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 24 (1) Section 20 (inspectors etc) is amended as follows.
- (2) For subsection (1) substitute—

“(1) The OGA may appoint, as inspectors to assist it in the execution of this Part of this Act, such number of persons appearing to it to be qualified for the purpose as it considers appropriate from time to time.”
 - (3) In subsection (2)(a)(ii), for “Secretary of State” substitute “ OGA ”.

Commencement Information

I24 [Sch. 1 para. 24](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 25 (1) Section 21 (enforcement) is amended as follows.

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](#)

- (2) In subsection (1)(c), for “Secretary of State” substitute “ OGA ”.
- (3) In subsection (2), for “Secretary of State” substitute “ OGA ”.
- (4) In subsection (3), for “Secretary of State” substitute “ OGA ”.
- (5) In subsection (4)—
 - (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
 - (b) for “he” substitute “ it ”.
- (6) In subsection (5), for “Secretary of State” (in each place) substitute “ OGA ”.

Commencement Information

I25 [Sch. 1 para. 25](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 26 In section 25 (orders and regulations), for subsection (1) substitute—
- “(1) Before making any order or regulations under this Part of this Act, the Secretary of State must consult—
- (a) the OGA, and
 - (b) in the case of regulations, such organisations in the United Kingdom as the Secretary of State considers are representative of persons who will be affected by the regulations.”

Commencement Information

I26 [Sch. 1 para. 26](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 27 In section 28(1) (interpretation of Part 3), for the definition of “heard” substitute—
- ““heard” means—
- (a) in relation to section 27, heard on behalf of the Secretary of State by a person appointed by the Secretary of State for the purpose, and
 - (b) otherwise, heard on behalf of the OGA by a person appointed by the OGA for the purpose.””

Commencement Information

I27 [Sch. 1 para. 27](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 28 In section 45A (abandoned wells), for “Secretary of State” (in each place) substitute “ OGA ”.

Commencement Information

I28 [Sch. 1 para. 28](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 29 In section 46(1) (Northern Ireland and Isle of Man shares of petroleum revenue), for “Secretary of State” (in each place) substitute “ OGA ”.

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](#)

Commencement Information

I29 [Sch. 1 para. 29](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 30 (1) Section 47A (factors to take into account) is amended as follows.
- (2) In subsection (1)—
- (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
 - (b) for “him” substitute “ it ”.
- (3) In subsection (2A), for “Secretary of State” substitute “ OGA ”.
- (4) In the heading, for “Secretary of State” substitute “ OGA ”.

Commencement Information

I30 [Sch. 1 para. 30](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 31 In section 48 (interpretation), after subsection (1) insert—
- “(1A) In this Act “the OGA” means the Oil and Gas Authority.”

Commencement Information

I31 [Sch. 1 para. 31](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 32 (1) Schedule 2 (authorisations) is amended as follows.
- (2) Omit paragraph 1(2).
- (3) In paragraph 2—
- (a) for “Secretary of State” (in each place) substitute “ OGA ”, and
 - (b) in paragraph (b), for “his” substitute “ its ”.
- (4) In paragraph 3—
- (a) for “Secretary of State” (in each place) substitute “ OGA ”,
 - (b) for “his” substitute “ its ”, and
 - (c) for “he” substitute “ it ”.

Commencement Information

I32 [Sch. 1 para. 32](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 33 (1) Paragraph 4 is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “Secretary of State” substitute “ OGA ”,
 - (b) for “his” substitute “ its ”, and
 - (c) for “him” substitute “ it ”.
- (3) In sub-paragraph (2)—
- (a) for “Secretary of State” (in each place) substitute “ OGA ”, and

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](#)

(b) for “his” substitute “ its ”.

(4) In sub-paragraph (3)—

(a) for “Secretary of State” substitute “ OGA ”,

(b) for “his” substitute “ its ”, and

(c) for “he” substitute “ it ”.

Commencement Information

I33 [Sch. 1 para. 33](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

34 (1) Paragraph 5 is amended as follows.

(2) In sub-paragraph (1)—

(a) for “Secretary of State” (in both places) substitute “ OGA ”,

(b) for “his opinion he” substitute “ its opinion it ”, and

(c) for “he thinks” substitute “ it thinks ”.

(3) In sub-paragraph (2)—

(a) for “Secretary of State” (in both places) substitute “ OGA ”, and

(b) for “his opinion, he” substitute “ its opinion, it ”.

Commencement Information

I34 [Sch. 1 para. 34](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

35 In paragraph 6, for “Secretary of State” (in both places) substitute “ OGA ”.

Commencement Information

I35 [Sch. 1 para. 35](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

36 In paragraph 7—

(a) for “Secretary of State” (in each place) substitute “ OGA ”, and

(b) for “he” substitute “ it ”.

Commencement Information

I36 [Sch. 1 para. 36](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

37 (1) Paragraph 8 is amended as follows.

(2) In sub-paragraph (1)—

(a) for “Secretary of State” (in both places) substitute “ OGA ”, and

(b) for “he” substitute “ it ”.

(3) In sub-paragraph (2)—

(a) for “Secretary of State” substitute “ OGA ”,

(b) for “he” (in the first place) substitute “ it ”, and

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](#)

- (c) in paragraph (b), for the words following “notice in” substitute “such manner as it considers appropriate”.

Commencement Information

I37 [Sch. 1 para. 37](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 38 (1) Paragraph 9 is amended as follows.
- (2) In sub-paragraph (1), for “Secretary of State” substitute “ OGA ”.
- (3) In sub-paragraph (2), for “Secretary of State” (in each place) substitute “ OGA ”.
- (4) For sub-paragraph (3) substitute—
- “(3) The OGA shall publish a copy of the notice in such manner as it considers appropriate.”

Commencement Information

I38 [Sch. 1 para. 38](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 39 In paragraph 10—
- (a) for “Secretary of State” (in each place) substitute “ OGA ”, and
- (b) for the words from “he shall” to “which he” substitute “ it shall publish, in such manner as it ”.

Commencement Information

I39 [Sch. 1 para. 39](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

Energy Act 2004

- 40 (1) Section 188 of the Energy Act 2004 (power to impose charges to fund energy functions) is amended as follows.
- (2) In subsection (7), omit paragraphs (b), (h), (m) and (n).
- (3) In subsection (8), omit paragraphs (da), (db) and (f).
- (4) In subsection (12), in the substituted subsection (7A)(b), for “ mentioned in subsection (8)(db) ” (in both places) substitute “ for which a licence under Chapter 3 of Part 1 of the Energy Act 2008 is required ”.

Commencement Information

I40 [Sch. 1 para. 40](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

Energy Act 2008

- 41 The Energy Act 2008 is amended as follows.

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](#)

Commencement Information

I41 [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

I42 [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

I43 [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

I44 [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.

(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

I45 [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 ”.

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](#)

Commencement Information

I46 [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

I47 [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

I48 [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

I49 [Sch. 1 para. 49](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

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

Commencement Information

I50 [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 ”.

Commencement Information

I51 [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.”

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](#)

Commencement Information

I52 [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 ”.

Commencement Information

I53 [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.”

Commencement Information

I54 [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.”

Commencement Information

I55 [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

I56 [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,

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](#)

- (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

I57 [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

I58 [Sch. 1 para. 58](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 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.”

Commencement Information

I59 [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.”

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](#)

Commencement Information

I60 [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.”

Commencement Information

I61 [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.”

Commencement Information

I62 [Sch. 1 para. 62](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

Energy Act 2011

- 63 The Energy Act 2011 is amended as follows.

Commencement Information

I63 [Sch. 1 para. 63](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 64 In section 82 (acquisition of rights to use upstream petroleum infrastructure), for “Secretary of State” (in each place) substitute “ OGA ”.

Commencement Information

I64 [Sch. 1 para. 64](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 65 (1) Section 83 (power to give notice under section 82(11) on own initiative) is amended as follows.
- (2) In subsection (2), for “Secretary of State may on his or her” substitute “ OGA may on its ”.
- (3) In subsection (3), for “Secretary of State” (in both places) substitute “ OGA ”.
- (4) In subsection (4), for “Secretary of State” substitute “ OGA ”.
- (5) In subsection (5)(d), for “Secretary of State” substitute “ OGA ”.
- (6) In the heading, for “Secretary of State” substitute “ OGA ”.

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](#)

Commencement Information

I65 [Sch. 1 para. 65](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 66 In section 84 (compulsory modification of upstream petroleum infrastructure), for “Secretary of State” (in each place) substitute “ OGA ”.

Commencement Information

I66 [Sch. 1 para. 66](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 67 In section 85 (variation of notices under sections 82 and 84), for “Secretary of State” (in each place) substitute “ OGA ”.

Commencement Information

I67 [Sch. 1 para. 67](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 68 In section 86 (publication of notices and variations), for “Secretary of State” (in each place) substitute “ OGA ”.

Commencement Information

I68 [Sch. 1 para. 68](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 69 In section 87 (powers to require information), for “Secretary of State” (in each place, including in the heading) substitute “ OGA ”.

Commencement Information

I69 [Sch. 1 para. 69](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 70 (1) Section 88 (enforcement) is amended as follows.
 (2) In subsection (1), for “Secretary of State” (in each place) substitute “ OGA ”.
 (3) In subsection (9), for “Secretary of State” substitute “ OGA ”.

Commencement Information

I70 [Sch. 1 para. 70](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 71 In section 89 (minor, consequential and supplemental provision), for “Secretary of State” (in both places) substitute “ OGA ”.

Commencement Information

I71 [Sch. 1 para. 71](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

- 72 In section 90(1) (interpretation), after the definition of “gas processing facility” insert—

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](#)

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

Commencement Information

I72 [Sch. 1 para. 72](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

Infrastructure Act 2015

73 The Infrastructure Act 2015 is amended as follows.

Commencement Information

I73 [Sch. 1 para. 73](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

74 Omit section 42 (levy on holders of certain energy industry licences).

Commencement Information

I74 [Sch. 1 para. 74](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

75 In section 55(4)(b) (statutory instruments subject to affirmative procedure), omit “or 42(11)”.

Commencement Information

I75 [Sch. 1 para. 75](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

76 Omit Schedule 7 (the licensing levy).

Commencement Information

I76 [Sch. 1 para. 76](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(a\)](#)

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.

[View outstanding changes](#)

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)