



Energy Act 2023

2023 CHAPTER 52

PART 13

OFFSHORE WIND ELECTRICITY GENERATION, OIL AND GAS

CHAPTER 2

OIL AND GAS

Environmental protection

296 Arrangements for responding to marine oil pollution

- (1) The Secretary of State may, by regulations, make provision—
- (a) requiring a person responsible for infrastructure or a place to which [subsection \(2\)](#) applies to have an emergency plan setting out arrangements for responding to incidents which cause, or may cause, marine oil pollution,
 - (b) in connection with that requirement, and
 - (c) about the reporting of such incidents.
- (2) [This subsection](#) applies to—
- (a) an offshore installation, or an offshore well, that is used for or in connection with—
 - (i) offshore oil and gas operations, or
 - (ii) offshore production or storage of gas;
 - (b) offshore infrastructure, including pipelines, connected to such an installation or well;
 - (c) a harbour;
 - (d) a facility, that is not offshore, for handling or storing oil or gas;

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 296. (See end of Document for details)

- (e) infrastructure or a place described in any of paragraphs (a) to (d) that is being decommissioned or has been decommissioned or abandoned.
- (3) Regulations under subsection (1) may, in particular, make provision in connection with the implementation, maintenance and review of an emergency plan, including provision requiring—
- (a) a person to refrain from carrying out activities that may cause marine oil pollution unless and until an emergency plan is in place;
 - (b) an emergency plan to be reviewed in accordance with the regulations;
 - (c) the amendment or replacement of an emergency plan in circumstances specified in the regulations;
 - (d) a person to ensure readiness to carry out an emergency plan;
 - (e) a person to carry out an emergency plan.
- (4) Regulations under subsection (1) about the reporting of incidents may, in particular—
- (a) set out—
 - (i) circumstances in which a report must be made;
 - (ii) by whom a report must be made;
 - (iii) to whom a report must be made;
 - (b) make provision as to the content and form of a report and the time by which a report must be made.
- (5) The Secretary of State may, by regulations, make provision enabling the inspection of infrastructure or a place to which subsection (2) applies.
- (6) Regulations under subsection (1) or (5) may, in particular, make provision—
- (a) about the meaning which any expression used in subsection (1), (2), (3), (4) or (5) is to have for the purposes of regulations under subsection (1) or (5);
 - (b) conferring functions on any person;
 - (c) providing for the charging of fees (but see subsection (7));
 - (d) authorising or requiring, or restricting or prohibiting, the supply or keeping of information (including provision authorising or requiring the supply or keeping of information that would not otherwise be permitted);
 - (e) creating criminal offences or impose civil penalties (but see subsection (8));
 - (f) for the purpose of securing compliance with requirements imposed by or under regulations under subsection (1) or (5).
- (7) Regulations under subsection (1) or (5) which provide for a fee to be charged in respect of a person performing a function or doing any other thing must secure that, taking one year with another, the income from the fees does not exceed the cost of performing the function or doing the thing.
- (8) Regulations under subsection (1) or (5) may not provide—
- (a) for a criminal offence to be punishable with imprisonment;
 - (b) for a civil penalty to exceed £50,000.
- (9) Where regulations under subsection (1) or (5) provide for the imposition of a civil penalty, they must also include provision for a right of appeal against the imposition of the penalty.
- (10) Regulations under subsection (1) or (5) containing any of the following (with or without other provision) are subject to the affirmative procedure—

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- (a) provision creating a criminal offence or civil penalty (but excluding provision modifying the circumstances in which a person is guilty of an existing offence or liable for an existing civil penalty);
 - (b) provision specifying a civil penalty amount.
- (11) Any other regulations under [subsection \(1\)](#) or [\(5\)](#) are subject to the negative procedure.
- (12) In [this section](#)—
- “gas” means—
 - (a) “gas” within the meaning of section 2 of the Energy Act 2008,
 - (b) carbon dioxide, and
 - (c) hydrogen;
 - “oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products.

Commencement Information

- I1** S. 296 not in force at Royal Assent, see [s. 334\(1\)](#)
- I2** S. 296 in force at 11.1.2024 by [S.I. 2024/32, reg. 2\(d\)\(i\)](#)

Changes to legislation:

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