
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 2 of the Pollution Prevention and Control Act 1999. They establish a regime for the purpose of implementing the United Kingdom's obligations under the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) Decision (2000/2) on a Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals in relation to offshore activities (defined in regulation 2).

The Regulations apply in relation to the sea adjacent to England and Wales, to the United Kingdom territorial sea apart from those areas comprised in Scottish controlled waters and to those areas of sea in any area for the time being designated under section 1(7) of the Continental Shelf Act 1964.

Regulation 2 deals with definitions. Regulation 3 deals with the need for a permit in order to allow an operator to use and discharge chemicals; regulations 4 to 8 deal with the procedure for granting permits, the conditions of permits, the requirements for permit applications, the publicity for permit applications and fees. Regulation 9 makes provision for the duration of permits and regulation 10 allows for the renewal of permits. Regulation 11 allows for permits to be varied on application to the Secretary of State and regulation 12 deals with the review of permits and their conditions. Provision is made for the revocation and surrender of permits by regulation 13. Under regulation 14 the Secretary of State is required to maintain a public register of the provisions of permits and of certain information required to be supplied to her under those provisions. Regulation 15 requires operators to inform the Secretary of State of any breach of a permit or its conditions or of any accident or incident involving a significant effect on the environment. Under regulation 16 the Secretary of State can appoint Inspectors whose powers and duties are therein set out.

Regulation 17 gives a right to appeal to the court against the Secretary of State's decisions under the Regulations. Regulation 18 creates offences. Regulation 19 deals with service of notices and other documents. Regulations 20 and 21 respectively amend the Deposits in the Sea (Exemptions) Order 1985 and the Deposits in the Sea (Exemptions) Order (Northern Ireland) 1995.

These Regulations come into force on [date]. After the prescribed date (regulation 2) a permit will be required for all use and discharge of offshore chemicals (regulation 3(1) subject to the provisions of regulation 3(2)).

A regulatory impact assessment has been prepared and copies can be obtained from Oil and Gas Directorate, Department of Trade and Industry, 1 Victoria Street, London, SW1H 0ET (Tel. 020 7215 5151).

These Regulations have been notified to the European Commission and the other member States in accordance with Directive [98/34/EC](#) of the European Parliament and of the Council (OJNo. L204, 21.7.98, p.37), as amended by Directive [98/48/EC](#) of the European Parliament and of the Council (OJ No. L217, 5.8.98, p.18).