

SCHEDULE 2

Regulation 20

AMENDMENT OF THE OFFSHORE CHEMICALS REGULATIONS 2002

1. In regulation 2 omit the definitions of “address” and “electronic communication”.
2. In regulation 16 (appointment of inspectors)—
 - (1) in paragraph (2), omit “their conclusions”; and
 - (2) omit paragraph (4).
3. After regulation 16 insert—

“Enforcement notices

16A.—(1) If the Secretary of State is of the opinion that any person has contravened or is contravening any condition of a permit or is likely to contravene any such condition, the Secretary of State or an inspector appointed by her under regulation 16 may serve on the operator a notice in writing (“an enforcement notice”) which—

- (a) states that the Secretary of State is of the opinion mentioned in paragraph (1);
- (b) specifies the matters which constitute, constituted or, as the case may be, are likely to constitute the contravention;
- (c) specifies the steps that must be taken to remedy or, as the case maybe, prevent the contravention; and
- (d) specifies the period within which those steps must be taken.

(2) The steps that may be specified under paragraph (1)(c) include steps that must be taken to remedy any pollution caused by a contravention.

(3) Where a person to whom an enforcement notice is addressed has failed to take the action required by it within such time as may be specified by it and such a notice has not been revoked, the Secretary of State may undertake any action so required and the reasonable costs and expenses of the Secretary of State’s so doing shall be recoverable as a debt from that person.

(4) A person to whom an enforcement notice is addressed shall afford such assistance as the Secretary of State may reasonably require for the purpose of facilitating the exercise of any powers conferred on the Secretary of State by paragraph (3).

(5) The Secretary of State or an inspector appointed by her under regulation 16 may revoke an enforcement notice served under paragraph (1).

(6) The exercise by the Secretary of State of any power conferred by paragraph (1) or (3) shall be without prejudice to the exercise by her of any other power under any other provision of these Regulations.

Prohibition notices

16B.—(1) If the Secretary of State is of the opinion that the operation of an offshore installation involves an imminent risk of serious pollution as a consequence of any use or discharge of offshore chemicals, the Secretary of State or an inspector appointed by her under regulation 16 may serve a notice in writing (“a prohibition notice”) on the operator of the installation.

(2) A prohibition notice may be served whether or not the risk relates to the contravention of a permit and may relate to any aspects of the operation of the offshore installation, whether or not regulated by the conditions such a permit.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (3) A prohibition notice—
- (a) shall state that the Secretary of State is of the opinion mentioned in paragraph (1) above;
 - (b) shall specify the risk involved in the operation of the offshore installation;
 - (c) shall specify the steps that must be taken to remove it and the period within which they must be taken; and
 - (d) may direct that any permit shall, until the notice is withdrawn wholly or in part, cease to have effect and, where the direction applies to part only of the operation of the offshore installation, it may impose conditions to be observed in carrying on that part of the operation which is authorised under the relevant permit.

(4) The Secretary of State or an inspector appointed by her under regulation 16 may by notice withdraw a prohibition notice wholly or in part at any time and shall withdraw a notice when the Secretary of State is satisfied that the steps required by the notice have been taken.

(5) It shall be the duty of the person to whom the prohibition notice is addressed to comply with its terms save to the extent that it is withdrawn wholly or in part.

(6) The service of a prohibition notice shall be without prejudice to the exercise by any person of any power under any other provision of these Regulations.”.

4. In regulation 18 (offences)(1) in paragraph (1) (which deals with specifying offences)—

- (a) omit “or” where it occurs in sub-paragraph (f);
- (b) insert “; or” at the end of sub-paragraph (g); and
- (c) after sub-paragraph (g) insert—

“(h) fails to comply with the terms of an enforcement notice or a prohibition notice.”.

5. For regulation 19 there is substituted a provision identical to that set out in paragraph 6 of Schedule 1 to these Regulations.