
STATUTORY INSTRUMENTS

2007 No. 77

The Offshore Petroleum Activities (Conservation of Habitats) (Amendment) Regulations 2007

Amendment of the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001

2.—(1) The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001(1) are amended as follows.

(2) In paragraph (1) of regulation 2 (Interpretation)—

(a) after the definition of “address” insert—

““appropriate nature conservation body” means such body with responsibilities for providing relevant advice on nature conservation in relation to the land or waters within or adjacent to the relevant site, which the Secretary of State considers appropriate;”;

(b) for the definition of “consent” substitute—

““consent” is to be construed in accordance with regulation 4(3);”;

(c) after the definition of “consent” insert—

““designated area” means any area for the time being designated under section 1(7) of the Continental Shelf Act 1964(2);”;

(d) after the definition of “Natura 2000” insert—

““offshore oil and gas activities” means oil and gas activities carried out wholly or partly in a relevant area;

“oil and gas activities” means any activities carried out for or in connection with the exploration for or production of petroleum;”;

(e) after the definition of “petroleum” insert—

““Petroleum Act licence” means a licence which is granted under or has effect as if granted under the 1998 Act or a licence which is to be granted under that Act;

“relevant area” means an area comprising any of the following—

(a) UK waters;

(b) waters in a designated area; or

(c) the seabed and subsoil under the waters referred to in paragraphs (a) and (b) above;

(f) in the definitions of “relevant function”, “relevant power” and “relevant project”, for “UKCS oil and gas activities” substitute “offshore oil and gas activities”;

(g) in the definition of “relevant site”, for “Joint Nature Conservation Committee” at both places in which it occurs substitute “appropriate nature conservation body”;

(1) [SI 2001/1754](#).

(2) [1964 c. 29](#); section 1(7) was amended by paragraph 1 of Schedule 13 to the Oil and Gas (Enterprise) Act [1982 \(c.23\)](#).

- (h) omit the definition of “UKCS licence”;
 - (i) for the definition of “UKCS oil and gas activities” substitute—
 - ““UKCS oil and gas activities” means oil and gas activities where the petroleum is situated wholly or partly in a designated area;”;
 - (j) omit the definition of “UKCS pipe-line”; and
 - (k) after the definition of “UKCS oil and gas activities” insert—
 - ““UK waters” means parts of the sea in or adjacent to the United Kingdom from the low water mark up to the seaward limits of territorial waters; and”.
- (3) For regulation 3 (Application of Directives) substitute—
- “3.—(1) To the extent not already provided for by the 1994 Regulations, the Secretary of State shall exercise relevant functions conferred on him in such manner and to such extent as he shall consider necessary to secure that offshore oil and gas activities are carried out in a manner that is consistent with the requirements of the Directives.
- (2) In this regulation, the “1994 Regulations” means the Conservation (Natural Habitats, &c) Regulations 1994(3).”.
- (4) For regulation 4 (Consent for geological surveys) substitute—
- “4.—(1) In so far as they relate to oil and gas activities, the following activities or procedures shall not be carried out in a relevant area without the prior written consent of the Secretary of State—
- (a) prospecting or carrying out geological surveys by physical or chemical means;
 - (b) drilling for the purpose of obtaining geological information about strata; or
 - (c) testing the surveying or drilling equipment to be used in the activities or procedures falling within (a) or (b).
- (2) Paragraph (1) above shall apply notwithstanding any provision in any Petroleum Act licence.
- (3) For the purposes of regulations 5 and 7 below, “consent” means—
- (a) a consent granted pursuant to paragraph (1) above; or
 - (b) a consent granted pursuant to a Petroleum Act licence, including any consent required pursuant to the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999(4).”.
- (5) In regulation 5 (Appropriate assessments)—
- (a) in paragraph (1), for “UKCS licence” substitute “Petroleum Act licence”; and
 - (b) in paragraph (2) and paragraph (4), for “Joint Nature Conservation Committee” substitute “appropriate nature conservation body”.
- (6) In regulation 6 (Projects which should be carried out for imperative reasons of overriding public interest)—
- (a) in paragraph (3), for “Joint Nature Conservation Committee” substitute “appropriate nature conservation body”; and
 - (b) in sub-paragraph (a) of paragraph (4), for “UKCS oil and gas activities” substitute “offshore oil and gas activities”.
- (7) In regulation 7 (Control of activities under licence)—

(3) [SI 1994/2716](#), to which there are amendments not relevant to these Regulations.

(4) [SI 1999/360](#).

- (a) in paragraph (1), for “UKCS licence,” substitute “Petroleum Act licence, consent,”;
- (b) in sub-paragraph (c) of paragraph (2), for “UKCS oil and gas activities” substitute “offshore oil and gas activities”;
- (c) in paragraph (3), for “Joint Nature Conservation Committee” substitute “appropriate nature conservation body”; and
- (d) in paragraph (9)—
 - (i) for “Joint Nature Conservation Committee” substitute “appropriate nature conservation body”; and
 - (ii) for “UKCS licence,” substitute “Petroleum Act licence, consent,”.