
STATUTORY INSTRUMENTS

2010 No. 1513

**The Energy Act 2008 (Consequential Modifications)
(Offshore Environmental Protection) Order 2010**

Other environmental legislation

Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001

5. In regulation 2 of the Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001⁽¹⁾—

- (a) in the definition of “platform” (which accordingly becomes a definition of “petroleum platform”) insert “petroleum” before “platform”;
- (b) after that definition insert—
 - ““platform” means—
 - (a) a petroleum platform; or
 - (b) a storage or unloading platform;”;
- (c) after the definition of “relevant environmental statement” insert—
 - ““reserved area” means the area (together with the places above and below it) comprising—
 - (a) those parts of the sea adjacent to England from the low water mark to the landward baseline of the United Kingdom territorial sea;
 - (b) so much of the United Kingdom territorial sea as is adjacent to England or Northern Ireland; and
 - (c) those areas of sea in a Gas Importation and Storage Zone (within the meaning of section 1(5) of the Energy Act 2008);”;
- (d) after the definition of “Scottish controlled waters” insert—
 - ““storage or unloading platform” means any fixed or floating structure situated in the reserved area which—
 - (a) is used for the purposes of, or in connection with, an activity within section 2(3) or section 17(2) of the Energy Act 2008;
 - (b) in the case of a floating structure, is maintained on a station during the course of carrying on such an activity; and
 - (c) in either case, is not a structure the principal purpose of whose use is an activity within section 2(3)(e) or 17(2)(c);”.

Offshore Chemicals Regulations 2002

6.—(1) In regulation 2 of the Offshore Chemicals Regulations 2002⁽²⁾—

(1) S.I. 2001/1091, amended by S.I. 2005/2055 and 2007/938.
(2) S.I. 2002/1355, amended by S.I. 2005/2055.

- (a) for the definition of “offshore activities”, substitute—
- ““offshore activities” means—
- (a) offshore petroleum activities; or
- (b) offshore storage or unloading activities;”;
- (b) for the definition of “offshore installation” substitute—
- ““offshore installation” means any structure or other thing (including any floating production storage and off-loading system or floating storage unit, but not including a ship) which—
- (a) is in the relevant area and is used for the purposes of, or in connection with, offshore petroleum activities; or
- (b) is in the reserved area and is used for the purposes of, or in connection with, offshore storage or unloading activities;”;
- (c) after the definition of “offshore installation” insert—
- ““offshore petroleum activities”—
- (a) means any activities in respect of which the Secretary of State exercises functions under the Petroleum Act 1998⁽³⁾, being activities carried out in the relevant area; but
- (b) does not include activities (“decommissioning activities”) carried out in connection with the abandonment of an offshore installation that, at the time of that abandonment, had last been used for the purposes of or in connection with offshore storage or unloading activities, unless those decommissioning activities are carried out in the reserved area;
- “offshore storage or unloading activities” means any activities in respect of which the Secretary of State exercises functions under Part 1 of the Energy Act 2008, being activities carried out in the reserved area;”;
- (d) after the definition of “relevant project” insert—
- ““reserved area” means the area (together with the places above and below it) comprising—
- (a) those parts of the sea adjacent to England from the low water mark to the landward baseline of the United Kingdom territorial sea;
- (b) so much of the United Kingdom territorial sea as is adjacent to England or Northern Ireland; and
- (c) those areas of sea in a Gas Importation and Storage Zone (within the meaning of section 1(5) of the Energy Act 2008);”.
- (2) After that regulation 2 (which becomes regulation 2(1)) insert—
- “(2) In these Regulations, any reference to the use or discharge of an offshore chemical in the relevant area is to be read, in relation to an offshore storage or unloading activity, as a reference to its use or discharge in the reserved area.”.

Offshore Installations (Emergency Pollution Control) Regulations 2002

7. In the Offshore Installations (Emergency Pollution Control) Regulations 2002⁽⁴⁾, after regulation 2, insert—

⁽³⁾ 1998 c. 17.

⁽⁴⁾ S.I. 2002/1861.

“Application

2A.—(1) These Regulations apply to offshore storage or unloading installations as they apply to offshore installations.

(2) For that purpose, “offshore storage or unloading installation” means an installation for the establishment or maintenance of which a licence under section 4 or 18 of the Energy Act 2008 is required.”.

Greenhouse Gas Emissions Trading Scheme Regulations 2005

8. In regulation 2(1) of the Greenhouse Gas Emissions Trading Scheme Regulations 2005⁽⁵⁾—

(a) for the definition of “offshore installation”, substitute—

““offshore installation” means—

- (a) an offshore petroleum installation; or
- (b) an offshore storage or unloading installation;”;

(b) after that definition, insert—

““offshore petroleum installation” means an installation which is—

- (a) used for purposes connected with the exploration for, or exploitation of, petroleum (within the meaning of section 1 of the Petroleum Act 1998); and
- (b) is, or will be, situated in the area (together with places above and below it) comprising—
 - (i) those parts of the sea adjacent to England and Wales from the low water mark to the landward baseline of the United Kingdom territorial sea;
 - (ii) the United Kingdom territorial sea apart from those areas comprised in any controlled waters within the meaning of section 30A(1) of the Control of Pollution Act 1974⁽⁶⁾; and
 - (iii) those areas of sea in any area for the time being designated under section 1(7) of the Continental Shelf Act 1964⁽⁷⁾;”;

(c) after the definition of “Offshore Regulations” insert—

““offshore storage or unloading installation” means an installation which is—

- (a) used for purposes connected with an activity within section 2(3) or section 17(2) of the Energy Act 2008; and
- (b) is, or will be, situated in the area (together with places above and below it) comprising—
 - (i) those parts of the sea adjacent to England from the low water mark to the landward baseline of the United Kingdom territorial sea;
 - (ii) the United Kingdom territorial sea, other than the territorial sea adjacent to Scotland or Wales; and
 - (iii) those areas of sea in a Gas Importation and Storage Zone (within the meaning of section 1(5) of that Act);”.

(5) S.I. 2005/925, amended by S.I. 2005/2903, 2006/737, 2007/465, 2007/1096 and 2007/3433.

(6) 1974 c. 40; section 30A was substituted (in relation to Scotland) by section 169 of, and paragraph 4 of Schedule 23 to, the Water Act 1989.

(7) 1964 c. 29; section 1(7) was amended by the Oil and Gas (Enterprise) Act 1982 (c. 23), section 37 and Schedule 3, paragraph 1.

Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005

9.—(1) The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005⁽⁸⁾ have effect as follows.

(2) The Regulations apply to an installation established or maintained for the purpose of an activity within section 2(3) or section 17(2) as they apply to an offshore installation as defined in regulation 2.

(3) However, in relation to any installation established or maintained for the purpose of an activity within section 2(3) or section 17(2), any reference in those Regulations to relevant waters does not include tidal waters or parts of the sea in or adjacent to Scotland or Wales up to the seaward limits of the territorial sea.

REACH Enforcement Regulations 2008

10. In regulation 2(2) of the REACH Enforcement Regulations 2008⁽⁹⁾—

(a) for the definition of “offshore installation” substitute—

““offshore installation” means—

- (a) an offshore installation within the meaning of section 44(1) of the Petroleum Act 1998⁽¹⁰⁾; or
- (b) a carbon storage installation within the meaning of section 30(5) of the Energy Act 2008;”;

(b) after that definition insert—

““relevant waters”, in relation to an offshore installation, has the meaning given in section 44(4) of the Petroleum Act 1998;” and

(c) after the definition of “relevant waters” insert—

““Scotland” includes Scottish controlled waters;” and

(d) for the definition of “Scottish controlled waters” substitute—

““Scottish controlled waters” means—

- (a) in relation to an offshore installation which is maintained (or intended to be established) for the purposes of the exploration for, or exploitation of, petroleum (within the meaning of section 1 of the Petroleum Act 1998), any waters which are controlled waters within the meaning of section 30A(1) of the Control of Pollution Act 1974; and
- (b) in relation to any other offshore installation, waters within the seaward limits of the territorial sea adjacent to Scotland.”.

Fluorinated Greenhouse Gases Regulations 2009

11.—(1) The Fluorinated Greenhouse Gases Regulations 2009⁽¹¹⁾ are amended as follows.

(2) In regulation 3(5)—

(a) after sub-paragraph (b)(i) insert—

“(ia) the exploration of any place in, under or over such waters with a view to the storage of gas;

⁽⁸⁾ S.I. 2005/2055.

⁽⁹⁾ S.I. 2008/2852.

⁽¹⁰⁾ 1998 c. 17; section 44 was amended by section 36 of, and paragraph 11 of Schedule 1 to, the Energy Act 2008.

⁽¹¹⁾ S.I. 2009/261.

- (ib) the conversion of any place in, under or over such waters for the purpose of storing gas;”;
 - (b) in sub-paragraph (b)(ii), for “in or under the shore or bed of waters described in sub-paragraph (a)(i) and (ii)” substitute “in, under or over such waters”;
 - (c) after sub-paragraph (b)(ii) insert—
 - “(ia) the unloading of gas at any place in, under or over such waters;”;and
 - (d) in sub-paragraph (b)(iii), for “waters described in sub-paragraph (a)(i) and (ii)” substitute “such waters”.
- (3) After regulation 3(5) insert—
- “(5A) In paragraph (5)—
 - (a) references (in whatever form) to storing gas include storing gas with a view to its permanent disposal; and
 - (b) “gas” means—
 - (i) gas within the meaning of section 2(4) of the Energy Act 2008; or
 - (ii) carbon dioxide.”.