
STATUTORY INSTRUMENTS

2013 No. 971

**The Offshore Combustion Installations (Pollution
Prevention and Control) Regulations 2013**

PART 5

Transboundary projects, registers, fees and information notices

Transboundary projects in other member States

20.—(1) This regulation applies where the Secretary of State receives information from another member State concerning the operation (or proposed operation) of a combustion installation in that member State which is likely to have significant negative effects on the transboundary area (“transboundary effects”).

(2) The Secretary of State must—

- (a) consult the other member State about the transboundary effects;
- (b) promptly make available to the public and such authorities as the Secretary of State thinks fit the information received from the other member State and any additional information derived from the consultation with that State;
- (c) give the public and the authorities a reasonable opportunity to provide written comments to the Secretary of State concerning the transboundary effects.

(3) The Secretary of State must provide to the other member State any comments it receives under paragraph (2)(c).

(4) To the extent that the Secretary of State is informed by the other member State of—

- (a) that State’s decision concerning the operation of the installation referred to in paragraph (1); and
- (b) the reasons for that decision,

the Secretary of State must as soon as possible make that information available to the public and such authorities as the Secretary of State thinks fit.

(5) In this regulation, “transboundary area” means the areas described in—

- (a) paragraphs (a), (b) and (c) of the definition of the offshore area; and
- (b) paragraph (b) of the definition of the relevant gas area, where that lies beyond the area described in paragraph (a).

Register

21.—(1) The Secretary of State must maintain a register which includes information on—

- (a) application notices and supplemental notices given by the Secretary of State under regulation 5;
- (b) notices given by the Secretary of State under regulation 8(1);

- (c) the matters described in regulation 8(2);
- (d) permits granted and the conditions in those permits, together with any annexes to the permits as described in regulation 10(3);
- (e) notices given by the Secretary of State under regulation 12(2), together with the proposed variation to which a notice relates;
- (f) notices given by the Secretary of State under regulation 12(4);
- (g) variation notices given by the Secretary of State under regulation 14(3) and any representations received from operators in response to such a notice;
- (h) notices given by the Secretary of State under regulation 14(6);
- (i) variation notices and supplemental notices given by the Secretary of State under regulation 15 and any representations received in response to such notices;
- (j) notices given by the Secretary of State under regulation 15(8);
- (k) the revocation, surrender or assignment of a permit;
- (l) environmental inspection plans and programmes for routine inspections made under regulation 27;
- (m) inspection reports made by the Secretary of State under regulation 29;
- (n) enforcement and prohibition notices.

(2) The register maintained under paragraph (1) must be kept up to date at reasonable intervals and the register or copies of it must be made readily accessible to the public.

Fees

22.—(1) Subject to paragraphs (2) and (5), the Secretary of State may charge a fee in respect of—

- (a) determining—
 - (i) an application for a permit under regulation 4;
 - (ii) an application for a variation under regulation 12;
 - (iii) a surrender offer;
 - (iv) an application for assignment under regulation 18;
- (b) the subsistence of a permit;
- (c) carrying out—
 - (i) a variation of the conditions of a permit further to a review under regulation 13;
 - (ii) a revocation of a permit;
 - (iii) a test or analysis of a substance;
 - (iv) a verification of the validity of, or the results of, a test or analysis of a substance;
 - (v) an assessment of the effect upon the environment of the operation of an offshore combustion installation.

(2) A fee may only be charged under paragraph (1) where—

- (a) the Secretary of State has set out the fee in a charging scheme; and
- (b) the charging scheme has been made publicly available before the scheme takes effect.

(3) A fee is payable at the time provided in the charging scheme.

(4) A charging scheme—

- (a) may be varied from time to time; and

- (b) must be so framed such that the fees set out in the scheme are sufficient, taking one year with another, to meet the costs incurred by or on behalf of the Secretary of State in relation to the matters in respect of which a fee is payable.
- (5) A fee may only be charged in respect of the matters in paragraph (1)(c)(iii) to (v) where those matters are carried out by the Secretary of State—
 - (a) in anticipation of or in connection with an application for a permit under regulation 4 or an application for a variation under regulation 12; or
 - (b) pursuant to the conditions in a permit.

Information notices and reporting

23.—(1) The Secretary of State may by notice (“information notice”) require a person to provide to the Secretary of State such information as the Secretary of State considers is reasonably required by the Secretary of State—

- (a) to perform the functions of the Secretary of State under Parts 1 to 4 of these Regulations; and
- (b) to monitor compliance with the 2010 Directive in relation to offshore combustion installations.

(2) Where the Secretary of State considers that a person has access to information on emissions from an offshore combustion installation, an information notice may require that person to compile and provide information on those emissions, notwithstanding that the information is not held by that person at the time the notice is received.

- (3) An operator must report by notice to the Secretary of State as soon as possible—
 - (a) planned changes in the nature, functioning or extension of an offshore combustion installation which may have consequences for the environment;
 - (b) any accident or incident affecting an offshore combustion installation which has or may have a significant negative effect on the environment; and
 - (c) any breach of the conditions in the permit.