

2023 No. 971

GAS

PIPE-LINES

**The Petroleum Act 1998 (Specified Pipelines) (Amendment) and
Importation and Storage of Combustible Gas (Designation of
Substance etc.) Order 2023**

<i>Made</i> - - - -	<i>5th September 2023</i>
<i>Laid before Parliament</i>	<i>6th September 2023</i>
<i>Coming into force</i> - -	<i>27th September 2023</i>

The Secretary of State makes this Order in exercise of the powers conferred by section 24(2A) of the Petroleum Act 1998(a) and sections 2(4)(e) and 7(1) of the Energy Act 2008(b).

The Secretary of State has consulted the Oil and Gas Authority in accordance with section 25(1)(a) of the Petroleum Act 1998 and section 7(4) of the Energy Act 2008.

PART 1

Preliminary

Citation and commencement

1.—(1) These Regulations may be cited as the Petroleum Act 1998 (Specified Pipelines) (Amendment) and Importation and Storage of Combustible Gas (Designation of Substance etc.) Order 2023.

(2) These Regulations come into force on 27th September 2023.

(a) 1998 c. 17. Subsection (2A) was inserted into section 24 by paragraph 7(2) of Schedule 8 to the Marine and Coastal Access Act 2009 (c. 23).
(b) 2008 c. 32.

PART 2

Pipe-lines

Amendment to The Petroleum Act 1998 (Specified Pipelines) Order 2011

2.—(1) The Petroleum Act 1998 (Specified Pipelines) Order 2011(a) is amended as follows.

(2) In article 2 (Specified pipelines)—

(a) in paragraph 2(b) after “substances;” omit “or”;

(b) in paragraph 2(c) for “substances.” substitute “substances; or”;

(c) after paragraph 2(c) insert—

“(d) controlled pipelines (except those described under sub-paragraph (b) or (c))
used in relation to the conveyance of hydrogen.”; and

(d) in paragraph (3) in the definition of “relevant substances” for “ or carbon dioxide”
substitute “, carbon dioxide or hydrogen”.

PART 3

Gas

Designation of substance

3. Hydrogen is designated as a substance for the purposes of section 2(4)(e) of the Energy Act 2008(b) (Prohibition on unlicensed activities).

Amendment to The Offshore Gas Storage and Unloading (Licensing) Regulations 2009

4.—(1) The Offshore Gas Storage and Unloading (Licensing) Regulations 2009(c) are amended as follows.

(2) In the Schedule, in paragraph 1 (Interpretation etc.), in the definition of “gas” for “or butane” substitute “butane or hydrogen”.

Callanan
Parliamentary Under Secretary of State
Department for Energy Security and Net Zero

5th September 2023

(a) S.I. 2011/423.
(b) 2008 c. 32.
(c) S.I. 2009/2813.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends the descriptions of pipelines in The Petroleum Act 1998 (Specified Pipelines) Order 2011 that are specified to be disregarded for the purposes of Part 3 of the Petroleum Act 1998 (other than for the purposes of section 24(2A), under which this Order is made). Part 3 of that Act deals with submarine pipelines: see section 26 of that Act for the meaning of “pipeline” and section 28(1) for the meaning of “controlled pipeline”. The effect of these amendments is that controlled pipelines used in relation to the unloading or storage offshore of hydrogen, the export from or import into the United Kingdom of hydrogen, the transfer of hydrogen between any of England, Wales, Scotland and Northern Ireland, and the conveyance of hydrogen not otherwise captured by these previous descriptions are not to be disregarded for the purposes of Part 3 of that Act.

Article 3 of this Order designates hydrogen for the purposes of section 2 of the Energy Act 2008. The effect of this designation is that the definition of “gas” in Chapter 2 of Part 1 of that Act includes hydrogen.

Article 4 of this Order amends the definition of “gas” in the Schedule to The Offshore Gas Storage and Unloading (Licensing) Regulations 2009 so that it includes hydrogen. The Schedule to these Regulations prescribes model clauses for licences in respect of the activities specified in regulation 3(2) of these Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary sector or community bodies is foreseen.

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