



# Energy Act 2016

## CHAPTER 20

### ENERGY ACT 2016

#### PART 1

##### THE OGA

###### *The OGA and its core functions*

- 1 The OGA
- 2 Transfer of functions to the OGA
- 3 Transfer of property, rights and liabilities to the OGA
- 4 Transfer of staff to the OGA
- 5 Transfer schemes: supplementary
- 6 Pensions
- 7 Contracting out of functions to the OGA

###### *Exercise of functions*

- 8 Matters to which the OGA must have regard
- 9 Directions: national security and public interest
- 10 Directions: requirements to notify Secretary of State

###### *Information and samples*

- 11 Power of Secretary of State to require information and samples

###### *Funding*

- 12 Powers of the OGA to charge fees
- 13 Levy on licence holders
- 14 The licensing levy: regulations
- 15 Payments and financial assistance

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2016. (See end of Document for details)*

---

### *Review*

- 16 Review of OGA and guidance from Secretary of State

## **PART 2**

### FURTHER FUNCTIONS OF THE OGA RELATING TO OFFSHORE PETROLEUM

#### **CHAPTER 1**

##### INTRODUCTION

- 17 Overview of Part 2  
18 Interpretation of Part 2

#### **CHAPTER 2**

##### DISPUTES

- 19 Qualifying disputes and relevant parties  
20 Reference of disputes to the OGA  
21 Action by the OGA on a dispute reference  
22 Power of the OGA to consider disputes on its own initiative  
23 Procedure for consideration of disputes  
24 Power of the OGA to acquire information  
25 Power of the OGA to require attendance at meetings  
26 Appeals against decisions of the OGA: disputes

#### **CHAPTER 3**

##### INFORMATION AND SAMPLES

##### *Interpretation*

- 27 Petroleum-related information and samples

##### *Retention*

- 28 Retention of information and samples  
29 Retention: supplementary

##### *Information and samples plans*

- 30 Information and samples plans: termination of rights under offshore licences  
31 Preparation and agreement of information and samples plans  
32 Changes to information and samples plans  
33 Information and samples plans: supplementary

##### *Power to require information and samples*

- 34 Power of the OGA to require information and samples

##### *Coordinators*

- 35 Information and samples coordinators

*Appeals*

- 36 Appeals against decisions of the OGA: information and samples plans

**CHAPTER 4**

MEETINGS

- 37 Meetings: interpretation  
38 Duty to inform the OGA of meetings  
39 Participation by the OGA in meetings  
40 Provision of information to the OGA after meetings  
41 Notices

**CHAPTER 5**

SANCTIONS

*Power to give sanction notices*

- 42 Power of OGA to give sanction notices

*Sanction notices*

- 43 Enforcement notices  
44 Financial penalty notices  
45 Amount of financial penalty  
46 Payment of financial penalty  
47 Revocation notices  
48 Operator removal notices

*Sanction warning notices*

- 49 Duty of OGA to give sanction warning notices

*Appeals*

- 50 Appeals in relation to sanction notices  
51 Appeals against finding of failure to comply  
52 Appeals against sanction imposed

*Supplementary*

- 53 Publication of details of sanctions  
54 Subsequent sanction notices  
55 Withdrawal of sanction notices  
56 Alternative means of enforcement

*Information*

- 57 Sanctions: information powers  
58 Appeals against information requests

*The OGA's procedures*

- 59 Procedure for enforcement decisions

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2016. (See end of Document for details)*

---

*Interpretation*

- 60 Sanctions: interpretation

**CHAPTER 6**

DISCLOSURE

*General prohibition*

- 61 Prohibition on disclosure  
62 Meaning of “protected material” and related terms

*Permitted disclosures*

- 63 Disclosure by OGA to certain persons  
64 Disclosure required for returns and reports prepared by OGA  
65 Disclosure in exercise of certain OGA powers  
66 Disclosure after specified period  
67 Disclosure with appropriate consent  
68 Disclosure required by legislation  
69 Disclosure for purpose of proceedings

**PART 3**

INFRASTRUCTURE AND INFORMATION

*Rights to use upstream petroleum infrastructure*

- 70 Requirements to provide information  
71 Applications to use infrastructure: changes of applicant and owner

*Decommissioning*

- 72 Abandonment of offshore installations  
73 Duty to act in accordance with strategy: decommissioning and alternatives

*Northern Ireland*

- 74 Part 1A of the Petroleum Act 1998: Northern Ireland

*International agreements*

- 75 International oil and gas agreements: information exchange

**PART 4**

FEEES

- 76 Powers to charge fees  
77 Validation of fees charged

**PART 5**

WIND POWER

*Consent under Electricity Act 1989*

- 78 Onshore wind generating stations in England and Wales

*Changes to legislation:* There are currently no known outstanding effects for the Energy Act 2016. (See end of Document for details)

---

### *Renewables obligation*

- 79 Onshore wind power: closure of renewables obligation
- 80 Onshore wind power: circumstances in which certificates may be issued after the onshore wind closure date
- 81 Onshore wind power: use of Northern Ireland certificates

## **PART 6**

### FINAL PROVISIONS

- 82 Regulations
- 83 Regulations and orders: disapplication of requirements to consult the OGA
- 84 Commencement
- 85 Short title and extent

---

## SCHEDULES

### SCHEDULE 1 — TRANSFER OF FUNCTIONS TO THE OGA PART 1 — PRIMARY LEGISLATION

#### *Energy Act 1976*

- 1 The Energy Act 1976 is amended as follows.
- 2 (1) Section 12 (disposal of gas by flaring, etc) is...
- 3 After section 12 insert— Disposal of gas by flaring, etc:...
- 4 (1) Section 18 (administration, enforcement and offences) is amended as...
- 5 In section 21 (interpretation), after the definition of “natural gas”...

#### *Petroleum Act 1998*

- 6 The Petroleum Act 1998 is amended as follows.
- 7 In section 9A(2) (principal objective and the strategy), for “Secretary...
- 8 In section 9B (exercise of certain functions)—
- 9 After section 9B insert— Exercise of certain functions of the...
- 10 Omit section 9D.
- 11 (1) Section 9E (security and resilience functions) is amended as...
- 12 (1) Section 9F (producing and revising a strategy) is amended...
- 13 (1) Section 9G (procedure for producing and revising a strategy)...
- 14 In section 14(1) (construction and use of pipelines), for “Secretary...
- 15 In section 15 (authorisations), for “Secretary of State” (in each...
- 16 In section 16 (compulsory modifications of pipelines), for “Secretary of...
- 17 (1) Section 17 (acquisition of rights to use pipelines) is...
- 18 (1) Section 17F (acquisition of rights to use controlled petroleum...
- 19 (1) Section 17G (section 17F: supplemental) is amended as follows....
- 20 (1) Section 17GA (controlled petroleum pipeline subject to Norwegian access...
- 21 (1) Section 17GB (section 17GA: supplemental) is amended as follows....
- 22 (1) Section 18 (termination of authorisations) is amended as follows....
- 23 (1) Section 19 (vesting of pipelines on termination or subsequent...

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2016. (See end of Document for details)*

---

- 24 (1) Section 20 (inspectors etc) is amended as follows.
- 25 (1) Section 21 (enforcement) is amended as follows.
- 26 In section 25 (orders and regulations), for subsection (1) substitute—...
- 27 In section 28(1) (interpretation of Part 3), for the definition...
- 28 In section 45A (abandoned wells), for “Secretary of State” (in...
- 29 In section 46(1) (Northern Ireland and Isle of Man shares...
- 30 (1) Section 47A (factors to take into account) is amended...
- 31 In section 48 (interpretation), after subsection (1) insert—
- 32 (1) Schedule 2 (authorisations) is amended as follows.
- 33 (1) Paragraph 4 is amended as follows.
- 34 (1) Paragraph 5 is amended as follows.
- 35 In paragraph 6, for “Secretary of State” (in both places)...
- 36 In paragraph 7— (a) for “Secretary of State” (in each...
- 37 (1) Paragraph 8 is amended as follows.
- 38 (1) Paragraph 9 is amended as follows.
- 39 In paragraph 10— (a) for “Secretary of State” (in each...

#### *Energy Act 2004*

- 40 (1) Section 188 of the Energy Act 2004 (power to...

#### *Energy Act 2008*

- 41 The Energy Act 2008 is amended as follows.
- 42 In section 4(1) (licences), for “Secretary of State” substitute “...
- 43 (1) Section 5 (applications) is amended as follows.
- 44 In section 6 (terms and conditions), for “Secretary of State”...
- 45 (1) Section 7 (model clauses) is amended as follows.
- 46 (1) Section 9 (offences relating to licences) is amended as...
- 47 In section 10 (power of direction), for “Secretary of State”...
- 48 In section 12 (injunctions restraining breaches of section 2(1)), for...
- 49 (1) Section 13 (inspectors) is amended as follows.
- 50 In section 14(5) (proceedings for offence created by regulations under...
- 51 In section 15 (interaction with petroleum licensing requirements), for “Secretary...
- 52 In section 16 (interpretation), at the end insert— “the OGA”...
- 53 In section 18(2) (licences: the licensing authority), for “Secretary of...
- 54 In section 19 (requirements relating to grant of licences), after...
- 55 In section 21 (content of licences: regulations), after subsection (2)...
- 56 In section 26 (injunctions restraining breaches of section 17(1)), for...
- 57 (1) Section 27 (inspectors) is amended as follows.
- 58 In section 28(5) (proceedings for offence created by regulations under...
- 59 In section 29 (requirement for public register) at the end...
- 60 In section 31 (termination of licences: regulations), after subsection (3)...
- 61 In section 33 (enhanced petroleum recovery: power to make orders),...
- 62 In section 35(1) (interpretation), after the definition of “offshore UK-controlled...

#### *Energy Act 2011*

- 63 The Energy Act 2011 is amended as follows.
- 64 In section 82 (acquisition of rights to use upstream petroleum...
- 65 (1) Section 83 (power to give notice under section 82(11))...

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2016. (See end of Document for details)*

---

- 66 In section 84 (compulsory modification of upstream petroleum infrastructure), for...
- 67 In section 85 (variation of notices under sections 82 and...
- 68 In section 86 (publication of notices and variations), for “Secretary...
- 69 In section 87 (powers to require information), for “Secretary of...
- 70 (1) Section 88 (enforcement) is amended as follows.
- 71 In section 89 (minor, consequential and supplemental provision), for “Secretary...
- 72 In section 90(1) (interpretation), after the definition of “gas processing...

#### *Infrastructure Act 2015*

- 73 The Infrastructure Act 2015 is amended as follows.
- 74 Omit section 42 (levy on holders of certain energy industry...
- 75 In section 55(4)(b) (statutory instruments subject to affirmative procedure), omit...
- 76 Omit Schedule 7 (the licensing levy).

#### PART 2 — SECONDARY LEGISLATION

#### *Storage of Carbon Dioxide (Licensing etc) Regulations 2010*

- 77 The Storage of Carbon Dioxide (Licensing etc) Regulations 2010 (S.I....
- 78 In regulation 1(3) (interpretation), in the definition of “the authority”,...
- 79 In regulation 3(1)(a) (applications for a licence), for “Department of...
- 80 In paragraph 2(3)(a) of Schedule 1 (application for consent to...

#### *Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015*

- 81 In regulation 2(1) (interpretation) of the Offshore Petroleum Licensing (Offshore...

#### SCHEDULE 2 — ABANDONMENT OF OFFSHORE INSTALLATIONS

#### *Petroleum Act 1998*

- 1 Part 4 of the Petroleum Act 1998 (abandonment of offshore...
- 2 Before section 29 insert— Restriction on abandonment (1) A person to whom a notice may be given...
- 3 (1) Section 29 (preparation of programmes) is amended as follows....
- 4 (1) Section 32 (approval of programmes) is amended as follows....
- 5 In section 33 (failure to submit programme), after subsection (3)...
- 6 (1) Section 34 (revision of programmes) is amended as follows....
- 7 After section 34 insert— Amendment of programmes (1) This section applies where an abandonment programme approved by...
- 8 After section 36 insert— Reduction of costs of carrying out...
- 9 In section 37 (default in carrying out programmes), after subsection...
- 10 In section 40 (offences: penalties)— (a) after “section” insert “...
- 11 (1) Section 41 (offences: general) is amended as follows.
- 12 (1) Section 42 (validity of Secretary of State's acts) is...

#### *Energy Act 2008*

- 13 (1) Section 30 of the Energy Act 2008 (abandonment of...

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2016.