

Changes to legislation: *Wales Act 2017, Cross Heading: Infrastructure Act 2015 (c. 7) is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS RELATING TO ONSHORE PETROLEUM

Infrastructure Act 2015 (c. 7)

- 28 (1) Section 45 of the Infrastructure Act 2015 (payment schemes relating to right to use deep-level land for purposes of exploiting petroleum or geothermal energy) is amended as follows.
- (2) In subsection (4)—
- (a) for ““The regulations”” substitute “ Regulations under subsection (1) ”;
 - (b) in paragraph (a), at the end insert “ to which the regulations relate ”;
 - (c) in paragraph (b), for ““this section”” substitute “ subsection (1) ”.
- (3) After subsection (4) insert—
- “(4A) Regulations under subsection (1A) may require relevant energy undertakings to provide the Welsh Ministers, or any other specified person, with specified information about—
- (a) the proposed exercise, or exercise, of the right of use to which the regulations relate;
 - (b) the making of payments in accordance with regulations under subsection (1A).”
- (4) In subsection (5), for ““this section”” substitute “ subsection (1) ”.
- (5) At the end insert—
- “(6) Before making any regulations under subsection (1A), the Welsh Ministers must consult such persons as they consider appropriate.”

Commencement Information

II [Sch. 6 para. 28](#) in force at 1.10.2018 by [S.I. 2017/1179](#), [reg. 4\(b\)](#)

- 29 (1) Section 46 of that Act (notice schemes relating to right to use deep-level land for purposes of exploiting petroleum or geothermal energy) is amended as follows.
- (2) In subsection (3), in paragraph (b), at the end insert “ to which the regulations relate ”.
- (3) In subsection (5)—

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- (a) for ““The regulations”” substitute “ Regulations under subsection (1) ”;
- (b) in paragraph (a), at the end insert “ to which the regulations relate ”;
- (c) in paragraph (b), for ““this section”” substitute “ subsection (1) ”.

(4) After subsection (5) insert—

“(5A) Regulations under subsection (1A) may require relevant energy undertakings to provide the Welsh Ministers, or any other specified person, with specified information about—

- (a) the proposed exercise, or exercise, of the right of use to which the regulations relate;
- (b) the giving of notice in accordance with regulations under subsection (1A).”

(5) In subsection (6), for ““this section”” substitute “ subsection (1) ”.

(6) After subsection (6) insert—

“(6A) Before making regulations under subsection (1A), the Welsh Ministers must consult such persons as they consider appropriate.”

Commencement Information

I2 Sch. 6 para. 29 in force at 1.10.2018 by S.I. 2017/1179, reg. 4(b)

30 (1) Section 47 of that Act (payment and notice schemes: supplementary provision) is amended as follows.

(2) In subsection (2), after ““Regulations”” insert “ made by the Secretary of State ”.

(3) After subsection (2) insert—

“(2A) Regulations made by the Welsh Ministers under section 45 or 46 may confer a function on—

- (a) the Welsh Ministers, or
- (b) any other person apart from a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).”

(4) In subsection (5), after ““review of”” insert “ the Secretary of State's powers under ”.

(5) In subsection (6)—

- (a) in paragraph (a), for ““45”” in both places, substitute “ 45(1) ”;
- (b) in paragraph (b), for ““46”” in both places, substitute “ 46(1) ”.

(6) In subsection (7)—

- (a) for ““45”” substitute “ 45(1) ”;
- (b) for ““46”” substitute “ 46(1) ”.

Commencement Information

I3 Sch. 6 para. 30 in force at 1.10.2018 by S.I. 2017/1179, reg. 4(b)

31 (1) Section 48 of that Act (interpretation) is amended as follows.

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(2) After subsection (1) insert—

“(1A) The Secretary of State may make regulations setting out the definition of “landward area” as it applies in relation to—

- (a) the right to use deep-level land in England for the purposes of exploiting petroleum, and
- (b) the right to use deep-level land for the purposes of exploiting deep geothermal energy.

(1B) The Welsh Ministers may make regulations setting out the definition of “landward area” as it applies in relation to the right to use deep-level land in Wales for the purposes of exploiting petroleum within the Welsh onshore area.

(1C) Until regulations are made under subsection (1A) or (1B), “landward area” means those parts of the landward area, within the meaning of the 2014 Regulations, that are in England and Wales.”

(3) In subsection (2)—

(a) before the definition of “deep geothermal energy” insert—

““the 2014 Regulations” means the Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014 (S.I. 2014/1686), as in force on the day on which subsections (1A) to (1C) come into force;”;

(b) after the definition of “deep-level land” insert—

““England” includes the sea adjacent to England out as far as—

- (a) the seaward boundary of the territorial sea, or
- (b) if nearer to the land, any boundary between waters that are treated as part of the sea adjacent to Wales and those that are not, as determined by an order made under section 158(3) of the Government of Wales Act 2006;”;

(c) omit the definition of “landward area”;

(d) at the end insert—

““Wales” has the same meaning as in the Government of Wales Act 2006 (see section 158(1) and (3) of that Act);

““Welsh onshore area” has the same meaning as in Section D2 in Part 2 of Schedule 7A to the Government of Wales Act 2006.”

(4) Omit subsection (3).

Commencement Information

14 Sch. 6 para. 31 in force at 1.10.2018 by S.I. 2017/1179, reg. 4(b)

32 (1) Section 55 of that Act (regulations and orders) is amended as follows.

(2) In subsection (4)—

- (a) in the opening words, after “instrument” insert “ made by the Secretary of State ”;

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(b) in paragraph (c), after ““47”” insert “ , 48 ”.

(3) After subsection (5) insert—

“(5A) A statutory instrument made by the Welsh Ministers containing regulations under section 45, 46 or 48 may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.”

(4) In subsection (6)(b), after ““(4)”” insert “ or (5A) ”.

Commencement Information

I5 Sch. 6 para. 32 in force at 1.10.2018 by S.I. 2017/1179, reg. 4(b)

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Changes and effects yet to be applied to :

- specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by [S.I. 2018/278](#) [reg. 2](#)[Sch.](#)