

**Changes to legislation:** *Wales Act 2017, Cross Heading: Petroleum Act 1998 (c. 17) is up to date with all changes known to be in force on or before 20 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

##### *Petroleum Act 1998 (c. 17)*

- 15 (1) Section 4 of the Petroleum Act 1998 (licences: further provisions) is amended as follows.
- (2) In subsections (1A), (1B) and (1C), after ““Scottish Ministers”” insert “ or the Welsh Ministers ”.
- (3) After subsection (3A) insert—
- “(3B) Any regulations made by the Welsh Ministers shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- (4) After subsection (4A) insert—
- “(4B) As soon as practicable after granting a licence under section 3, the Welsh Ministers shall publish notice of the fact in such manner as they think appropriate stating—
- (a) the name of the licensee; and
  - (b) the situation of the area in respect of which the licence has been granted.”

#### Commencement Information

**II** Sch. 6 para. 15 in force at 1.10.2018 by S.I. 2017/1179, reg. 4(b)

- 16 (1) Section 4A of that Act (onshore hydraulic fracturing: safeguards) is amended as follows.
- (2) In subsection (1), after ““well consent”” insert “ for a well situated in the English onshore area ”.
- (3) After subsection (1) insert—
- “(1A) The Welsh Ministers must not issue a well consent for a well situated in the Welsh onshore area that is required by an onshore licence for England or Wales unless the well consent imposes—

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- (a) a condition that prohibits associated hydraulic fracturing from taking place in land at a depth of less than 1000 metres; and
  - (b) a condition that prohibits associated hydraulic fracturing from taking place in land at a depth of 1000 metres or more unless the licensee has the Welsh Ministers' consent for it to take place (a ““hydraulic fracturing consent””).”
- (4) In subsection (3), after ““made”” insert “ to the Secretary of State ”.
- (5) After subsection (3) insert—
- “(3A) Where an application is made to the Welsh Ministers, the Welsh Ministers may not issue a hydraulic fracturing consent unless—
- (a) they are satisfied that—
    - (i) the conditions in column 1 of the following table are met, and
    - (ii) the conditions in subsection (6) are met, and
  - (b) they are otherwise satisfied that it is appropriate to issue the consent.”
- (6) In subsections (4) and (5), after ““Secretary of State”” insert “ or the Welsh Ministers ”.
- (7) In subsection (7), for ““which the Secretary of State thinks appropriate”” substitute “ thought to be appropriate by the Secretary of State or the Welsh Ministers ”.

#### Commencement Information

**I2** Sch. 6 para. 16 in force at 1.10.2018 by S.I. 2017/1179, reg. 4(b)

- 17 (1) Section 4B of that Act (section 4A: supplementary provision) is amended as follows.
- (2) In subsection (4)(a) and (b), after ““areas”” insert “ in the English onshore area ”.
- (3) In subsection (7)—
- (a) in paragraph (a) omit ““in relation to England””;
  - (b) omit paragraph (b).
- (4) After subsection (7) insert—
- “(7A) The Welsh Ministers may, by regulations made by statutory instrument, specify—
- (a) the descriptions of areas in the Welsh onshore area that are ““protected groundwater source areas””, and
  - (b) the descriptions of areas in the Welsh onshore area that are ““other protected areas””,
- for the purposes of section 4A.
- (7B) A statutory instrument that contains regulations under subsection (7A) 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.
- (7C) Before making regulations under subsection (7A)(a), the Welsh Ministers must consult the Natural Resources Body for Wales.”

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- (5) In subsection (8)—
- (a) in paragraph (a) of the definition of ““relevant environmental regulator””, for ““England”” substitute “ the English onshore area ”;
  - (b) in paragraph (b) of that definition, for ““Wales”” substitute “ the Welsh onshore area ”;
  - (c) in the definition of ““well consent””, after ““OGA”” insert “ or the Welsh Ministers ”.
- (6) In subsection (9)—
- (a) after ““this section”” insert “ (as it applies to the English onshore area) ”;
  - (b) after ““of the power”” insert “ by the Secretary of State ”.
- (7) After subsection (9) insert—
- “(9A) The power of the Welsh Ministers to make regulations under section 4 includes power to make such amendments of the definition of ““onshore licence for England and Wales”” in this section (as it applies to the Welsh onshore area) as they consider appropriate in consequence of any exercise by them of the power under section 4.”
- (8) In subsection (10)(a), after ““appropriate”” insert “ as regards an application for a hydraulic fracturing consent in relation to land in the English onshore area ”.
- (9) At the end insert—
- “(12) The Welsh Ministers may, by regulations made by statutory instrument—
- (a) make such amendments of column 2 of the table in section 4A as the Welsh Ministers consider appropriate as regards an application for a hydraulic fracturing consent in relation to land in the Welsh onshore area, and
  - (b) make such other amendments of section 4A or this section as the Welsh Ministers consider appropriate in consequence of provision made under paragraph (a).
- (13) A statutory instrument that contains regulations under subsection (12) 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.”

**Commencement Information**

**I3** Sch. 6 para. 17 in force at 1.10.2018 by S.I. 2017/1179, reg. 4(b)

- 18 In section 7(2)(d) of that Act (ancillary rights)—
- (a) omit ““and”” at the end of sub-paragraph (i);
  - (b) after sub-paragraph (i) insert—

“(ia) the Welsh Ministers, in relation to licences granted in relation to the Welsh onshore area, and”.

**Commencement Information**

**I4** Sch. 6 para. 18 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.](#)