



# Energy Act 2023

## 2023 CHAPTER 52

### PART 13

#### OFFSHORE WIND ELECTRICITY GENERATION, OIL AND GAS

### CHAPTER 2

#### OIL AND GAS

##### *Change in control of licensee*

### 300 Model clauses of petroleum licences

- (1) [Schedule 21](#) amends model clauses contained in—
  - (a) the Petroleum (Production) (Landward Areas) Regulations 1995 ([S.I. 1995/1436](#)),
  - (b) the Petroleum (Current Model Clauses) Order 1999 ([S.I. 1999/160](#)),
  - (c) the Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004 ([S.I. 2004/352](#)),
  - (d) the Petroleum Licensing (Production) (Seaward Areas) Regulations 2008 ([S.I. 2008/225](#)), and
  - (e) the Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014 ([S.I. 2014/1686](#)).
- (2) Where a licence granted (or having effect as if granted) by the Oil and Gas Authority under the Petroleum (Production) Act 1934 or the Petroleum Act 1998—
  - (a) incorporates model clauses amended by a paragraph of [Schedule 21](#) (whether or not any provision of those model clauses is modified or excluded), and
  - (b) is in force immediately before that paragraph comes into force,the licence has effect with the amendments provided for by that paragraph.

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*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Cross Heading: Change in control of licensee. (See end of Document for details)*

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- (3) The power conferred by reason of the amendment made by [paragraph 70\(2\)](#) of [Schedule 21](#) to partially revoke a licence because of the occurrence of an event mentioned in model clause 41(2)(h) in Schedule 2 to the Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014 may not be exercised as a result of such an event which occurred before the commencement of [paragraph 70](#) of [Schedule 21](#).
- (4) A reference in any document to provisions of a licence which are amended by [Schedule 21](#) is to be construed, unless the nature of the document or the context otherwise requires, as a reference to those provisions as amended.
- (5) A provision inserted in a licence by virtue of [Schedule 21](#) may be altered or deleted by deed executed by the Secretary of State and the licensee or, as respects Scotland, by an instrument subscribed or authenticated by the Secretary of State and the licensee in accordance with the Requirements of Writing (Scotland) Act 1995.

**Commencement Information**

- I1** S. 300 not in force at Royal Assent, see [s. 334\(1\)](#)  
**I2** S. 300 in force at 11.1.2024 by [S.I. 2024/32](#), [reg. 2\(d\)\(iii\)](#)

**301 Power of OGA to require information about change in control of licensee**

After section 5C of the Petroleum Act 1998 insert—

**“5D OGA’s power to require information about change in control of licensee**

- (1) This section applies in relation to a licence granted (or having effect as if granted) by the OGA under this Part which includes provisions prohibiting a change in control of a licensee which is a company without the OGA’s consent.
- (2) The OGA may by notice in writing require a person within subsection (3) to provide the OGA with any information that it requires for the purpose of exercising its functions in relation to a change or potential change in control of a licensee which is a company.
- (3) The persons within this subsection are—
  - (a) the company;
  - (b) the person who (if consent were granted) would take control of the company;
  - (c) if the company and another person or persons are the licensee, that other person or those other persons;
  - (d) any person not within any of paragraphs (a) to (c) who appears to the OGA to have information that it requires as mentioned in subsection (2).
- (4) The power conferred by this section does not include power to require the provision of any information that would be protected from disclosure or production in legal proceedings on grounds of legal professional privilege or, in Scotland, confidentiality of communications.

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- (5) Nothing in this section limits any power of the OGA to require information under—
- (a) regulations under this Part, or
  - (b) the terms of a licence under this Part.”

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**Commencement Information**

- I3** S. 301 not in force at Royal Assent, see [s. 334\(1\)](#)  
**I4** [S. 301](#) in force at 11.1.2024 by [S.I. 2024/32](#), [reg. 2\(d\)\(iv\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Cross Heading:  
Change in control of licensee.