

Draft Regulations laid before Parliament under section 71(7) of the Scotland Act 2016 and section 69(6) of the Wales Act 2017, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. XXXX

**PETROLEUM
DEVOLUTION**

**The Scotland Act 2016 and Wales Act 2017 (Onshore
Petroleum) (Consequential Amendments) Regulations 2018**

*Made - - - - - ***
Coming into force in accordance with regulation 1(2)
and (3)*

The Secretary of State for Business, Energy and Industrial Strategy makes the following Regulations in exercise of the powers conferred by section 71 of the Scotland Act 2016⁽¹⁾ and section 69 of the Wales Act 2017⁽²⁾.

In accordance with section 71(7) of the Scotland Act 2016 and section 69(6) of the Wales Act 2017, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Scotland Act 2016 and Wales Act 2017 (Onshore Petroleum) (Consequential Amendments) Regulations 2018.

(2) Subject to paragraph (3)—

(a) regulations 1 and 2 come into force on the twenty-first day after the day on which these Regulations are made, and

(b) regulation 3 comes into force on the twenty-first day after the day on which these Regulations are made or, if later, the 1st October 2018.

(3) If Regulations 2 and 3 come into force on the same day, regulation 3 comes into force immediately after regulation 2.

(1) 2016 c. 11.
(2) 2017 c. 4.

Section 45A of the Petroleum Act 1998, Scotland

- 2.—(1) Section 45A (abandoned wells) of the Petroleum Act 1998(3) is amended as follows.
- (2) In subsections (2), (4)(b), (5) and (6), for “OGA” substitute “appropriate authority”.
- (3) In subsection (10)—
- (a) before the definition of “petroleum licence” insert—
- ““appropriate authority” means—
- (a) in relation to a person who has drilled, or commenced drilling, a well in the Scottish onshore area in pursuance of a petroleum licence, the Scottish Ministers;
- (b) otherwise, the OGA;”;
- (b) after the definition of “petroleum licence” insert—
- ““Scottish onshore area” has the meaning given in section 8A(3);”.

Section 45A of the Petroleum Act 1998, Wales

- 3.—(1) Section 45A of the Petroleum Act 1998 is amended as follows.
- (2) In subsection (9), at the beginning, insert “Subject to subsection (9A),”.
- (3) After subsection (9), insert—
- “(9A) Where an offence under this section relates to a notice given to a person who has drilled, or commenced drilling, a well in the Welsh onshore area in pursuance of a petroleum licence, subsection 41(1)(a) applies in relation to its prosecution as though each reference to “the Secretary of State” were a reference to “the Welsh Ministers”.”.
- (4) In subsection (10)—
- (a) in the definition of “appropriate authority”, as inserted by regulation 2(6)(a), after subparagraph (a) insert—
- “(aa) in relation to a person who has drilled, or commenced drilling, a well in the Welsh onshore area in pursuance of a petroleum licence, the Welsh Ministers;”;
- and
- (b) after the definition of “well” insert—
- ““Welsh onshore area” has the meaning given in section 8A(5).”.

Date

Name
Minister of State for Energy and Clean Growth
Department for Business, Energy and Industrial
Strategy

(3) 1998 c. 17. Section 45A was inserted by section 75(1) of the Energy Act 2008 (c. 32) and amended by section 2 of, and paragraph 28 of Schedule 1 to, the Energy Act 2016 (c. 20).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make consequential amendments necessary to give effect to the devolution of certain onshore petroleum matters to the Scottish and Welsh Ministers, respectively.

Regulations 1 and 2 come into force on the twenty-first day after the day on which these Regulations are made. Regulation 3 comes into force on the later of the twenty-first day after the day on which these Regulations are made or 1st October 2018.

Regulation 2 makes amendments to section 45A of the Petroleum Act 1998 (c. 20) relating to information and security for abandoned wells consequential on the devolution of onshore petroleum licensing functions to Scottish Ministers under section 48 of the Scotland Act 2016 (c. 11).

Regulation 3 makes similar provision for the devolution of onshore petroleum licensing functions to Welsh Ministers under section 23 of the Wales Act 2017 (c.4), and additionally transfers to Welsh Ministers the functions of the Secretary of State relating to the prosecution of offences under section 45A in respect of onshore petroleum licences in Wales.

A full regulatory impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.