



# Wales Act 2017

## 2017 CHAPTER 4

### PART 2

#### LEGISLATIVE AND EXECUTIVE COMPETENCE: FURTHER PROVISION

##### *Onshore petroleum*

#### **23 Onshore petroleum licensing**

- (1) Section 8A of the Petroleum Act 1998 (interpretation of Part 1) is amended as follows.
- (2) In subsection (1A), after paragraph (a) insert—
  - “(aa) in relation to the Welsh onshore area, the Welsh Ministers;”.
- (3) In subsection (2), after paragraph (a) insert—
  - “(aa) in relation to the Welsh onshore area, the Welsh Ministers;”.
- (4) At the end insert—
  - “(5) The Welsh onshore area is the area of Wales that is within the baselines established by any Order in Council under section 1(1)(b) of the Territorial Sea Act 1987 (extension of territorial sea).
  - (6) In subsection (5) “Wales” has the same meaning as in the Government of Wales Act 2006.
  - (7) The English onshore area is the area of England and the sea adjacent to England that is within the baselines established by any Order in Council under section 1(1)(b) of the Territorial Sea Act 1987 (extension of territorial sea).”

#### **24 Onshore petroleum: existing licences**

- (1) The Secretary of State may make amendments to—
  - (a) any model clause, to the extent that, under Part 1 of the Petroleum Act 1998, it is incorporated, or has effect as if incorporated, in an existing licence, and

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) any other provision of an existing licence.
- (2) The Secretary of State may exercise the power in subsection (1) only if the Secretary of State considers that it is necessary or expedient to do so in consequence of—
  - (a) the exceptions mentioned in Section D2 in Part 2 of Schedule 7A to the Government of Wales Act 2006 (licensing of and access to petroleum within Welsh onshore area), or
  - (b) section 23.
- (3) In the case of an existing licence granted in respect of an area (“the licence area”) of which part only was within the Welsh onshore area at the time the licence was granted—
  - (a) the Secretary of State may direct that it is to have effect as a licence in respect of an area comprising that part and a separate licence in respect of an area comprising the rest of the licence area, and
  - (b) subsection (1) applies in relation to each of those licences as it applies in relation to the existing licence.
- (4) The power to make amendments under subsection (1)(a) is exercisable by regulations made by statutory instrument.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section—
  - “existing licence” means a licence, granted before the day on which section 23 comes into force, under—
    - (a) section 3 of the Petroleum Act 1998, or
    - (b) section 2 of the Petroleum (Production) Act 1934,
 in respect of an area all or part of which is within the Welsh onshore area;
    - “Welsh onshore area” has the meaning given by Section D2 in Part 2 of Schedule 7A to the Government of Wales Act 2006.

## **25 Onshore petroleum: right to use deep-level land in Wales**

- (1) The Infrastructure Act 2015 is amended as follows.
- (2) In section 45 (payment schemes relating to right to use deep-level land for purposes of exploiting petroleum or geothermal energy)—
  - (a) in subsection (1), for “the right of use” substitute “—
    - (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.”;
  - (b) after subsection (1) insert—
    - “(1A) The Welsh Ministers may, by regulations, require relevant energy undertakings to make payments in respect of the proposed exercise, or exercise, of the right to use deep-level land in Wales for the purposes of exploiting petroleum.”
- (3) In section 46 (notice schemes relating to right to use deep-level land for purposes of exploiting petroleum or geothermal energy)—

- (a) in subsection (1), for “the right of use” substitute “—
    - (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.”;
  - (b) after subsection (1) insert—

“(1A) The Welsh Ministers may, by regulations, require relevant energy undertakings to give notice of the proposed exercise, or exercise, of the right to use deep-level land in Wales for the purposes of exploiting petroleum.”
- (4) In section 49 (advice on likely impact of onshore petroleum on the carbon budget)—
- (a) in subsection (1), after “activity” insert “in England”;
  - (b) in subsection (3), after “effect” insert “in England”;
  - (c) in subsection (7), for the definition of “petroleum got through onshore activity” substitute—

““petroleum got through onshore activity in England” means petroleum got from the strata in which it exists in its natural condition by activity carried out on land in England (excluding land covered by the sea or any tidal waters);”.