
STATUTORY INSTRUMENTS

2010 No. 1513

**The Energy Act 2008 (Consequential Modifications)
(Offshore Environmental Protection) Order 2010**

Other environmental legislation

Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001

^{F1}5.

Textual Amendments

F1 Art. 5 revoked (19.5.2013) by [The Offshore Combustion Installations \(Pollution Prevention and Control\) Regulations 2013 \(S.I. 2013/971\)](#), regs. 1(1), **38(1)(d)** (with reg. 38(3)-(7))

Offshore Chemicals Regulations 2002

6.—(1) In regulation 2 of the Offshore Chemicals Regulations 2002(1)—

(a) for the definition of “offshore activities”, substitute—

““offshore activities” means—

- (a) offshore petroleum activities; or
- (b) offshore storage or unloading activities;”;

(b) for the definition of “offshore installation” substitute—

““offshore installation” means any structure or other thing (including any floating production storage and off-loading system or floating storage unit, but not including a ship) which—

- (a) is in the relevant area and is used for the purposes of, or in connection with, offshore petroleum activities; or
- (b) is in the reserved area and is used for the purposes of, or in connection with, offshore storage or unloading activities;”;

(c) after the definition of “offshore installation” insert—

““offshore petroleum activities”—

- (a) means any activities in respect of which the Secretary of State exercises functions under the Petroleum Act 1998(2), being activities carried out in the relevant area; but
- (b) does not include activities (“decommissioning activities”) carried out in connection with the abandonment of an offshore installation that, at the time of that abandonment, had last been used for the purposes of or in connection

(1) [S.I. 2002/1355](#), amended by [S.I. 2005/2055](#).
(2) [1998 c. 17](#).

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010, Cross Heading: Other environmental legislation. (See end of Document for details)

with offshore storage or unloading activities, unless those decommissioning activities are carried out in the reserved area;

“offshore storage or unloading activities” means any activities in respect of which the Secretary of State exercises functions under Part 1 of the Energy Act 2008, being activities carried out in the reserved area;”;

(d) after the definition of “relevant project” insert—

““reserved area” means the area (together with the places above and below it) comprising—

- (a) those parts of the sea adjacent to England from the low water mark to the landward baseline of the United Kingdom territorial sea;
- (b) so much of the United Kingdom territorial sea as is adjacent to England or Northern Ireland; and
- (c) those areas of sea in a Gas Importation and Storage Zone (within the meaning of section 1(5) of the Energy Act 2008);”.

(2) After that regulation 2 (which becomes regulation 2(1)) insert—

“(2) In these Regulations, any reference to the use or discharge of an offshore chemical in the relevant area is to be read, in relation to an offshore storage or unloading activity, as a reference to its use or discharge in the reserved area.”.

Commencement Information
I1 [Art. 6](#) in force at 1.7.2010, see [art. 1\(1\)](#)

Offshore Installations (Emergency Pollution Control) Regulations 2002

7. In the Offshore Installations (Emergency Pollution Control) Regulations 2002(3), after regulation 2, insert—

“Application

2A.—(1) These Regulations apply to offshore storage or unloading installations as they apply to offshore installations.

(2) For that purpose, “offshore storage or unloading installation” means an installation for the establishment or maintenance of which a licence under section 4 or 18 of the Energy Act 2008 is required.”.

Commencement Information
I2 [Art. 7](#) in force at 1.7.2010, see [art. 1\(1\)](#)

Greenhouse Gas Emissions Trading Scheme Regulations 2005

F28.

Textual Amendments

- F2** [Art. 8](#) revoked (1.1.2013) by The Greenhouse Gas Emissions Trading Scheme Regulations 2012 (S.I. 2012/3038), regs. 1, 85(b)(vii) (with regs. 85, 87, Sch. 1)

Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005

9.—(1) The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005(4) have effect as follows.

(2) The Regulations apply to an [^{F3}installation or pipeline established or maintained] for the purpose of an activity within section 2(3) or section 17(2) as they apply to an offshore installation as defined in regulation 2.

(3) However, in relation to any [^{F4}installation or pipeline established or maintained] for the purpose of an activity within section 2(3) or section 17(2), any reference in those Regulations to [^{F5}the relevant area does not include areas (or places above and below them) comprised in the territorial sea adjacent to Scotland or Wales.]

Textual Amendments

- F3** Words in [art. 9\(2\)](#) substituted (30.3.2011) by virtue of [The Offshore Petroleum Activities \(Oil Pollution Prevention and Control\) \(Amendment\) Regulations 2011 \(S.I. 2011/983\)](#), regs. 1, **23(a)**
- F4** Words in [art. 9\(3\)](#) substituted (30.3.2011) by virtue of [The Offshore Petroleum Activities \(Oil Pollution Prevention and Control\) \(Amendment\) Regulations 2011 \(S.I. 2011/983\)](#), regs. 1, **23(a)**
- F5** Words in [art. 9\(3\)](#) substituted (30.3.2011) by [The Offshore Petroleum Activities \(Oil Pollution Prevention and Control\) \(Amendment\) Regulations 2011 \(S.I. 2011/983\)](#), regs. 1, **23(b)**

Commencement Information

- I3** [Art. 9](#) in force at 1.7.2010, see [art. 1\(1\)](#)

[^{F6}Review

9A.—(1) The Secretary of State must from time to time—

- (a) carry out a review of articles 2, 3(1) to (5) and 9 of this Order;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the following Directives, or articles of the Directives (which are implemented by means of articles 2, 3(1) to (5) and 9), are implemented in other member States—

- (a) the amendments to Council [Directive 85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment made by Article 31 of [Directive 2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide;
- (b) Council [Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora, and
- (c) [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds.

(4) [S.I. 2005/2055](#).

- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by those articles;
 - (b) assess the extent to which those objectives are achieved;
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.
- (4) The first report under this article must be published before the end of the period of five years beginning with the day on which this article comes into force.
- (5) Subsequent reports under this article must be published at intervals not exceeding five years.]

Textual Amendments

- F6** [Art. 9A](#) inserted (1.10.2016) by [The Energy \(Transfer of Functions, Consequential Amendments and Revocation\) Regulations 2016 \(S.I. 2016/912\)](#), regs. 1(1), **16(3)**

REACH Enforcement Regulations 2008

- 10.** In regulation 2(2) of the REACH Enforcement Regulations 2008**(5)**—
- (a) for the definition of “offshore installation” substitute—

““offshore installation” means—

 - (a) an offshore installation within the meaning of section 44(1) of the Petroleum Act 1998**(6)**; or
 - (b) a carbon storage installation within the meaning of section 30(5) of the Energy Act 2008;”;
 - (b) after that definition insert—

““relevant waters”, in relation to an offshore installation, has the meaning given in section 44(4) of the Petroleum Act 1998;”;
 - (c) after the definition of “relevant waters” insert—

““Scotland” includes Scottish controlled waters;”;
 - (d) for the definition of “Scottish controlled waters” substitute—

““Scottish controlled waters” means—

 - (a) in relation to an offshore installation which is maintained (or intended to be established) for the purposes of the exploration for, or exploitation of, petroleum (within the meaning of section 1 of the Petroleum Act 1998), any waters which are controlled waters within the meaning of section 30A(1) of the Control of Pollution Act 1974; and
 - (b) in relation to any other offshore installation, waters within the seaward limits of the territorial sea adjacent to Scotland.”.

Commencement Information

- I4** [Art. 10](#) in force at 1.7.2010, see [art. 1\(1\)](#)

(5) [S.I. 2008/2852](#).

(6) [1998 c. 17](#); section 44 was amended by section 36 of, and paragraph 11 of Schedule 1 to, the Energy Act 2008.

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010, Cross Heading: Other environmental legislation. (See end of Document for details)

Fluorinated Greenhouse Gases Regulations 2009

F7 11.

Textual Amendments

F7 [Art. 11](#) omitted (19.3.2015) by virtue of [The Fluorinated Greenhouse Gases Regulations 2015 \(S.I. 2015/310\)](#), regs. 1(1)(b), **33(1)**

Changes to legislation:

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