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STATUTORY INSTRUMENTS

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**2013 No. 971**

**The Offshore Combustion Installations (Pollution  
Prevention and Control) Regulations 2013**

**PART 7**

Notices, revocation, transitional provision and environmental information

**Notices**

**37.**—(1) A notice under these Regulations—

- (a) must be in writing; and
- (b) may be given to a person by—
  - (i) delivering it to that person in person;
  - (ii) leaving it at that person's proper address, or
  - (iii) sending it by post or electronic means to that person's proper address.

(2) In the case of a body corporate, a notice may be served on or given to the secretary or clerk of that body.

(3) In the case of a partnership, a notice may be served on or given to a partner or a person having control or management of the partnership business.

(4) If a person to be served with or given a notice has specified an address in the United Kingdom (other than that person's proper address) at which that person or someone on that person's behalf will accept notices, that address must instead be treated as that person's proper address.

(5) In this regulation—

- (a) “person” (except in subparagraph (b)(ii)) includes an unincorporated association other than a partnership;
- (b) “proper address” means—
  - (i) in the case of a body corporate or their secretary or clerk—
    - (aa) the registered or principal office of that body, or
    - (bb) the email address of the secretary or clerk;
  - (ii) in the case of a partnership or a partner or person having control or management of the partnership business—
    - (aa) the principal office of the partnership, or
    - (bb) the email address of a partner or a person having that control or management;
  - (iii) in any other case, a person's last known address, which includes an email address.

(6) For the purposes of paragraph (5), the principal office of a company registered outside the United Kingdom or of a partnership established outside the United Kingdom is their principal office in the United Kingdom.

(7) Where the Secretary of State specifies an electronic address for submission of a notice to the Secretary of State, it may be submitted electronically to that address.

### Revocation and transitional provision

**38.**—(1) Subject to paragraphs (3), (5) and (6), the following (referred to in paragraphs (3), (5) and (6) as “the existing regulations”) are revoked—

- (a) the Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001 <sup>M1</sup> (“the 2001 Regulations”);
- (b) regulation 19 of, and Schedule 1 to, the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 <sup>M2</sup>;
- (c) the Offshore Combustion Installations (Prevention and Control of Pollution) (Amendment) Regulations 2007 <sup>M3</sup>;
- (d) article 5 of the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 <sup>M4</sup>.

(2) References to numbered regulations in paragraphs (3) and (7) are to the regulations so numbered in the 2001 Regulations as amended.

(3) The existing regulations continue to have effect to determine an application made under regulation 5—

- (a) where the application was made before these Regulations came into force; and
- (b) the application was not refused or determined before that date.

(4) A permit granted further to an application to which paragraph (3) applies is a “new permit”.

(5) Subject to paragraph (6), the existing regulations continue to have effect up to and including 7th January 2014 in respect of an offshore combustion installation—

- (a) where immediately before these Regulations came into force, a permit subsisted in respect of that installation; or
- (b) to which a new permit applies,

provided that the offshore combustion installation is in operation on or before 7th January 2014.

(6) Where in respect of an offshore combustion installation—

- (a) the existing regulations continue to have effect under paragraph (5); and
- (b) any of the matters in paragraph (7) are not determined on or before 7th January 2014,

the existing regulations continue to have effect after 7th January 2014 for the purposes of determining that matter.

(7) The matters referred to in paragraph (6) are—

- (a) an appeal made under regulation 17;
- (b) an application by an operator to vary the terms and conditions of a permit under regulation 8(1);
- (c) a notice to surrender under regulation 10(2);
- (d) a request to assign a permit under regulation 10(3);
- (e) a notice of intention to issue a revised permit under regulation 9(3)(a) or (4)(a);
- (f) a notice to revoke a permit under regulation 10(1);
- (g) a notice to provide information under regulation 12(3);
- (h) an enforcement notice under regulation 14;

- (i) a prohibition notice under regulation 15;
- (j) proceedings commenced before the date these Regulations come into force in respect of an offence under regulation 18.

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**Marginal Citations**

- M1** [S.I. 2001/1091](#).
- M2** [S.I. 2005/2055](#).
- M3** [S.I. 2007/938](#).
- M4** [S.I. 2010/1513](#).

**Environmental information**

**39.**—(1) Paragraph (2) applies in respect of any provision of these Regulations under which the Secretary of State is required to make environmental information accessible or available to the public (“a relevant provision”).

(2) A relevant provision does not require the Secretary of State to make accessible or available to the public any information which, were a request for its disclosure to be made under the Environmental Information Regulations 2004<sup>M5</sup>, the Secretary of State would be entitled to refuse to disclose under those regulations.

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**Marginal Citations**

- M5** [S.I. 2004/3391](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013, PART 7.