
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, together with, in particular—

- (a) the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 (SI 1995/743) (as amended by the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (SI 2015/398));
- (b) the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (SI 1998/1056) (as amended by the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) (Amendment) Regulations 2015 (SI 2015/386)); and
- (c) the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (SI 2015/398),

implement Directive 2013/30/EU of the European Parliament and of the Council on safety of offshore oil and gas operations and amending Directive [2004/35/EC](#) (OJ No L178, 28.6.2013, p.66).

Licences to search, bore for and get petroleum are granted under the Petroleum Act 1998. These Regulations make provision relating to such licences as apply in offshore waters. Regulation 3 requires the licensing authority to consider certain matters before granting such a licence or granting its consent to the transfer of such a licence.

Regulation 4 requires that, except where an operator's appointment has been terminated, in which case the operator's functions become the responsibility of the offshore licensee, only those who have been appointed as operators may carry out offshore petroleum operations under a licence. A process for the appointment of operators is established in regulations 5 and 6, which requires that where the operator is to be appointed by the offshore licensee, the licensing authority has the power to object to the appointment. Operators are appointed in respect of offshore petroleum operations and may be appointed in relation to some or all of those operations.

Regulation 7 requires that where the competent authority (being the Health and Safety Executive and the Secretary of State working together) may determine that an operator no longer has capacity to carry out its relevant requirements it must have its appointment terminated. Regulation 8 makes provision for the termination of such an appointment. The offshore licensee is responsible for operator's functions until a new operator is appointed.

Regulations 9 and 10 place obligations on the offshore licensee, including that the offshore licensee is financially responsible for action taken to prevent or remediate environmental damage, as required by Directive [2004/35/EC](#) of the European Parliament and of the Council on environmental liability (OJ No L143, 30.4.2004, p.56). Regulation 13 makes provision for the revocation of licences.

Regulations 11 and 12 make provision for acquisition of information by the licensing authority and the competent authority and for the disclosure of information between them.

Regulation 13 makes provision for offshore licences to be terminated for failure to comply with certain provisions of these Regulations.

Regulation 14 creates offences in relation to the failure to comply with certain obligations set out in, or imposed under, these Regulations.

Regulation 15 makes transitional provision.

Regulation 16 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the

Changes to legislation: There are currently no known outstanding effects for the The Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015. (See end of Document for details)

Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A transposition note and a full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector are annexed to the Explanatory Memorandum which is available alongside these Regulations on www.legislation.gov.uk.

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