
STATUTORY INSTRUMENTS

2015 No. 385

The Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015

Grant and transfer of offshore licences

3.—(1) The licensing authority must not grant an offshore licence or consent to the transfer of an offshore licence to a prospective offshore licensee unless the authority—

- (a) takes into account the capability, including technical and financial capability, of the prospective offshore licensee to meet the requirements for operations within the framework of the licence and in particular the licensing authority must have regard to—
 - (i) the considerations in paragraph (2); and
 - (ii) any environmentally sensitive marine and coastal environments, including the environmental matters in paragraph (3); and
- (b) where appropriate, consults the competent authority.

(2) The considerations referred to in paragraph (1)(a)(i) are—

- (a) the risk, the hazards and any other relevant information relating to the licensed area, including, where appropriate, the cost of degradation of the marine environment referred to in point (c) of Article 8(1) of Directive [2008/56/EC](#) of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy ^{M1};
- (b) the particular stage of any offshore petroleum operations;
- (c) the prospective offshore licensee's financial capability, including any financial security, to cover liabilities potentially deriving from the offshore petroleum operations in question, including liability for potential economic damages; and
- (d) the available information relating to the safety and environmental performance of the prospective offshore licensee, including in relation to major accidents, as may be appropriate to the operations applicable under the offshore licence.

(3) The environmental matters referred to in paragraph (1)(a)(ii) are—

- (a) ecosystems which play an important role in mitigation and adaptation to climate change, including salt marshes and sea grass beds; and
- (b) marine protected areas, including—
 - (i) special areas of conservation pursuant to the Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora ^{M2};
 - (ii) special protection areas pursuant to Directive [2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds ^{M3}; and
 - (iii) areas that are designated as marine protected areas within the framework of any international or regional agreement entered into by the European Union or the United Kingdom.

(4) The licensing authority may not grant an offshore licence unless it is satisfied that the prospective offshore licensee has made or will make adequate provision to cover liabilities potentially deriving from the prospective offshore licensee's offshore petroleum operations.

(5) In considering whether or not it is satisfied about the matters set out in paragraph (4), the licensing authority must consider whether the prospective offshore licensee has, or will have at the start of offshore petroleum operations, sufficient financial resources for the immediate launch and uninterrupted continuation of all measures necessary for effective emergency response and subsequent remediation.

Marginal Citations

M1 O.J. No. L164, 25.06.2008, p.19.

M2 O.J. No. L206, 22.07.1992, p.7.

M3 O.J. No. L20, 26.01.2010, p.7.

Changes to legislation:

There are currently no known outstanding effects for the The Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015, Section 3.