
STATUTORY INSTRUMENTS

2015 No. 810

The Environmental Damage (Prevention and Remediation) (England) Regulations 2015

PART 1

Introductory Provisions

Enforcing authorities in other cases

11.—^[F1](1) If the damage caused is caused by an activity that does not require a permit or registration under the Environmental Permitting (England and Wales) Regulations 2016, these Regulations are to be enforced in accordance with the provisions set out in the table in Schedule 2A.]

| <i>Type of environmental damage</i> | <i>Area of damage</i> | <i>Enforcing Authority</i> |
|--|---|---|
| Damage to surface water or groundwater | All surface water or groundwater. | Environment Agency |
| Damage to marine waters | All marine waters out to 12 nautical miles from the baselines in England. | Marine Management Organisation |
| | ^[F2] All marine waters beyond 12 nautical miles from the baselines in England, all marine waters beyond 12 nautical miles from the baselines in Wales, and all marine waters beyond 12 nautical miles from the baselines in Northern Ireland, in each case] extending to the outermost reach of the area where the United Kingdom exercises jurisdictional rights. | The Secretary of State |
| | All marine waters up to the limit of the exclusive economic zone which lies— | The Secretary of State— |
| | (a) within the Scottish zone; or | (a) if the damage was caused by anything done in the course |

¹ For the definition of “specified marine activity”, see paragraph (2).

² For the definition of “sea”, see paragraph (2).

| | | |
|---|--|--|
| | | of, or for the purpose of, a specified marine activity ¹ ; or |
| | (b) outside the Scottish zone, but nearer to any point on the baselines from which the breadth of the territorial sea adjacent to Scotland is measured than to any point on the baselines in any other part of the United Kingdom. | (b) in relation to the exercise of powers under Part 2 of these Regulations only, if the damage was caused by an activity relating to a matter which is a reserved matter by virtue of section E3 (marine transport) in Part 2 of Schedule 5 to the Scotland Act 1998. |
| | | In any other case, the Scottish Ministers. |
| Damage to a protected species or natural habitat or a site of special scientific interest | On land. | Natural England |
| | In water, but not in the sea ² . | Environment Agency |
| | In the sea up to the limit of the exclusive economic zone which lies— | The Secretary of State— |
| | (a) within the Scottish zone; or | (a) if the damage was caused by anything done in the course of, or for the purpose of, a specified marine activity; or |
| | (b) outside the Scottish zone, but nearer to any point on the baselines from which the breadth of the territorial sea adjacent to Scotland is measured than to any point on the baselines in any other part of the United Kingdom. | (b) in relation to the exercise of powers under Part 2 of these Regulations only, if the damage was caused by an activity relating to a matter which is a reserved matter by virtue of section E3 (marine transport) in Part 2 of Schedule 5 to the Scotland Act 1998. |
| | | In any other case, the Scottish Ministers. |
| | The continental shelf up to the limit of the exclusive economic zone which lies— | The Secretary of State— |
| | (a) within the Scottish zone; or | (a) if the damage was caused by anything done in the course of, or for the purpose of, a specified marine activity; or |
| | (b) outside the Scottish zone, but nearer to any point on | (b) in relation to the exercise of powers under Part 2 of |

¹ For the definition of “specified marine activity”, see paragraph (2).

² For the definition of “sea”, see paragraph (2).

| | | |
|----------------|--|--|
| | the baselines from which the breadth of the territorial sea adjacent to Scotland is measured than to any point on the baselines in any other part of the United Kingdom. | these Regulations only, if the damage was caused by an activity relating to a matter which is a reserved matter by virtue of section E3 (marine transport) in Part 2 of Schedule 5 to the Scotland Act 1998. |
| | Any other part of the continental shelf or in the sea up to the limit of the exclusive economic zone. | In any other case, the Scottish Ministers. The Environment Agency, if the damage is due to an activity authorised by the Environment Agency. In any other case, the Secretary of State. |
| Damage to land | All land. | Local authority |

¹ For the definition of “specified marine activity”, see paragraph (2).

² For the definition of “sea”, see paragraph (2).

(2) For the purposes of [^{F3}Schedule 2A] —

“installation abandonment measures” means any measures taken in connection with the abandonment of—

- (a) an offshore installation within the meaning of Part 4 of the Petroleum Act 1998 ^{M1}, or submarine pipeline within the meaning of that Part, or
- (b) a carbon storage installation, within the meaning of section 30 of the Energy Act 2008 ^{M2}, in either case, whether or not the measures are taken in pursuance of an abandonment programme under Part 4 of the Petroleum Act 1998, or under that Part as it applies by virtue of section 30 of the Energy Act 2008;

“sea” includes—

- (a) any area of land submerged at mean high water spring tide; and
- (b) each of the following, so far as the tide flows at mean high water spring tide—
 - (i) the waters of every estuary or arm of the sea; and
 - (ii) the waters of any channel, bay or river;

“specified marine activity” means—

- (a) an activity for which a licence under section 3 of the Petroleum Act 1998 or section 2 of the Petroleum (Production) Act 1934 ^{M3} (licences to search for and get petroleum) is (or was) required;
- (b) constructing or maintaining a pipeline in respect of any part of which an authorisation (within the meaning of Part 3 ^{M4} of the Petroleum Act 1998) is in force;
- (c) establishing or maintaining an offshore installation (within the meaning of Part 4 ^{M5} of the Petroleum Act 1998);
- (d) taking any installation abandonment measures;

- (e) an activity for which a licence under section 4 or 18 of the Energy Act 2008 ^{M6} (gas unloading, storage and recovery and carbon dioxide storage) is required;
- (f) [^{F4}an activity (other than any specified in paragraphs (a) to (e)) which—
 - (i) is carried out in the Scottish zone or in an area outside the Scottish zone, but nearer to any point on the baselines from which the breadth of the territorial sea adjacent to Scotland is measured than to any point on the baselines in any other part of the United Kingdom; and
 - (ii) relates to a matter which is a reserved matter by virtue of section D2 in Part 2 of Schedule 5 to the Scotland Act 1998 (oil and gas);
- (g) an activity (other than any specified in paragraphs (a) to (e)) which—
 - (i) is carried out in the Welsh zone; and
 - (ii) relates to a matter which is a reserved matter by virtue of section D2 in Part D2 of Schedule 7A to the Government of Wales Act 2006 (oil and gas).]

Textual Amendments

- F1** Reg. 11(1) substituted (1.4.2018) by [The Environmental Damage \(Prevention and Remediation\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1177\)](#), regs. 1, **5(2)**
 - F2** Words in reg. 11(1) table substituted (19.7.2015) by [The Environmental Damage \(Prevention and Remediation\) \(England\) \(Amendment\) Regulations 2015 \(S.I. 2015/1391\)](#), regs. 1, **2(3)**
 - F3** Words in reg. 11(2) substituted (1.4.2018) by [The Environmental Damage \(Prevention and Remediation\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1177\)](#), regs. 1, **5(3)(a)**
 - F4** Words in reg. 11(2) substituted (1.4.2018) by [The Environmental Damage \(Prevention and Remediation\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1177\)](#), regs. 1, **5(3)(b)**
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Marginal Citations

- M1** [1998 c.17](#). The definition of “offshore installation” for the purposes of Part 4 of that Act is contained in section 44 of that Act. Section 44 was amended by paragraph 11 of Schedule 1 to the [Energy Act 2008 \(c.32\)](#).
- M2** [2008 c.32](#). Section 30 was amended by section 107(1) and (4) of the [Energy Act 2011 \(c.16\)](#) and by [S.I. 2011/2453](#).
- M3** [1934 c.36](#). The Act was repealed by Part 1 of Schedule 5 to the Petroleum Act 1998.
- M4** Part 3 was amended by the [Energy Act 2004 \(c.20\)](#), [sections 151\(5\)](#) and 197(9) and Schedule 23, Part 1; the Energy Act 2008, sections 36, 78(3) and (4) and 108, Schedule 1, paragraph 9, and Schedule 6; the Energy Act 2011, Schedule 2 paragraphs 8, 9, 10, 12, 13, 14 and 15; the [Marine and Coastal Access Act 2009 \(c.23\)](#), [section 112\(1\)](#) and Schedule 8, paragraph 7; and by [S.I. 2000/1937](#), 2004/2043, 2007/290 and 2011/2305 and 2704.
- M5** Part 4 was amended by the Energy Act 2008, sections 36, 72(1) to (8), 73(1) to (6), 74(1), 107, 108 and Schedule 1, paragraphs 10 and 11, Schedule 5, paragraphs 6, 7, 9, 10 and 11, and Schedule 6; and by the Marine and Coastal Access Act 2009, section 112(1) and Schedule 8, paragraph 8.
- M6** Section 18 was amended by [S.I. 2011/224](#) and 2435.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Damage (Prevention and Remediation) (England) Regulations 2015, Section 11.