

2016 No. 1029

PETROLEUM, ENGLAND AND WALES

**The Petroleum Licensing (Exploration and Production)
(Landward Areas) (Amendment) (England and Wales)
Regulations 2016**

<i>Made</i> - - - -	<i>26th October 2016</i>
<i>Laid before Parliament</i>	<i>31st October 2016</i>
<i>Coming into force</i> - -	<i>15th December 2016</i>

The Secretary of State, in exercise of the powers conferred by section 4 of the Petroleum Act 1998(a), makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Petroleum Licensing (Exploration and Production) (Landward Areas) (Amendment) (England and Wales) Regulations 2016 and come into force on 15th December 2016.

(2) These Regulations extend to England and Wales only.

Amendments to model clauses for petroleum exploration and development licences

2.—(1) Schedule 2 to the Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014(b) is amended as follows.

(2) After clause 22 (control of development wells), insert—

“Prohibition on hydraulic fracturing in Protected Areas in England and Wales

22A.—(1) The Licensee shall not carry out Relevant Hydraulic Fracturing from a Well if the well pad is in a Protected Area in England or Wales.

(2) In this clause—

(a) “Protected Area” means any area which is—

(a) 1998 c.17. There are amendments to section 4 which are not relevant to these Regulations.
(b) S.I. 2014/1686, amended by S.I. 2016/912.

- (i) a protected groundwater source area or other protected area as defined by regulations 2 and 3 of the Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016(a);
 - (ii) a European site as defined by regulation 8(1) of the Conservation of Habitats and Species Regulations 2010(b);
 - (iii) a site of special scientific interest notified in accordance with section 28 of the Wildlife and Countryside Act 1981(c) unless the notification has ceased to have effect by virtue of subsection (6) of that section; or
 - (iv) designated under paragraph 1 of article 2 of the Ramsar Convention for inclusion in the list of wetlands of international importance referred to in that article;
- (b) “Ramsar Convention” has the meaning given in section 37A(4) and (5) of the Wildlife and Countryside Act 1981(d);
- (c) “Relevant Hydraulic Fracturing” means hydraulic fracturing of shale or strata encased in shale which is carried out in connection with the use of a Well to search or bore for or get petroleum, and involves, or is expected to involve, the injection of—
- (i) more than 1,000 cubic metres of fluid at any stage, or expected stage, of the hydraulic fracturing, or
 - (ii) more than 10,000 cubic metres of fluid in total.”.

Neville-Rolfe
Minister of State

26th October 2016

Department of Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014 (“the 2014 Regulations”) prescribe the model clauses which, unless the Secretary of State thinks fit to modify or exclude them in any particular case, will be incorporated in petroleum licences for landward areas as defined in those Regulations.

These regulations amend the 2014 Regulations to insert an additional model clause, prohibiting holders of petroleum licences from carrying out high volume hydraulic fracturing from any well where the well pad for that well is located in a protected area, specified in the clause, which is in England or Wales.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department of Business, Energy and Industrial Strategy at 3 Whitehall Place, London, SW1A 2AW and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

(a) S.I. 2016/384.
 (b) S.I. 2010/490, to which there are amendments not relevant to these Regulations.
 (c) 1981 c. 69; section 28 was substituted by the Countryside and Rights of Way Act 2000 (c. 37) Schedule 9, paragraph 1. It was amended by the Natural Environment and Rural Communities Act 2006 (c. 16) Schedule 11, Part 1, paragraph 79, and by the Marine and Coastal Access Act 2009 (c. 23) Schedule 13, Part 2, paragraph 2. It was modified in respect of functions exercisable in relation to Wales by S.I. 1999/672.
 (d) Section 37A was inserted by the Countryside and Rights of Way Act 2000 (c. 37), section 77.

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£4.25

UK201610272 11/2016 19585

<http://www.legislation.gov.uk/id/uksi/2016/1029>

ISBN 978-0-11-115078-8



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