Draft Regulations laid before Parliament under paragraphs 12(1) and 38 of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No.

ENVIRONMENTAL PROTECTION

The Pollution Prevention and Control (Fees) (Miscellaneous Amendments) Regulations 2022

Made - - - -	***
Coming into force	***

The Secretary of State, in exercise of the powers conferred by paragraph 7 of Schedule 4 to the European Union (Withdrawal) Act 2018(**a**), sections 110A(1), 110A(2) and 316(1) of the Marine and Coastal Access Act 2009(**b**), section 82OA(1) and (2) of the Energy Act 2008(**c**) and section 302(1) of the Merchant Shipping Act 1995(**d**) makes the following Regulations.

The Secretary of State has obtained the consent of the Treasury in accordance with section 302(1) of the Merchant Shipping Act 1995 and paragraph 10 of Schedule 4 to the European Union (Withdrawal) Act 2018.

In accordance with paragraphs 12(1) and 38 of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Pollution Prevention and Control (Fees) (Miscellaneous Amendments) Regulations 2022.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendments to the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001

2. In the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001(**e**), in regulation 20A(2)—

(**a**) 2018 c. 16. See paragraph 8 of Schedule 4 for the meaning of "appropriate authority". Paragraph 8 of Schedule 4 was amended by section 41(4) of and paragraph 47(5) of Schedule 5 to the European Union (Withdrawal) Act 2020 (c. 1).
(**b**) 2009 c. 23. Section 110A was inserted by section 76(2) of the Energy Act 2016 (c. 20).
(**c**) 2008 c. 32. Section 82OA was inserted by section 76(1) of the Energy Act 2016.
(**d**) 1995 c. 21.
(**e**) S.I. 2001/1754. Regulation 20A was inserted by S.I. 2015/1431 and amended by S.I. 2016/529, S.I. 2016/1042, S.I. 2019/439, S.I. 2019/579, S.I. 2020/208 and S.I. 2021/741.

(a) for "£197" substitute "£201"; and

(b) for "£108" substitute "£104".

Amendments to the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015

3. In the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015(**a**), in regulation 13A(2)—

(a) for "£197" substitute "£201"; and

(b) for "£108" substitute "£104".

Amendments to the Pollution Prevention and Control (Fees) (Miscellaneous Amendments and Other Provisions) Regulations 2015

4. In the Pollution Prevention and Control (Fees) (Miscellaneous Amendments and Other Provisions) Regulations 2015(**b**), in regulation 7(1)—

(a) for "£197" substitute "£201"; and

(b) for "£108" substitute "£104".

Amendments to the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020

5. In the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020(**c**), in regulation 22(2)—

(a) for "£197" substitute "£201"; and

(b) for "£108" substitute "£104".

Name
Minister of State for Energy, Clean Growth and Climate Change
Date Department for Business, Energy and Industrial Strategy

Name
Name
Date Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to amend the fees charged in relation to activities carried out by the Secretary of State relating to the environmental regulation of the offshore oil and gas industry.

Regulations 2 to 5 amend the hourly rates used to calculate fees charged under:

(a) the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 (S.I. 2001/1754);

(**a**) S.I. 2015/385. Regulation 13A was inserted by S.I. 2017/404 and amended by S.I. 2019/439, S.I. 2020/208 and S.I. 2021/741.

(**b**) S.I. 2015/1431. Relevant amending instruments are S.I. 2016/529, S.I. 2018/311, S.I. 2019/439, S.I. 2020/208 and S.I. 2021/741.

(**c**) S.I. 2020/1497. Regulation 22 was amended by S.I. 2021/741.

(b) the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015 (S.I. 2015/385);

(c) the Pollution Prevention and Control (Fees) (Miscellaneous Amendments and Other Provisions) Regulations 2015 (S.I. 2015/1431), which make provision for charging fees:

(i) relating to certain activities under the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (S.I. 1998/1056), the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398) and the Fluorinated Greenhouse Gases Regulations 2015 (S.I. 2015/310);

(ii) relating to certain licences under regulation 55 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013);

(iii) in connection with consents under section 82A of the Energy Act 2008 (c. 32) and emergency safety notices under sections 82F and 82G(8) of that Act;

(iv) in respect of monitoring compliance with the requirements of the Energy Savings Opportunity Scheme Regulations 2014 (S.I. 2014/1643); and

(v) for applications for certain licences under section 71, and for stop notices and emergency safety notices under sections 102 to 105, of the Marine and Coastal Access Act 2009 (c. 23);

(d) the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 (S.I. 2020/1497).

The fees affected by regulations 2 to 5 are calculated by first determining the number of hours work carried out by specialist and non-specialist officers and then multiplying those numbers by the relevant hourly rate. In each case these Regulations amend the hourly rate for specialist officers from £197 to £201 and for non-specialist officers from £108 to £104.

A full impact assessment has not been produced for this instrument as no or no significant impact on the private, voluntary or public sectors is foreseen.

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