



# Energy Act 2008

## 2008 CHAPTER 32

### PART 3

#### DECOMMISSIONING OF ENERGY INSTALLATIONS

### CHAPTER 4

#### WELLS

#### 75 Information about decommissioning of wells

- (1) In Part 5 of the Petroleum Act 1998 (c. 17), before section 46 (Northern Ireland and Isle of Man shares of petroleum revenue) insert—

**“45A Abandoned wells**

- (1) This section applies in relation to a person who has drilled, or commenced drilling, a well in pursuance of a petroleum licence or a licence under section 4 of the Energy Act 2008 (gas storage and unloading licences).
- (2) The Secretary of State may give a notice requiring the person—
  - (a) to provide specified information relating to the person’s financial affairs, or
  - (b) to supply copies of specified documents, or documents of a specified description, relating to those affairs.
- (3) A notice under subsection (2) must specify the time within which the information or documents must be provided.
- (4) Subsection (5) applies if—
  - (a) the person fails to provide information or documents required by such a notice within the period specified in the notice, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) on receiving information or documents required by a notice under subsection (2) the Secretary of State is not satisfied that the person will be capable of plugging and abandoning the well.
  - (5) Where this subsection applies the Secretary of State may give the person a notice, after consulting the Treasury, requiring the person to take the action specified in the notice within the time so specified.
  - (6) The Secretary of State may not give a notice to a person under subsection (5) without first giving the person an opportunity to make written representations as to whether the notice should be given.
  - (7) It is an offence for a person to fail to comply with a notice under subsection (2) or (5) unless it is proved that the person exercised due diligence to avoid the failure.
  - (8) A person guilty of an offence under this section is liable—
    - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
    - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or both.
  - (9) Section 41 (other than subsection (5)) applies in relation to prosecutions for offences under this section as it applies in relation to prosecutions for offences under Part 4.
  - (10) In this section—
    - “petroleum licence” means a licence under section 2 of the Petroleum (Production) Act 1934 or section 3 above;
    - “well” includes a borehole.”
- (2) This section applies in relation to any well the drilling of which commences on or after the date on which this section comes into force.