

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2016, Cross Heading: Petroleum Act 1998. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### TRANSFER OF FUNCTIONS TO THE OGA

##### PART 1

##### PRIMARY LEGISLATION

##### *Petroleum Act 1998*

6 The Petroleum Act 1998 is amended as follows.

.....  
**Commencement Information**

**II** Sch. 1 para. 6 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

7 In section 9A(2) (principal objective and the strategy), for “Secretary of State” substitute “ OGA ”.

.....  
**Commencement Information**

**I2** Sch. 1 para. 7 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

8 In section 9B (exercise of certain functions)—  
(a) for “Secretary of State” (including in the heading) substitute “ OGA ”,  
(b) in paragraph (b), omit the words from “to the extent” to the end, and  
(c) after paragraph (c) insert—  
“(ca) exercising functions under Part 2 of the Energy Act 2016,”.

.....  
**Commencement Information**

**I3** Sch. 1 para. 8 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

9 After section 9B insert—

**“9BA Exercise of certain functions of the Secretary of State**

(1) The Secretary of State must act in accordance with the current strategy or strategies when exercising the functions mentioned in subsection (2).

(2) Those functions are functions under Part 4 to the extent that they concern reduction of the costs of abandonment of offshore installations and submarine pipelines (including the reduction of such costs by means of

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the timing of measures proposed in abandonment programmes and by the inclusion in such programmes of provision for collaboration with other persons).”

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**I4** Sch. 1 para. 9 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

10 Omit section 9D.

**Commencement Information**

**I5** Sch. 1 para. 10 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 11 (1) Section 9E (security and resilience functions) is amended as follows.
- (2) In subsection (1), for “Secretary of State's” substitute “OGA's”.
- (3) In subsection (2), for “Secretary of State” substitute “ OGA ”.
- (4) In the heading, for “Secretary of State's” substitute “OGA's”.

**Commencement Information**

**I6** Sch. 1 para. 11 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 12 (1) Section 9F (producing and revising a strategy) is amended as follows.
- (2) Omit subsection (1).
- (3) For subsection (2) substitute—
- “(2) After the first strategy has been produced, the OGA may—
- (a) produce a new strategy, or
- (b) revise a current strategy,
- whenever the OGA thinks appropriate.”
- (4) In subsection (3), for “Secretary of State” substitute “ OGA ”.
- (5) Omit subsection (4).

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**I7** Sch. 1 para. 12 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 13 (1) Section 9G (procedure for producing and revising a strategy) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (a), and
- (b) for “Secretary of State” substitute “ OGA ”.
- (3) In subsection (2), for “Secretary of State” (in both places) substitute “ OGA ”.
- (4) For subsection (3) substitute—

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“(3) If, after complying with that duty, the OGA decides to proceed with the draft (in its original form or with modifications), the OGA must send the draft to the Secretary of State.

(3A) The Secretary of State must either—

- (a) lay a copy of the draft before each House of Parliament, or
- (b) return the draft to the OGA and publish the Secretary of State's reasons for doing so.

(3B) The Secretary of State may return the draft to the OGA only if the Secretary of State thinks that—

- (a) the OGA has failed to comply with subsection (2), or
- (b) the strategy will not enable the principal objective to be met.”

(5) In subsection (4), for “The Secretary of State” substitute “ Where a copy of the draft has been laid in accordance with subsection (3A)(a), the OGA ”.

(6) In subsection (5), for “Secretary of State” substitute “ OGA ”.

(7) In subsection (6), for “Secretary of State” substitute “ OGA ”.

**Commencement Information**

**I8** Sch. 1 para. 13 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

14 In section 14(1) (construction and use of pipelines), for “Secretary of State” substitute “ OGA ”.

**Commencement Information**

**I9** Sch. 1 para. 14 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

15 In section 15 (authorisations), for “Secretary of State” (in each place) substitute “ OGA ”.

**Commencement Information**

**I10** Sch. 1 para. 15 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

16 In section 16 (compulsory modifications of pipelines), for “Secretary of State” (in each place) substitute “ OGA ”.

**Commencement Information**

**I11** Sch. 1 para. 16 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

17 (1) Section 17 (acquisition of rights to use pipelines) is amended as follows.

(2) In subsection (1), for “Secretary of State” substitute “ OGA ”.

(3) In subsection (2)—

- (a) for “Secretary of State” substitute “ OGA ”, and

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- (b) for “he” substitute “ it ”.
- (4) In subsection (3)—
  - (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
  - (b) for “he” substitute “ it ”.
- (5) In subsection (5), for “Secretary of State” substitute “ OGA ”.
- (6) In subsection (7), for “Secretary of State” substitute “ OGA ”.
- (7) In subsection (8)—
  - (a) for “Secretary of State” substitute “ OGA ”, and
  - (b) for “he” substitute “ it ”.

**Commencement Information**

**I12** Sch. 1 para. 17 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 18 (1) Section 17F (acquisition of rights to use controlled petroleum pipelines) is amended as follows.
- (2) In subsection (2), for “Secretary of State” substitute “ OGA ”.
  - (3) In subsection (5), for “Secretary of State” substitute “ OGA ”.
  - (4) In subsection (6)—
    - (a) for “Secretary of State” substitute “ OGA ”, and
    - (b) for “he” substitute “ it ”.
  - (5) In subsection (7)—
    - (a) for “Secretary of State” (in each place) substitute “ OGA ”, and
    - (b) for “he” substitute “ it ”.
  - (6) In subsection (8), for “Secretary of State” substitute “ OGA ”.
  - (7) In subsection (9)—
    - (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
    - (b) for “he” substitute “ it ”.
  - (8) In subsection (10), for “Secretary of State” substitute “ OGA ”.

**Commencement Information**

**I13** Sch. 1 para. 18 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 19 (1) Section 17G (section 17F: supplemental) is amended as follows.
- (2) In subsection (1)—
    - (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
    - (b) for “himself” substitute “ itself ”.
  - (3) In subsection (2)—
    - (a) for “Secretary of State” substitute “ OGA ”, and
    - (b) for “him” substitute “ it ”.

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- (4) In subsection (4)—
  - (a) for “Secretary of State” substitute “ OGA ”,
  - (b) for “he” substitute “ it ”, and
  - (c) for “him” substitute “ it ”.
- (5) In subsection (6), for “Secretary of State” substitute “ OGA ”.
- (6) In subsection (7)—
  - (a) for “Secretary of State” substitute “ OGA ”, and
  - (b) for “he” substitute “ it ”.
- (7) In subsection (8), for “Secretary of State” substitute “ OGA ”.

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**I14** Sch. 1 para. 19 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 20
- (1) Section 17GA (controlled petroleum pipeline subject to Norwegian access system) is amended as follows.
  - (2) In subsection (2), for “Secretary of State” substitute “ OGA ”.
  - (3) In subsection (5)—
    - (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
    - (b) in paragraph (a), for “he” substitute “ it ”.
  - (4) In subsection (6), for “Secretary of State” substitute “ OGA ”.
  - (5) In subsection (7), for “Secretary of State” substitute “ OGA ”.
  - (6) In subsection (8), for “he is obliged to do so under the Framework Agreement, the Secretary of State shall make his” substitute “ the Framework Agreement so requires, the OGA shall make its ”.

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**I15** Sch. 1 para. 20 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 21
- (1) Section 17GB (section 17GA: supplemental) is amended as follows.
  - (2) In subsection (1)—
    - (a) for “Secretary of State” substitute “ OGA ”, and
    - (b) for “him” substitute “ it ”.
  - (3) In subsection (2)—
    - (a) for “Secretary of State” substitute “ OGA ”,
    - (b) for “he is required to do so” substitute “ the disclosure is required ”, and
    - (c) omit “on him”.

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**I16** Sch. 1 para. 21 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

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- 22 (1) Section 18 (termination of authorisations) is amended as follows.
- (2) In subsection (1)(b), for “Secretary of State” substitute “ OGA ”.
- (3) In subsection (2)—
- (a) for “Secretary of State” substitute “ OGA ”, and
  - (b) for “he” substitute “ it ”.
- (4) In subsection (3)(b), for “Secretary of State” substitute “ OGA ”.
- (5) In subsection (4)—
- (a) for “Secretary of State” substitute “ OGA ”, and
  - (b) for “he” substitute “ it ”.
- (6) In subsection (5)—
- (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
  - (b) for “he” (in each place) substitute “ it ”.
- (7) In subsection (6), for “Secretary of State” (in both places) substitute “ OGA ”.
- (8) In subsection (7)—
- (a) for “Secretary of State” substitute “ OGA ”, and
  - (b) for “him” substitute “ it ”.
- (9) In subsection (8), for “Secretary of State” (in both places) substitute “ OGA ”.
- (10) In subsection (9)—
- (a) for “Secretary of State” substitute “ OGA ”, and
  - (b) for “he” substitute “ it ”.

**Commencement Information**

**I17** Sch. 1 para. 22 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 23 (1) Section 19 (vesting of pipelines on termination or subsequent issue of authorisations) is amended as follows.
- (2) In subsection (1), for “Secretary of State” substitute “ OGA ”.
- (3) In subsection (2)—
- (a) for “Secretary of State” (in each place) substitute “ OGA ”, and
  - (b) for “he” substitute “ the OGA ”.

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**I18** Sch. 1 para. 23 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 24 (1) Section 20 (inspectors etc) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The OGA may appoint, as inspectors to assist it in the execution of this Part of this Act, such number of persons appearing to it to be qualified for the purpose as it considers appropriate from time to time.”

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(3) In subsection (2)(a)(ii), for “Secretary of State” substitute “ OGA ”.

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**I19** Sch. 1 para. 24 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 25 (1) Section 21 (enforcement) is amended as follows.
- (2) In subsection (1)(c), for “Secretary of State” substitute “ OGA ”.
- (3) In subsection (2), for “Secretary of State” substitute “ OGA ”.
- (4) In subsection (3), for “Secretary of State” substitute “ OGA ”.
- (5) In subsection (4)—
- (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
- (b) for “he” substitute “ it ”.
- (6) In subsection (5), for “Secretary of State” (in each place) substitute “ OGA ”.

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**I20** Sch. 1 para. 25 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 26 In section 25 (orders and regulations), for subsection (1) substitute—
- “(1) Before making any order or regulations under this Part of this Act, the Secretary of State must consult—
- (a) the OGA, and
- (b) in the case of regulations, such organisations in the United Kingdom as the Secretary of State considers are representative of persons who will be affected by the regulations.”

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**I21** Sch. 1 para. 26 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 27 In section 28(1) (interpretation of Part 3), for the definition of “heard” substitute—
- ““heard” means—
- (a) in relation to section 27, heard on behalf of the Secretary of State by a person appointed by the Secretary of State for the purpose, and
- (b) otherwise, heard on behalf of the OGA by a person appointed by the OGA for the purpose.””

**Commencement Information**

**I22** Sch. 1 para. 27 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 28 In section 45A (abandoned wells), for “Secretary of State” (in each place) substitute “ OGA ”.

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**I23** Sch. 1 para. 28 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 29 In section 46(1) (Northern Ireland and Isle of Man shares of petroleum revenue), for “Secretary of State” (in each place) substitute “ OGA ”.

**Commencement Information**

**I24** Sch. 1 para. 29 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 30 (1) Section 47A (factors to take into account) is amended as follows.
- (2) In subsection (1)—
- (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
  - (b) for “him” substitute “ it ”.
- (3) In subsection (2A), for “Secretary of State” substitute “ OGA ”.
- (4) In the heading, for “Secretary of State” substitute “ OGA ”.

**Commencement Information**

**I25** Sch. 1 para. 30 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 31 In section 48 (interpretation), after subsection (1) insert—
- “(1A) In this Act “the OGA” means the Oil and Gas Authority.”

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**I26** Sch. 1 para. 31 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 32 (1) Schedule 2 (authorisations) is amended as follows.
- (2) Omit paragraph 1(2).
- (3) In paragraph 2—
- (a) for “Secretary of State” (in each place) substitute “ OGA ”, and
  - (b) in paragraph (b), for “his” substitute “ its ”.
- (4) In paragraph 3—
- (a) for “Secretary of State” (in each place) substitute “ OGA ”,
  - (b) for “his” substitute “ its ”, and
  - (c) for “he” substitute “ it ”.

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**I27** Sch. 1 para. 32 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 33 (1) Paragraph 4 is amended as follows.



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- (2) In sub-paragraph (1)—
- (a) for “Secretary of State” substitute “ OGA ”,
  - (b) for “his” substitute “ its ”, and
  - (c) for “him” substitute “ it ”.
- (3) In sub-paragraph (2)—
- (a) for “Secretary of State” (in each place) substitute “ OGA ”, and
  - (b) for “his” substitute “ its ”.
- (4) In sub-paragraph (3)—
- (a) for “Secretary of State” substitute “ OGA ”,
  - (b) for “his” substitute “ its ”, and
  - (c) for “he” substitute “ it ”.

**Commencement Information**

**I28** Sch. 1 para. 33 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 34 (1) Paragraph 5 is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “Secretary of State” (in both places) substitute “ OGA ”,
  - (b) for “his opinion he” substitute “ its opinion it ”, and
  - (c) for “he thinks” substitute “ it thinks ”.
- (3) In sub-paragraph (2)—
- (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
  - (b) for “his opinion, he” substitute “ its opinion, it ”.

**Commencement Information**

**I29** Sch. 1 para. 34 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 35 In paragraph 6, for “Secretary of State” (in both places) substitute “ OGA ”.

**Commencement Information**

**I30** Sch. 1 para. 35 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 36 In paragraph 7—
- (a) for “Secretary of State” (in each place) substitute “ OGA ”, and
  - (b) for “he” substitute “ it ”.

**Commencement Information**

**I31** Sch. 1 para. 36 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 37 (1) Paragraph 8 is amended as follows.
- (2) In sub-paragraph (1)—

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- (a) for “Secretary of State” (in both places) substitute “ OGA ”, and
  - (b) for “he” substitute “ it ”.
- (3) In sub-paragraph (2)—
- (a) for “Secretary of State” substitute “ OGA ”,
  - (b) for “he” (in the first place) substitute “ it ”, and
  - (c) in paragraph (b), for the words following “notice in” substitute “ such manner as it considers appropriate ”.

**Commencement Information**

**I32** Sch. 1 para. 37 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 38 (1) Paragraph 9 is amended as follows.
- (2) In sub-paragraph (1), for “Secretary of State” substitute “ OGA ”.
  - (3) In sub-paragraph (2), for “Secretary of State” (in each place) substitute “ OGA ”.
  - (4) For sub-paragraph (3) substitute—
    - “(3) The OGA shall publish a copy of the notice in such manner as it considers appropriate.”

**Commencement Information**

**I33** Sch. 1 para. 38 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

- 39 In paragraph 10—
- (a) for “Secretary of State” (in each place) substitute “ OGA ”, and
  - (b) for the words from “he shall” to “which he” substitute “ it shall publish, in such manner as it ”.

**Commencement Information**

**I34** Sch. 1 para. 39 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

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