

2020 No. 448

PETROLEUM

PIPE-LINES

**The Offshore Petroleum Production and Pipe-lines (Assessment
of Environmental Effects) (Coronavirus) (Amendment)
Regulations 2020**

<i>Made</i>	- - - -	<i>21st April 2020</i>
<i>Laid before Parliament</i>		<i>22nd April 2020</i>
<i>Coming into force</i>	- -	<i>23rd April 2020</i>

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972^(a) in relation to the environment^(b) and matters relating to the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons^(c).

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of that Act.

Citation and Commencement

1. These Regulations may be cited as the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) (Coronavirus) (Amendment) Regulations 2020 and come into force on 23rd April 2020.

Amendment to the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999

2. The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999^(d) are amended as follows.

3. After regulation 10, insert—

(a) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(b) S.I. 2008/301.

(c) S.I. 1994/1327.

(d) S.I. 1999/360. Relevant amending instruments are S.I. 2007/933, S.I. 2016/912 and S.I. 2017/582.

“Coronavirus exemption from public inspection requirements

10A.—(1) Regulations 9(2)(c) and 9(2)(f)(iii) do not apply where the effects of coronavirus, including any restrictions on movement, mean that it is not reasonably practicable for the public to inspect copies of documents at a specified address within the United Kingdom.

(2) Regulation 10(2)(d)(ii) does not apply where the effects of coronavirus, including any restrictions on movement, mean that it is not reasonably practicable for the public to inspect copies of documents at a specified address within the United Kingdom.

(3) Where paragraph (1) applies—

- (a) regulations 9(2)(d), 9(2)(e), 9(2)(f)(vi) and 9(5) do not require the undertaker to make copies of documents available for collection in person;
- (b) the undertaker must make available by post a copy of the application for consent in the same way as for the environmental statement, as set out in regulations 9(2)(d), 9(2)(e) and 9(5), but the undertaker may not charge for the supply of a copy of the application for consent;
- (c) the undertaker must include in the notice referred to in regulation 9(2)(f) a statement on how a copy of the application for consent may be obtained by post, in the same way as for the environmental statement, as set out in regulation 9(2)(f)(vi).

(4) Where paragraph (2) applies—

- (a) regulation 10(2)(c) does not require the undertaker to make copies of documents available for public inspection at an address within the United Kingdom;
- (b) regulations 10(2)(c) and 10(2)(d)(iii) do not require the undertaker to make copies of documents available for collection in person;
- (c) the undertaker must make available by post a copy of the application for consent in the same way as for the environmental statement, as set out in regulation 10(2)(c), but the undertaker may not charge for the supply of a copy of the application for consent;
- (d) the undertaker must include in the notice referred to in regulation 10(2)(d) a statement on how a copy of the application for consent may be obtained by post, in the same way as for the environmental statement, as set out in regulation 10(2)(d)(iii).

(5) For the purpose of this regulation, “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”.

Kwasi Karteng
Minister of State

21st April 2020

Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/360) (the “1999 Regulations”). The 1999 Regulations set out requirements regarding environmental statements for proposed offshore oil and gas projects. This forms part of the approval process for such projects. The amendments disapply the requirement for offshore oil and gas developers to make copies of relevant documents available for public inspection at an address in the United Kingdom where the effects of coronavirus mean that it is not reasonably practicable for the public to inspect them. The

amendments also clarify that copies of documents do not need to be made available to be obtained in person in these circumstances. Additionally, the amendments provide that copies of the application for consent must be supplied by post where requested, during any period where copies of the application are not made available for public inspection at an address in the United Kingdom. Under the 1999 Regulations, copies of other relevant documents are already required to be supplied by post, and all relevant documents are required to be published on a public website.

An impact assessment has not been produced for this instrument as this is a temporary, emergency measure and no significant impact on business, charities, voluntary bodies and the public sector is foreseen.

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