STATUTORY INSTRUMENTS

# 2016 No. 1042

# ENVIRONMENTAL PROTECTION

## The Pollution Prevention and Control (Fees) (Miscellaneous Amendments) (No. 2) Regulations 2016

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| *Made - - - -* | *31st October 2016* |
| *Laid before Parliament* | *3rd November 2016* |
| *Coming into force - -* | *1st December 2016* |

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 82OA(1), 82OA(2) and 104(2) of the Energy Act 2008(**1**), sections 110A(1), 110A(2) and 316(1) of the Marine and Coastal Access Act 2009(**2**) and section 56(1) and (2) of the Finance Act 1973(**3**), and with the consent of the Treasury(**4**):

### Citation and commencement

**1.** These Regulations may be cited as the Pollution Prevention and Control (Fees) (Miscellaneous Amendments) (No. 2) Regulations 2016 and come into force on 1st December 2016.

### Amendment of the Pollution Prevention and Control (Fees) (Miscellaneous Amendments and Other Provisions) Regulations 2015

**2.** The Pollution Prevention and Control (Fees) (Miscellaneous Amendments and other Provisions) Regulations 2015(**5**) are amended as follows.

(1) After regulation 5, insert—

"**Fees relating to consents to locate**

**5A.**—(1) The Secretary of State may charge fees, calculated in accordance with regulation 7, in connection with—

(**1**) 2008 c. 32; Part 4A was inserted by section 314 of the Marine and Coastal Access Act 2009 (c. 23) and section 82OA was inserted by section 76 of the Energy Act 2016 (c. 20).
(**2**) 2009 c. 23; section 110A was inserted by section 76 of the Energy Act 2016.
(**3**) 1973 c. 51; section 56(1) was amended by article 6(1)(e) of the Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043).
(**4**) The consent of the Treasury is needed to make regulations under section 56(1) of the Finance Act 1973.
(**5**) S.I. 2015/1431, amended by S.I. 2016/529.

(a) giving, refusing, varying, renewing, transferring, surrendering or revoking a consent to locate;

(b) monitoring compliance with—

(i) the requirements of Part 4A of the EA; and

(ii) a consent to locate;

(c) serving an emergency safety notice under section 82F of the EA;

(d) revoking the requirements of an emergency safety notice under section 82G(8) of the EA; and

(e) providing advice with respect to—

(i) an application or potential application for a consent to locate;

(ii) the variation, renewal, transfer, surrender or revocation of a consent to locate;

(iii) the service of an emergency safety notice under section 82F of the EA; and

(iv) the revocation of the requirements of an emergency safety notice under section 82G(8) of the EA.

(2) In this regulation—

(a) "the EA" means the Energy Act 2008; and

(b) "a consent to locate" means a consent under section 82A of the EA.".

(2) For regulation 6, substitute—

"**Fees relating to certain marine licences**

**6.**—(1) This regulation applies where the Secretary of State's functions referred to in paragraph (2) relate to oil and gas activities(**6**) for which a marine licence is needed under Part 4 of the MCAA.

(2) The Secretary of State may charge fees, calculated in accordance with regulation 7, in connection with—

(a) granting, refusing, varying, transferring, surrendering, suspending or revoking a marine licence;

(b) monitoring compliance with—

(i) the requirements of Part 4 of the MCAA; and

(ii) a marine licence;

(c) issuing or renewing a stop notice under section 102 of the MCAA, and varying or revoking a stop notice under section 103 of the MCAA;

(d) issuing an emergency safety notice under section 104 of the MCAA, and varying or revoking an emergency safety notice under section 105 of the MCAA; and

(e) providing advice with respect to—

(i) an application or potential application for a marine licence;

(ii) the variation, transfer, surrender, suspension or revocation of a marine licence;

(iii) the issue or renewal of a stop notice under section 102 of the MCAA, and the variation or revocation of a stop notice under section 103 of the MCAA; and

(**6**) See section 110A(5) and (6) of the MCAA for the definition of "oil and gas activities".