STATUTORY INSTRUMENTS

2015 No. 1431

ENVIRONMENTAL PROTECTION

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

Made - - - -	*25th June 2015*
Laid before Parliament	*30th June 2015*
Coming into force - -	*22nd July 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(**1**), section 302(1) of the Merchant Shipping Act 1995(**2**) and sections 67(2) and (3)(b) and 316(1)(a) of the Marine and Coastal Access Act 2009(**3**), and with the consent of the Treasury(**4**):

Citation and commencement

1.—(1) These Regulations may be cited as the Pollution Prevention and Control (Fees) (Miscellaneous Amendments and Other Provisions) Regulations 2015.

(2) These Regulations come into force on 22nd July 2015.

Fees relating to oil pollution emergency plans

2.—(1) This regulation applies where the Secretary of State's functions referred to in paragraph (2) relate to—

(a) oil handling facilities which are pipelines;

(b) oil handling facilities which would be offshore installations were they in offshore waters;

(c) offshore installations and their connected infrastructure in offshore waters; or

(d) well operations.

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

(**1**) 1973 c.51.
(**2**) 1995 c.21.
(**3**) 2009 c.23. The Secretary of State makes these Regulations as the appropriate licensing authority under section 113(2)(a), (4)(a), (6)(a) and (8) of the Marine and Coastal Access Act 2009.
(**4**) The consent of the Treasury is required to make regulations under section 56(1) of the Finance Act 1973 and section 302(1) of the Merchant Shipping Act 1995.

(a) considering, and approving,—

(i) an oil pollution emergency plan,

(ii) an amended oil pollution emergency plan, or

(iii) a description of amendments to be made to an oil pollution emergency plan,

submitted under regulation 4 of the OPPR Regulations;

(b) requiring a responsible person to review an oil pollution emergency plan under regulation 4(5D) of the OPPR Regulations;

(c) requiring evidence by written notice under regulation 4(9)(f) of the OPPR Regulations and considering that evidence;

(d) monitoring the implementation of an oil pollution emergency plan (or an amended plan) submitted under regulation 4 of the OPPR Regulations; and

(e) monitoring compliance with the duties in regulation 4 of the OPPR Regulations (including carrying out an inspection under regulation 8 of those Regulations).

(3) In this regulation—

"the OPPR Regulations" means the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998(**5**); and

"offshore installations", "offshore waters", "oil handling facilities", "oil pollution emergency plan", "responsible person" and "well operations" have the meanings given in the OPPR Regulations.

Fees relating to offshore installations: Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015

3.—(1) The Secretary of State may charge fees, calculated in accordance with regulation 7, in respect of—

(a) providing advice with respect to the preparation of—

(i) a safety case or a revision to a current safety case,

(ii) a design notification,

(iii) a relocation notification,

(iv) a notification of combined operations or well operations,

which is proposed to be sent to the competent authority pursuant to the 2015 Safety Case Regulations;

(b) assessing—

(i) a safety case or a revision to a current safety case,

(ii) a design notification,

(iii) a relocation notification,

(iv) a notification of combined operations or well operations,

sent to the competent authority pursuant to the 2015 Safety Case Regulations, for the purpose of deciding whether to raise matters relating to the environment and raising such matters;

(c) monitoring compliance by operators (including well operators) and owners with the duties in the 2015 Safety Case Regulations in so far as those duties relate to the environment; and

(**5**) S.I. 1998/1056, as amended by S.I. 2009/229 and S.I. 2015/386.

(d) assessing whether to grant an exemption pursuant to regulation 35 (exemptions) of the 2015 Safety Case Regulations and granting any such exemption.

(2) In this regulation—

(a) "the 2015 Safety Case Regulations" means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015(**6**); and

(b) "competent authority", "design notification", "a notification of combined operations or well operations", "operator", "owner", "relocation notification", "safety case" and "well operator" have the meanings given in the 2015 Safety Case Regulations.

Fees relating to offshore installations: Fluorinated Greenhouse Gases Regulations 2015

4.—(1) This regulation applies where the Secretary of State's functions referred to in paragraph (2) relate to—

(a) offshore installations, other than an offshore installation which is used in connection with the production of energy from water or wind; or

(b) Northern Ireland offshore installations which are used in connection with any of the activities referred to in regulation 4(4)(a) to (g) (interpretation: offshore installations) of the 2015 Regulations.

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

(a) serving a notice requiring information under regulation 24 (information notices) of the 2015 Regulations; and

(b) monitoring whether a person is meeting the requirements of—

(i) the 2015 Regulations,

(ii) the 2014 Regulation,

(iii) Commission Regulation 1494/2007,

(iv) Commission Regulation 1516/2007,

(v) Commission Regulation 303/2008,

(vi) Commission Regulation 306/2008, and

(vii) Commission Regulation 1191/2014.

(3) In this regulation—

(a) "the 2015 Regulations" means the Fluorinated Greenhouse Gases Regulations 2015(**7**); and

(b) "the 2014 Regulation", "Commission Regulation 1494/2007", "Commission Regulation 1516/2007", "Commission Regulation 303/2008", "Commission Regulation 306/2008", "Commission Regulation 1191/2014", "Northern Ireland offshore installations" and "offshore installations" have the meanings given in the 2015 Regulations.

Fees relating to certain licences under regulation 49 of the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007

5. The Secretary of State may charge fees, calculated in accordance with regulation 7, for the modification, transfer, surrender or revocation of, or for considering an application for but not granting, a licence under regulation 49 (power to grant licences) of the Offshore Marine Conservation

(**6**) S.I.2015/398.
(**7**) S.I. 2015/310.

(Natural Habitats etc.) Regulations 2007(**8**) where such a licence relates to an activity falling within the subject matter of—

(a) the Petroleum Act 1998(**9**); or

(b) Part 1 (gas importation or storage), Part 4 (provisions relating to oil and gas storage) or Part 4A (works detrimental to navigation) of the Energy Act 2008(**10**).

Fees relating to certain marine licence applications

6. Where an application for a licence under section 71 (licences) of the Marine and Coastal Access Act 2009 relates to an activity falling within the subject matter of—

(a) the Petroleum Act 1998; or

(b) Part 1 (gas importation or storage), Part 4 (provisions relating to oil and gas) or Part 4A (works detrimental to navigation) of the Energy Act 2008,

the fee which may be charged under section 67(1)(b) (applications) of the Marine and Coastal Access Act 2009 is to be calculated in accordance with regulation 7.

Calculation of fees

7.—(1) A fee referred to in regulations 2 to 6 is $(A \times B) + (C \times D)$ where—

A is the number of hours work carried out by specialist officers;

B is £167;

C is the number of hours work carried out by non-specialist officers; and

D is £72.

(2) For the purposes of paragraph (1), the number of hours work may be expressed as a fraction where—

(a) less than one hour's work has been carried out; or

(b) the total amount of time worked is more than one hour but cannot be expressed as a whole number in hours.

(3) In this regulation—

"specialist officers" means persons engaged on behalf of the Secretary of State to—

(a) carry out the functions of the Secretary of State referred to in regulations 2 to 5; and

(b) determine the applications referred to in regulation 6; and

"non-specialist officers" means any other persons engaged on behalf of the Secretary of State to provide administrative support to specialist officers.

Amendment of the Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations 1999

8. After regulation 17 (application to the court by Secretary of State) of the Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations 1999(**11**), insert—

(**8**) S.I. 2007/1842. Regulation 49 was amended by S.I. 2010/491.
(**9**) 1998 c.17.
(**10**) 2008 c.32.
(**11**) S.I. 1999/360. S.I. 1999/360 was amended by S.I. 2007/933 and S.I. 2011/1043 and has effect with modifications as a result of S.I. 2010/1513.