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| cid:image001.png@01D27AFB.3D00AC80 | **Offshore Petroleum Regulator for Environment & Decommissioning**  **Department for Energy Security & Net Zero**  AB1 Building  Crimon Place  Aberdeen AB11 1BJ  **E:** [opred@energysecurity.gov.uk](mailto:opred@energysecurity.gov.uk)  [**www.gov.uk/beis**](http://www.gov.uk/beis) |
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| **26/07/2023** |  |

**THE WORKS DETRIMENTAL TO NAVIGATION (POWERS AND DUTIES OF INSPECTORS) REGULATIONS 2018**

**Post Implementation Review Survey 2023**

Dear operator/owner

Thank you for your time in responding to our call for information. As you may be aware, OPRED is required to undertake a periodic post implementation review of the Works Detrimental to Navigation (Powers and Duties of Inspectors) Regulations 2018.

As part of this review, we are seeking information from industry about the effectiveness of the regulations and have sought to do so using the following questionnaire.

We would appreciate as comprehensive a response as possible to better inform the review but would request that responses are sent back by **6th September 2023**.

Please send responses to [opred@energysecurity.gov.uk](mailto:opred@energysecurity.gov.uk).

# Introduction

The Works Detrimental to Navigation (Powers and Duties of Inspectors) Regulations 2018 (“the 2018 Regulations”) came into effect on 27 March 2018. The 2018 Regulations confer powers on inspectors in DESNZ’s[[1]](#footnote-2) Offshore Petroleum Regulator for Environment and Decommissioning (OPRED)[[2]](#footnote-3) to check compliance by operators with the requirements of Part 4A of the Energy Act 2008, including compliance with the conditions of Consents to Locate, which are granted by OPRED under that part[[3]](#footnote-4). These include powers:

* to board/access offshore installations and vessels (“offshore facilities”) engaged in hydrocarbon-related activities on the United Kingdom Continental Shelf and in relevant UK territorial waters.
* to make examinations and investigations.
* to require persons to answer questions.
* to require the production of documents and records.
* to require persons to afford facilities and assistance to enable inspectors to exercise their powers.

The policy objective of the 2018 Regulations is to achieve a high level of compliance by operators of offshore facilities with the requirements of Part 4A of the Energy Act 2008, including compliance with conditions of Consents to Locate - in particular, by providing OPRED Inspectors with appropriate inspection, investigation, and enforcement powers.

Responses to the below questions will be used to inform an assessment of the effectiveness of the 2018 Regulations[[4]](#footnote-5).

# Demographic Questions

1. Organisation name

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2. Organisation size

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| --- | --- | --- |
| a. | < 50 employees |  |
| b. | 50-99 employees |  |
| c. | 100-249 employees |  |
| d. | 250 + employees |  |

3. Organisation type

|  |  |  |
| --- | --- | --- |
| a. | Production Installation / Vessel Operator & Well Operator |  |
| b. | Well Operator only |  |
| c. | Non-Production Installation / Vessel Owner |  |
| d. | Other |  |

If other, please specify the type of organisation you belong to

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4. How many offshore facilities does your organisation own or operate?

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5. Would you be willing to be contacted by OPRED to discuss any of your responses for purposes of clarification?

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| --- | --- |
| No |  |
| Yes |  |

If yes, contact details required (name, e-mail, phone number).

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# Effectiveness of the 2018 Regulations

The following questions are intended to inform an assessment of the effectiveness of the 2018 Regulations.

1. The Regulations have increased focus on compliance with the requirements of Part 4A of the Energy Act 2008, including compliance with the conditions of Consents to Locate which are granted by OPRED under that part.

|  |  |
| --- | --- |
| Strongly Agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly Disagree |  |

If you Disagree or Strongly Disagree, please provide supporting comments.

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1. What are the approximate average annual costs to your organisation of complying with any information or other requests from OPRED made pursuant to the 2018 Regulations, including in relation to inspections?

Feel free to indicate an approximate band rather than provide a specific figure if you would prefer.

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1. What are the main challenges faced by your organisation in complying with any information or other requests from OPRED made pursuant to the 2018 Regulations, including in relation to inspections?

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1. Have there been any unintended consequences, effects or outcomes which have come about as a result of the 2018 Regulations? If so, please set them out below:

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1. Are there any further changes you feel need to be made in relation to the implementation of the 2018 Regulations? Please give an explanation for your answer.

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1. If you have any suggestions for alternative approaches towards ensuring a high level of compliance by operators with the requirements of Part 4A of the Energy Act 2008, including the requirements of conditions of Consents to Locate, please raise them here:

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1. If you have any suggestions for alternative or additional approaches towards ensuring adequate warning is given of the presence of activities carried out at sea by oil and gas operators that are likely to result in obstruction or danger to navigation, please raise them here:

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1. Are there any other aspects relating to the 2018 Regulations that are not covered in this survey but on which you would like to raise points?

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| --- | --- |
| Yes |  |
| No |  |
|  |  |

If yes, then please raise them here:

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1. Department for Energy Security & Net Zero. [↑](#footnote-ref-2)
2. Section 82N(1) of Part 4A of the Energy Act 2008 gives the Secretary of State the power to appoint inspectors. [↑](#footnote-ref-3)
3. The granting of a Consent to Locate, in brief, allows the installation of an offshore structure or the carrying out of offshore operations, provided they are undertaken in accordance with the consent conditions. Information on the Consents to Locate regime is accessible at**:** <https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation#energy-act-2008-part-4a-consent-to-locate>. [↑](#footnote-ref-4)
4. The assessment is in relation to the effectiveness of the 2018 Regulations, rather than the requirements imposed under Part 4A of the Energy Act 2008. [↑](#footnote-ref-5)