

Red Tape Challenge Energy Theme’s proposed “scraps” and “improves”

This annex summarises the results of the formal Energy Theme Red Tape Challenge review of 349 regulations. The following measures are listed as suitable to be merged, simplified or scrapped.

Energy Efficiency

This group includes regulations that set out efficiency measures and strategy and our fuel poverty targets. This includes regulations setting out the requirement for energy suppliers to cut their carbon emissions and also requirements for local authorities to ensure that their rented housing stock meets minimum standards of energy efficiency.

The provisions apply to both private and public sector, for example:

- energy companies: setting carbon saving targets and obligation to share information
- local authorities: promotion of energy efficiency to all households
- Government: duty to reduce fuel poverty and associated grant programme.

The policy areas are in active development with most schemes being new and/or time-limited. DECC’s strong view is that current provisions need to remain stable so that evidence of their impact and effectiveness can be fed into the design of successor schemes. Assessment of current schemes is already underway and needs to continue.

The following table shows our proposals for the measures in this category:

	Keep	Improve	Scrap	Total
Energy Efficiency	16	3	10	29
	55%	10	35	100%

Improves

EN16 Home Energy Conservation Act 1995

The Home Energy Conservation Act requires all English local authorities with housing responsibilities to prepare an energy conservation report identifying practicable and cost-effective measures likely to result in significant improvement in the energy efficiency of all residential accommodation in their area; and to report on progress in implementing the

measures. DECC announced the intention to retain and revitalise HECA in the House on 10 May 2011. Following the Red Tape Challenge, DECC issued new guidance for local authorities on 26 July.

EN60 Climate Change and Sustainable Energy Act 2006
EN61 Climate Change and Sustainable Energy Act 2006 (Sources of Energy and Technologies) Order 2008

The principal purpose of this Act is to enhance the United Kingdom's contribution to combating climate change. This includes alleviating fuel poverty and securing a diverse and viable long-term energy supply. This Order amends section 26(2) of the Climate Change and Sustainable Energy Act 2006 (c.19) ("the Act"). Section 26(1) of the Act defines the term "microgeneration" for the purposes of the Act. This Order adds heat from air, water or the ground to the list of sources and technologies in section 26(2).

Most of the Act's substantive provisions have largely been overtaken by other national and European legislation, and some had already been repealed. The Act includes some definitions and some powers/enabling provisions, which we believe are still needed but we will be reviewing those sections that have not been used lately.

Scraps:

EN184 Electricity (Imported Capacity) Regulations 1990, SI 1990/265

It is likely that the regulation is no longer relevant, as there are no arrangements under any of the Non Fossil Fuel Orders for the generation of renewable electricity outside the UK.

EN204 Electricity and Gas (Energy Efficiency Obligations) Order 2004, SI 2004/3392

EN207 Electricity and Gas (Energy Efficiency Obligations) Order 2001, SI 2001/4011

EN207a Electricity and Gas (Energy Efficiency Obligations) (Amendment) Order 2003, SI 2003/1180

EN205 Electricity and Gas (Carbon Emissions Reduction) Order 2008, SI 2008/188

EN205a Electricity and Gas (Carbon Emissions Reduction) (Amendment) Order 2009, SI 2009/1904

EN205b Electricity and Gas (Carbon Emissions Reduction) (Amendment) Order 2010, SI 2010/1958

EN206 Electricity and Gas (Community Energy Saving Programme) Order 2009, SI 2009/1905

The Energy Efficiency Orders will be suitable to be scrapped, but only once all activity under the schemes has been completed, reported on and verified by the scheme administrator, Ofgem, and any enforcement activity (if needed) has similarly been completed. For the

Orders relating to the Energy Efficiency Commitment (EEC): EN204, EN207 and EN207above, this is already the case. However, the Carbon Emissions Reduction Target and Community Energy Saving Programme are still live; therefore, the four remaining Orders (above), relating to these schemes: EN205, EN 205a, EN 205b and EN 206, will not be repealed until some time in the future.

EN208f Sustainable Energy Act 2003 (5)
EN208h Sustainable Energy Act 2003 (7)

It is likely that the power in Section 5 to set a target is no longer required as the target was set in 2003; and that the power in Section 7 to transfer funds is no longer required as the power was exercised in 2004.

Gas and Electricity Supply

These regulations set out the framework for our energy markets, including generation, distribution and supply. They established Ofgem as the independent energy regulator with a principle objective of protecting consumers' interests and set out its other duties and powers.

This group covers the basic framework of economic regulation for the electricity supply and distribution industry to ensure competition, consumer protection, and also for gas insofar as the same legislation covers both fuels

The 1986 Gas Act, as subsequently amended, provides the basic post-privatisation regime for the gas distribution and supply industry, to ensure competition, safety and consumer protection. This regime includes a system of licensing and regulation by Ofgem. The Group also includes gas and electricity emergency administration rules to ensure supply continuity in the event of operator insolvency.

The following table shows our proposals for the 97 measures in this category:

	Keep	Improve	Scrap	Total
Gas and Electricity Supply	70	11	15	96
	73%	11%	16%	100%

Improves

EN160 Gas (Exempt Supplies) Act 1993
EN238 Gas (Register) Order 1988

These two regulations have been largely superseded and repealed with the remaining provisions imposing no burden on businesses. They relate to the obligation on Ofgem to

keep a public register of licences. DECC will either merge these regulations or will explore repealing them if Ofgem implement an electronic public register.

EN200 Electricity (Class Exemptions from the Requirement for a Licence) Order 2001, SI 2001/3270

EN200a Electricity (Class Exemptions from the Requirement for a Licence) (Amendment) Order 2005, SI 2005/488

EN200b Electricity (Class Exemptions from the Requirement for a Licence) (Amendment) Order 2007, SI 2007/629

The Class Order 2001 sets out a system of class licence exemptions for the generation, distribution and supply activities of mainly small scale energy providers. DECC will publish informal guidance in the form of FAQs to help improve the clarity of the Class Order.

EN220 Gas and Electricity Regulated Providers (Redress Scheme) Order 2008, SI 2008/2268

These Regulations implement Section 47 of the Consumers, Estate Agents and Redress Act 2007, which give the Secretary of State powers to make orders to require licensed gas and electricity suppliers, and licensed gas transmission and electricity distribution providers who provide a supply to domestic and micro-business customers to belong to an approved redress scheme. The redress scheme must be approved by Ofgem and, at present only the Energy Ombudsman has sought and received approval. The redress scheme also has the power to require the regulated energy provider to pay compensation to its customers, and recommend changes to the provider's existing practices and procedures.

We will explore the scope to improve implementation of this regime.

EN231a Electricity Act 1989 (Uniform Prices in the North of Scotland) Order 2005
EN232 Energy Act 2004 (Assistance for Areas with High Distribution Costs) Order 2005

There is a strong policy rationale for keeping these regulations, but the statutory review process will examine the scope for improved implementation. A consultation will be issued later this year.

EN87 Electricity and Gas Appeals (Designation and Exclusion) Order 2005, SI 2005/1646

EN88 Electricity and Gas Appeals (Designation and Exclusion) Order 2009, SI 2009/648

EN89 Electricity and Gas Appeals (Modification of Time Limits) Order 2006, SI 2006/1519

The Energy Act 2004 created a statutory right of appeal to the Competition Commission against the Gas and Electricity Markets Authority (GEMA) decisions on proposals to modify some of the codes and industry documents which have been designated by GEMA as part of

the licensing framework. The 2005 and 2009 orders designated the codes and documents to which the right of appeal applies and the circumstances in which a decision can be excluded from the right of appeal. The 2006 Order extended the timeframe for parties who have been required to pay costs to another party by the Competition Commission from 5 to 28 days.

We will consider consolidation of these regulations, either by replacing the three Statutory Instruments with one or merging them into the relevant schedule within the Energy Act 2004. This will not change existing rights to appeal against Ofgem decisions.

Scraps

EN145 Electricity and Gas (Modification of Standard Conditions of Licences) Order 2003, SI 2003/1746 (now repealed).

EN162 Gas (Extent of Domestic Supply Licences) (Amendment) Order 1996, SI 1996/3275

EN163 Gas (Extent of Domestic Supply Licences) Order 1996, SI 1996/752

EN164 Gas (Extent of Domestic Supply Licences) Order 1997, SI 1997/826

EN172 Gas Act 1986 (Exemption) Order 1997, SI 1997/2427

EN183 Gas Transit (EEC Requirements) Regulations 1992, SI 1992/1190

EN182b Gas Act 1986 (Exemption) Order 1998, SI 1998/1779

EN182c Gas Act 1986 (Exemptions) (No 1) Order 1996, SI 1996/449

EN182d Gas Act 1986 (Exemptions) (No 2) Order 1996, SI 1996/471

EN182e Gas Act 1986 (Exemptions) (No 2) Order 1999, SI 1999/3089

EN182f Gas Act 1986 (Exemptions) (No 4) (Amendment) Order 2000, SI 2000/3206

EN182g Gas Act 1986 (Exemptions) (No 4) Order 1996, SI 1996/2795

EN182h Gas Act 1986 (Exemptions) Order 1999, SI 1999/2639

The above regulations are totally redundant, and removing them will help to simplify the gas regulatory framework.

EN20 The Electricity (Register) Order 1990 (SI 1990/194)

Ofgem's e-Register is available 24 hours a day without charge so this regulation can be scrapped.

EN235a Energy Act 2010 Part 3 Section 25

As Ofgem made changes to licence conditions in 2011 to require suppliers to give consumers at least 30 days advance notice of unilateral changes, such as price rises, this legislation is no longer required.

Energy Security and Nuclear Energy

These regulations aim to ensure security of supply – that we have enough energy in the system to meet demand, and how this quantity is measured. We also included regulations in this category that cover the nuclear energy industry, setting out license conditions and safeguards and security measures relating to radioactive substances and chemical weapons.

In particular:

- Meeting UK obligations to UK/IAEA/Euratom safeguards and chemical weapons convention
- Cost recovery for the Civil Nuclear Constabulary and Office for Nuclear Regulation
- Criminal offences on nuclear materials and technology items.
- Obligations on industry to fund decommissioning costs for nuclear power stations.
- Recently-reformed regulatory regime in relation to low-level radioactive materials

The following table shows our proposals for the 72 measures in this category:

	Keep	Improve	Scrap	Total
Energy Security & Nuclear	44	18	10	72
	61%	25%	14%	100%

Improves

EN100 Atomic Energy Act 1946 and associated orders (EN210 and EN99)

The 1946 Act contains various different provisions for the development and control of atomic energy and the orders modify the application of provisions in the 1946 Act. Some provisions are still relied upon (e.g. safeguards, non-proliferation) and as such need to be retained. Some provisions may now be redundant, and as such might be candidates for removal. Our proposed action is to review the 1946 Act (including its associated orders) in detail and then decide how it might be modified or possibly repealed. A consultation on this proposal will be undertaken before any action is taken.

EN229 Petroleum Stocks Order 1976, SI 1976/2162

This Order prescribes, for the purposes of section 6 (bulk stocks of petroleum etc.) of the Energy Act 1976, the circumstances in which stocks of crude liquid petroleum and petroleum products (in the United Kingdom and elsewhere) are to be treated as a person's United Kingdom stocks

The regulation enables the UK to meet its international obligations to maintain emergency oil stocks. While the new Directive will keep obligations at broadly the same level, some technical changes could impact on the type and amount of stocks that individual companies

are required to hold. Arrangements resulting from the transposition of the EU Oil Stocking Directive, 2009/119/EC, will align the EU obligations with international methodology. A new Petroleum Stocks Order will be laid in Parliament in autumn 2012 to reflect the revised requirements. The draft is currently in preparation.

**EN 229a Petroleum Stocks (Amendment) Order 1982, SI 1982/968,
EN 229b Petroleum Stocks (Amendment) Order 1983, SI 1983/909**

SI 1982/968 amends the Petroleum Stocks Order 1976 by providing that Article 4 of that Order, as amended by the Petroleum Stocks (Amendment) Order 1980 (counting of stocks of crude liquid petroleum towards compliance with directions under section 6 of the Energy Act 1976 relating to stocks of petroleum products), ceases to have effect.

SI 1983/909 amends the 1982 regulation by providing that a person is to be treated as a substantial supplier to the United Kingdom market if subject to conditions the total quantity of petroleum products used in that period by him or his associated companies as finished products, exceeds 50,000 tonnes instead of 100,000 tonnes

These regulations enable the UK to meet its international obligations to maintain emergency oil stocks. While the new EU Oil Stocking Directive 2009/119/EC will keep obligations at broadly the same level, some technical changes could impact on the type and amount of stocks that individual companies are required to hold and these regulations will be reviewed. Arrangements resulting from the transposition of the EU directive will align the EU obligations with international methodology.

EN24a The Environmental Protection Act 1990 (Isles of Scilly) Order 2006

This Order applies the radioactive contaminated land regime (see below) to the Isles of Scilly. There are clear policy grounds for this legislation and in addition it transposes requirements under European law (the Basic Safety Standards Directive) under which the UK is required to provide a legal framework for the identification and remediation of contaminated land.

Statutory Guidance for the radioactive contaminated land regime has very recently been improved to comply with stakeholder requests and will result in greater clarity and implementation of a risk based approach.

EN25 Radioactive Contaminated Land (Enabling Powers and Modifications of Enactments)(England) (Amendment) Regulations 2010 (SI 2010/2147)

EN26 Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005

EN27 Radioactive Contaminated Land (Modification of Enactments) (England) (Amendment) Regulations 2007 (SI 2007/3245)

EN28 Radioactive Contaminated Land (Modification of Enactments) (England) (Amendment) Regulations 2008 (SI 2008/520)

EN29 Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006

The 2005 and 2006 Regulations extended (with modifications) the contaminated land regime under Part 2A of the Environmental Protection Act 1990 to land that is contaminated by virtue of radioactivity. The 2007, 2008 and 2010 Regulations made subsequent amendments to the radioactive contaminated land regime.

There are clear policy grounds for this legislation, but in any event it transposes requirements under European law (the Basic Safety Standards Directive) under which the UK is required to provide a legal framework for the identification and remediation of contaminated land.

Statutory Guidance for the radioactive contaminated land regime has very recently been improved to comply with stakeholder requests and should result in greater clarity and implementation of a risk based approach.

EN32 Radiation (Emergency Preparedness and Public Information) Regulations 2001

This regulation concerns the implementation of Council Directive 96/29/Euratom and the European Communities Act 1972 that together define the articles on intervention in cases of a radiation emergency

The legislation is required to implement European Council Directive 96/29/Euratom, and needs to remain in its current form. DECC's Strategic Framework work programme will identify ways in which implementation can be strengthened through non-regulatory arrangements.

EN72 Nuclear Industries Security Regulations 2003, SI 2003/403

EN72a Nuclear Industries Security (Amendment) Regulations 2006, SI 2006/2815

SI 2003/403 deals with security in the civil nuclear industry - requiring industry to have in place security measures approved by the Secretary of State; and prescribe certain types of fissile material as "nuclear material" for the purposes of the definition of "nuclear material" in section 76(7) of the Anti-terrorism, Crime and Security Act. .

SI 2006/2815 amends the Nuclear Industries Security Regulations 2003. The principal amendment provides that the people to whom the regulation applies must maintain appropriate security standards to minimise risk of loss, theft or unauthorised disclosure of sensitive nuclear information or uranium enrichment equipment or software.

These regulations are needed to ensure that there is a robust nuclear security regime in place in the UK. These provide for the regulation of those holding or transporting types and quantities of civil nuclear material and sensitive nuclear information. This includes setting out required security arrangements for civil nuclear sites and includes criminal sanctions for non-compliance. Although regulation in this area is important, DECC is working with the security regulator, the Office for Nuclear Regulation (Civil Nuclear Security) to ensure regulations are

enforced in a less prescriptive and more outcome-based way, in accordance with better regulation principles.

Scraps

EN228 The Fuel and Electricity (Heating) (Control) Order 1974

EN228a Fuel and Electricity (Heating) (Control) (Amendment) Order 1980, SI 1980/1013

EN36 Nuclear Installations (Increase of Operators' Limits of Liability) Order 1994, SI 1994/909

EN53 Nuclear Installations Act 1969

This is being revoked as it will be superseded by changes to the Nuclear Installations Act 1965. These changes implement amendments to the Paris and Brussels Conventions on nuclear third party liability due to be laid before Parliament later this year. Revoking the 1969 Act tidies up the statute book.

EN63 Radioactive Material (Road Transport) (Definition of Radioactive Material Order (SI 2002/1092)

EN64 Radioactive Material (Road Transport) Act 1991

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009, which are in force, were made principally under the 1974 Health and Safety at Work etc Act. The 1974 Act provides sufficient powers to ensure the safe transport of radioactive materials by road. We therefore propose to repeal the 1991 Act and the 2002 Order made under it.

EN90 Chemical Weapons (Licence Appeal Provisions) Order 1996

The Order has never been used. The Order will be scrapped and replaced with an internal appeal process in case there is an appeal in the future. This will be administered by DECC and will be cheaper and less bureaucratic to implement.

EN94 Energy Act 2004 (Designation of Companies and Designated Date) Order 2005, SI 2005/884

EN95 Energy Act 2004 (Designation of Publicly Owned Companies) Order 2007, SI 2007/3479

The Nuclear Decommissioning Authority (NDA) is a non-departmental public body created through the Energy Act 2004. Both the 2005 and 2007 Orders under the Act relate to the transfer of assets from predecessor organisations to the NDA. Now that these assets have been successfully transferred the orders are no longer needed on the statute book and can be removed.

EN96 Nuclear Industry (Finance) Act 1977

Once BNFL's remaining liabilities have been settled and the company formally wound up, the Act could be scrapped. To do so will not remove burdens on business, but will tidy up the statute book.

Onshore Infrastructure

These regulations cover the development and maintenance of power stations and onshore power generation, pipeline and overhead wire regulations. This includes regulations on the decommissioning of power stations including oil infrastructure, nuclear power stations and off-shore renewable installations.

The regulatory items in this group fall mainly into the following categories:

- primary legislation setting out the consents regime for pipe-lines, electricity generating stations, overhead lines, and off-shore renewable energy installations
- regulations setting out exemptions from the consent requirements
- regulations setting out procedures for consent applications, inquiries and hearings
- associated Environmental Impact Assessment regulations.

The following table shows our proposals for the 37 measures in this category:

	Keep	Improve	Scrap	Total
Onshore Infrastructure	23	3	11	37
	62%	8%	30%	100%

Improves

EN185 Electricity (Compulsory Wayleaves) (Hearings Procedure) Rules 1967, SI 1967/450

These Hearing Rules provide a procedural framework for determining applications from electricity network operators under paragraph 6 of Schedule 4 to the Electricity Act 1989 for compulsory wayleave rights to install or retain their overhead lines on private land where a voluntary agreement with landowners has not been possible.

These 1967 Rules are unsatisfactory in a number of respects and there have for some time been calls for them to be updated. The Government is considering options for reform of the regime and will bring forward proposals for consultation in due course.

EN67 Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007, SI 2007/1996

En68 Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999, SI 1999/1672

These Regulations implement the EU Directive 2011/92 (the Environmental Impact Assessment Directive), for gas transporter pipelines. Since 2010, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 have also applied to gas transporter pipelines in England (but not Wales or Scotland). The Infrastructure Planning regulations duplicate requirements to notify the Secretary of State and the Secretary of State's powers of determination on whether an ES is required. To avoid confusion, the 1999 regulations and 2007 amending regulations will be amended to disapply the relevant regulations in England.

Scraps

EN151 Pipe-lines (Cheshire Brine Pumping Exclusion) Order 1964

EN152 Pipe-lines (Devon and Cornwall China Clay Exclusion) Order 1963

These regulations exempt pipelines carrying brine in an area in Cheshire and pipe-lines carrying china clay in Devon and Cornwall from having to comply with the requirement for consent under the Pipe-lines Act 1962. The requirement for such consent no longer exists in England and Wales as a result of the Planning Act 2008. The regulations therefore serve no useful purpose.

EN154 Pipe-lines (Metrication) Regulations 1992, SI 1992/449

If the Pipe-lines Act 1962 (see below) is repealed, these regulations can be repealed

EN155 Pipe-lines (Notices) Regulations 1963, SI 1963/151.

The Planning Act 2008 now deals with Pipe-lines Act applications in England and Wales, although Scottish applications still require these forms. If the Pipe-lines Act 1962 is repealed the regulations can be repealed, subject to consultation with the Scottish Government.

EN156 Pipe-lines Act 1962

Most of its provisions are now redundant in England and Wales, where the consenting of new pipe-lines now falls under the Planning Act 2008. Subject to consultation with the Scottish Government as to the territorial extent of any repeal, our current view is that it should be possible to repeal the remaining provisions.

EN157 Pipe-lines Act 1962 (Repeals and Modifications) Regulations 1974, SI 1974/1986

The Regulations could be repealed for England and Wales if the Pipe-lines Act 1962 is repealed.

EN56 Gas Act 1965

The underground storage provisions remain in force, but have been very little used: in fact, it appears that only two storage facilities have been authorised under them since 1965, both in the last decade. However the Act continues to apply in full in Scotland. Subject to discussion with the devolved administrations in Wales and Scotland concerning devolution issues, we intend to consult on repeal of the Act in its entirety.

EN69 Gas (Underground Storage) (Inquiries Procedure) Rules 1966, SI 1966/1375

Since 1 March 2010, applications for underground gas storage facilities in England and Wales above certain thresholds must be made instead under the Planning Act 2008, which has its own procedural rules for inquiries. The Rules are therefore of no practical use in England and Wales.

EN101c Section 14 (2 & 3) of the Energy Act 1976

EN146 Electricity Generating Stations (Fuel Control) Order 1987, SI 1987/2175

EN147 Electricity Generating Stations (Gas Contracts) Order 1995, SI 1995/2450

Section 14 of the Energy Act 1976 implemented two EU Directives: Council Directive 75/404/EEC of 13 February 1975 concerning the restriction of the use of natural gas in power stations and Council Directive 75/405/EEC of 14 April 1975 concerning the restriction of the use of petroleum products in power stations. The directives were a response to the oil crisis of the 1970s. When the supply of gas and oil changed, they were revoked in 1991 and 1997 respectively. With the improvement in the oil and gas markets – and the repeal of the directives – the policy objectives underlying section 14 no longer existed. In addition, since 1 March 2000, generating stations of 50MW or greater to be consented under the Planning Act 2008 are exempted from the requirements of section 14. Section 14 therefore no longer has any practical application.

The Fuel Control Order exempts generating stations of less than 10 MW from the provisions of section 14(1) and the Gas Contracts Order exempts contracts of less than 12 months from the provisions of section 14(2). Without section 14 of the Energy Act 1976 they have no practical application.

Offshore Infrastructure

This category includes regulations on the exploration and exploitation of important offshore resources such as petroleum and gas, and related activities including decommissioning.

Emerging industries such as carbon capture and unloading of liquid gas at sea are also covered. They fall into three main categories:

- provisions to secure UK rights to exploit offshore resources as granted by international treaty and agreement; also to determine civil and criminal jurisdiction over the same areas
- regulations to provide powers over and define procedures of licensing systems for the petroleum, gas, pipeline and carbon storage industries offshore, including provision of model clauses for consents
- measures to update offshore pipeline Regulations in line with recent legislative changes.

The following table shows our proposals for the 51 measures in this category:

	Keep	Improve	Scrap	Total
Offshore Infrastructure	32	16	3	51
	63%	31%	6%	100%

Improves

EN246 Petroleum (Production) (Seaward Areas) Regulations 1988

EN246a Petroleum (Production) (Seaward Areas) (Amendment) Regulations 1992

EN246b Petroleum (Production) (Seaward Areas) (Amendment) Regulations 1995

EN246c Petroleum (Production) (Seaward Areas) (Amendment) Regulations 1996

EN246d The Petroleum Licensing (Amendment) Regulations 2009

EN246f Petroleum (Production) (Landward Areas) Regulations 1995

These regulations set out the requirements which applicants for petroleum licences should comply with, some of which transpose an EU Directive (the Hydrocarbons Licensing Directive). Our proposal is that they are consolidated to bring the statute book up to date and reduce the scope for confusion. There will also be a new web based process to make applications easier.

EN247 Petroleum Act 1998 (Parts 1 to 3 Only)

Part 1 of the Act vests rights to oil and gas within the UK and on the UK's Continental Shelf in the Crown, and gives the Secretary of State rights to grant exclusive licences to explore for and exploit these resources.

The Act at present requires the Secretary of State to lay regulations setting out model clauses for licences, and the application fee, as well as the application procedure. The last of these is still needed, because certain aspects of the application procedure are specified by an EU Directive. Improvements in respect of such applications are covered above.

Model clauses and the application fee need not be specified in regulations. Instead, they could be set out on the website and updated as needed; this would follow the approach adopted in the new licensing regime for methane and carbon dioxide storage in Chapter 3 of the Energy Act 2008. Primary legislation would be needed to amend the Petroleum Act 1998

in order to deliver these changes. These changes would offer greater flexibility for DECC, and enable us to serve industry needs with greater speed.

EN255 Offshore Chemicals Regulations 2002, SI 2002/1355
EN256 Offshore Chemicals (Amendment) Regulations 2011

These Regulations are made under section 2 of the Pollution Prevention and Control Act 1999. They establish a regime for the purpose of implementing the United Kingdom's obligations under the Convention for the Protection of the Marine Environment of the Northeast Atlantic.

The amendment regulations were introduced to correct deficiencies in the original regulations, to improve the clarity of the regulations including, in particular, the reporting requirements and offences.

These regulations provide important controls over the offshore oil and gas industry's chemical use and discharge. DECC have identified improvements in the way in which these regulations are implemented and are already working on streamlining the application and reporting requirements to make further use of its highly successful electronic portal system. This will improve functionality for operators and simplify procedures to improve efficiency for both industry and the department, but will not have any impact on the level of environmental protection.

EN257 Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001, SI 2001/1091
EN258 Offshore Combustion Installations (Prevention and Control of Pollution) (Amendment) Regulations 2007, SI 2007/938

These Regulations are made under section 2 of the Pollution Prevention and Control Act 1999. They establish a pollution control regime for the purpose of implementing the Integrated Pollution Prevention and Control Directive (Council Directive 96/61 EC) and provide important controls over the offshore oil and gas industry's atmospheric emissions.

The amendment regulations were introduced to implement the obligations of the Public Participation Directive 2003/35/EC, to correct deficiencies in the original regulations, and to improve the clarity of the regulations including, in particular, the reporting requirements and offences.

DECC have identified improvements in the way in which these Regulations are implemented and are working on plans to streamline some of the application and reporting requirements to make further use of its highly successful electronic portal system, following completion of the current enhancement work on the application processes relating to impacts in the marine environment. This will improve functionality for operators and simplify procedures to improve efficiency for both industry and the department, but will not have any impact on the level of environmental protection.

Opportunities for simplification and streamlining will also be taken forward during the process of transposing the new EU Industrial Emissions Directive (IED) by Jan 2013, which will

replace the Integrated Pollution Prevention and Control Directive and related DECC regulations.

EN260 Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001
EN261 Offshore Petroleum Activities (Conservation of Habitats) (Amendment) Regulations 2007

These Regulations apply the Habitats Directive (Article 6) and the Birds Directive in relation to offshore oil and gas plans and projects. The regulations:

- introduce a requirement that geological surveys and drilling of shallow boreholes must have prior written consent of the Secretary of State;
- give responsibility to the SoS for Energy to ensure that UK Continental Shelf oil and gas activities are carried out in line with the requirements of the Directives, which afford protection for marine species and habitats e.g. seabirds, whales and dolphins, seals, reefs, sandbanks etc.

The amendment regulations were introduced to correct a deficiency in the original regulations by extending the controls to territorial waters and the trial of geological survey equipment.

The Government is currently reviewing the way these, and related Defra conservation regulation, requirements could be simplified, and DECC have separately identified improvements in the way in which their regulations are implemented. It is already working on plans to streamline some of the application and reporting requirements to make further use of its successful electronic portal system. This will improve functionality for operators and simplify procedures to improve efficiency for both industry and the department, but will not have any impact on the level of environmental protection.

EN262 Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005, SI 2005/2055
EN263 Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Amendment) Regulations 2011

These Regulations replaced the system of exemptions under the Prevention of Oil Pollution Act 1971, providing important controls requiring the permitting of discharges of oil and other hydrocarbons to the marine environment from offshore installations and pipelines.

The amendment regulations were introduced to correct a deficiency in the original regulations, to improve the clarity of the regulations including, in particular, the reporting requirements and offences.

Again, DECC have identified improvements in the way in which these Regulation are implemented which will improve functionality and simplify procedures, and are already working on streamlining the application and reporting requirements to make further use of its highly successful electronic portal system. This will not have any impact on the level of environmental protection.

EN46a Energy Act 2008 - Part 1, Chapters 1 & 2 (1-16)

This section of the Energy Act 2008 covers primary powers for offshore methane gas storage and unloading

We propose that we keep the main elements of the Legislation but make an improvement to Section 2 (3) (a) which prohibits the use of an offshore installation for the unloading of gas without a licence. The legislation's intention is to create a streamlined consenting regime for the construction and operation of such an installation. However, the legislation has unintentionally meant that a third Party (Party X) wishing to unload their gas (under a contractual agreement) at an installation owned and licensed to another Party (Party Y) would be required to be covered by a licence. This is unnecessary bureaucracy on Party X. We are recommending that the legislation be amended so that only Party Y is required to hold such a licence.

Scraps

EN101 Submarine Pipe-lines (Electricity Generating Stations) Regulations 1981, SI 1981/750

Now superseded by the Petroleum Act 1998 (Specified Pipelines) Order 2011 which clarifies which type of pipelines to which the Act now relates. Pipe-lines for the conveyance of water to and from electricity generating stations, together with ancillary pipe-lines for the purpose of chlorinating the water, are now automatically excluded. This regulation therefore serves no purpose.

EN101a Section 9 of the Energy Act 1976 (Liquefaction of offshore natural gas)

This provision requires the Secretary of State's consent for offshore natural gas to be subjected in Great Britain to any process of liquefaction which results in the production of liquid methane or ethane. The original policy intent of the provision is not known with certainty, but was probably intended to support the gas market control objectives of the Government of the day. It is no longer needed.

EN102 Submarine Pipelines (Designated Owners) Order 2010

This Order is now wholly irrelevant, as the companies designated as the owners of the pipeline have ceased to own it, and the requirement to make such designations has been removed by the Energy Act 2011.

Coal Industry and Miner Welfare

Regulations included in this category include provisions to:

- denationalise and reorganise the coal industry, including establishment of the Coal Authority;
- manage the residual state involvement in the welfare, redundancy and pensions of former employees of the nationalised coal industry
- support the ongoing regulation of the current coal mining industry to limit harmful effects (eg from opencast workings) and to mediate the rights of the parties affected (eg by subsidence)

The following table shows our proposals for the 64 measures in this category:

	Keep	Improve	Scrap	Total
Coal Industry	27	0	37	64
	42%		58%	100%

Scraps

EN109 Coal and Other Mines (Horses) Order 1956

EN267 Coal Industry (Superannuation Scheme) (Winding Up, No 1) Regulations 1949

EN 268 Coal Industry (Superannuation Scheme) (Winding Up, No 10) Regulations 1956

EN269 Coal Industry (Superannuation Scheme) (Winding Up, No 11) Regulations 1957

EN270 Coal Industry (Superannuation Scheme) (Winding Up, No 2) Regulations 1951

EN271 Coal Industry (Superannuation Scheme) (Winding Up, No 3) Regulations 1951

EN272 Coal Industry (Superannuation Scheme) (Winding Up, No 4) Regulations 1952

EN273 Coal Industry (Superannuation Scheme) (Winding Up, No 5) Regulations 1953

EN274 Coal Industry (Superannuation Scheme) (Winding Up, No 6) Regulations 1954

EN275 Coal Industry (Superannuation Scheme) (Winding Up, No 7) Regulations 1954

EN276 Coal Industry (Superannuation Scheme) (Winding Up, No 8) Regulations 1955

EN277 Coal Industry (Superannuation Scheme) (Winding Up, No 9) Regulations 1955

EN140 Redundant Mineworkers (Payments Scheme) Order 1968, SI 1968/987

EN140b Redundant Mineworkers (Payments Scheme) (Amendment) Order 1971, SI 1971/553

EN140a Redundant Mineworkers (Payments Scheme) Order 1972, SI 1972/335

EN141 Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1973 (SI 1973/1268)

EN141a Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1975, SI 1975/545

EN141b Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1976, SI 1976/495

EN141c Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1977, SI 1977/524

EN140d Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1978, SI 1978/415

EN141d Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1979, SI 1979/385

EN141e Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1980, SI 1980/434
EN141f Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment No 2) Order 1980, SI 1980/835
EN141g Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment No 3) Order 1980, SI 1980/1984
EN141h Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1981, SI 1981/482
EN141i Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1982, SI 1982/407
EN140c Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1985, SI 1985/1288
EN140e Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1987, SI 1987/1258
EN140f Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1988, SI 1988/1252
EN140g Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1988, SI 1989/1201
EN40h Redundant Mineworkers (Payments Schemes) (Amendment and Consolidation) Order 1996, SI 1996/1288
EN126 Miners' Welfare Act 1952 (Transfer of Functions of Coal Industry Social Welfare Organisation) Order 1995, SI 1995/855
EN 115 Coal Industry Nationalisation (Variation of Trusts) (Miners' Welfare National Scholarship Endowment Fund) Order 1955, SI 1955/1061
EN 141k Coal Industry Nationalisation (Variation of Trusts) (Miners' Welfare National Students Exhibitions Fund) Order 1955, SI 1955/1062
EN110 Coal Industry (Limit on Payments in respect of Redundant Mineworkers) Order 1986
EN130 Mining Industry Act 1920
EN131 Mining Industry Act 1926

We are removing residual historical coal related legislation which has been superseded by more up-to-date regulations. Key examples of this are the residual clauses in the Mining Industry Acts of 1920 and 1926. The current Mining regime is set by the 1994 Coal Industry Act. None of these changes impact on the safety regime for coal mining.

We are removing a series of regulations that were required to manage the downsizing of the nationalised coal industry over a number of years which have served their purpose and are no longer needed related to redundancy payments etc. These have no purpose now and there is no impact on those that received such payments.

None of the regulations being scrapped have any impact on the benefits paid to former coal miners that worked in the nationalised industry from 1947 to 1994 and all existing entitlements under the National Concessionary Fuel Scheme (including the provision of cash in lieu payments or solid fuel) will continue as now.