



Department for
Business, Energy
& Industrial Strategy

The Offshore Chemicals and Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Coronavirus) (Amendment) Regulations 2020

Consultation on proposed amendments to the Offshore Chemicals Regulations 2002 and Offshore Petroleum Activities (Oil and Pollution Prevention and Control) Regulations 2005

Closing date: 6 August 2020



OGL

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Any enquiries regarding this publication should be sent to us at: enquiries@beis.gov.uk

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Introduction

We are proceeding with this consultation at this time to introduce provisions to the Offshore Chemicals Regulations 2002 and the Offshore Petroleum Activities (Oil and Pollution Prevention and Control) Regulations 2005 to exempt offshore oil and gas operators from the requirement to make relevant documents available for public inspection at an address within the United Kingdom. This amendment is necessary due to the restriction on movement and social distancing that have been put in place to respond to the coronavirus pandemic.

For further information on BEIS / Offshore Petroleum Regulator for Environment and Decommissioning's COVID-19 response in relation to the offshore oil and gas sector please refer to the COVID-19 Update Notices at: <https://www.gov.uk/government/publications/oil-and-gas-opred-communications>.

General information

Why we are consulting

This consultation invites comments on the proposed amendments to the Offshore Chemicals Regulations 2002 and the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 which would address the issue of offshore oil and gas operators being unable to have relevant documents available for inspection at a UK address as a result of coronavirus restrictions.

Consultation details

Issued: 23 July 2020

Respond by: 6 August 2020

Enquiries to: David.MacDonald@beis.gov.uk (Tel: 01224 254008)/
Mark.Shields@beis.gov.uk (Tel:01224 254101)

Please do not send enquiries or responses to the department by post during the coronavirus (COVID-19) lockdown period, as we will not be able to access them.

Consultation reference: The Offshore Chemicals and Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Coronavirus) (Amendment) Regulations 2020

Audiences: The Environment Agency, the Natural Resources Body for Wales, the Scottish Environment Protection Agency, Marine Scotland, the Centre for Environment, Fisheries and Science, Oil and Gas UK, General Public.

The Offshore Chemicals and the Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Coronavirus) (Amendment) Regulations 2020

Territorial extent: The territorial waters adjacent to any part of the United Kingdom, excluding those areas comprised of Scottish controlled waters and Welsh controlled waters¹, and the sea in any designated area within the meaning of the Continental Shelf Act 1964.

How to respond

We encourage responses to be submitted by email.

Respond online at: <https://beisgovuk.citizenspace.com/energy-development/oil-gas-operators-document-requirement>

or

Email to: David.MacDonald@beis.gov.uk / Mark.Shields@beis.gov.uk

Please do not send responses by post to the Department during the coronavirus (COVID-19) lockdown period, as we will not be able to access them.

When responding, please state whether you are responding as an individual or representing the views of an organisation.

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

Confidentiality and data protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential please tell us but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded as a confidentiality request.

We will process your personal data in accordance with all applicable data protection laws. See our [privacy policy](#).

Quality assurance

This consultation has been carried out in accordance with the government's [consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email: beis.bru@beis.gov.uk.

¹ Scottish controlled waters and Welsh controlled waters are those parts of the territorial waters that extend seaward for three miles from the baselines.

Background

What is the purpose of the Regulations?

The Offshore Chemical Regulations 2002 (“OCR”) implements OSPAR Decision 2000/2 on a Harmonised Mandatory Control System for the use and reduction of the discharge of offshore chemicals (as amended by OSPAR Decision 2005/1). OCR sets out chemical permit requirements for the use and discharge of chemicals in connection with offshore petroleum activities and offshore storage and unloading activities.

The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (“OPPC”) implements OSPAR Recommendation 2001/1 for the Management of Produced Water from Offshore Installations (as amended by OSPAR Recommendation 2006/4 and OSPAR Recommendation 2011/8). These regulations prohibit the discharge of oil to sea from offshore oil and gas installations other than in accordance with the terms and conditions of a permit.

Regulation 7 of the OCR and regulation 5A of the OPPC set out requirements in relation to making relevant documents available for public inspection at a specified address within the United Kingdom. Under the OCR, the relevant documents would be the chemical permit application, required as part of the approval process for the relevant offshore oil and gas activities. Under the OPPC, the relevant documents would be the oil discharge permit application required as part of the approval process for the relevant offshore oil and gas activities.

Why are the amendments being introduced?

The OCR and OPPC require offshore oil and gas operators to make relevant documents publicly available at a UK address of the operator’s choice. Due to current government restrictions in response to the coronavirus outbreak, some operator’s offices are closed and consequently cannot be used to make the relevant documents available for inspection. In addition, the public would be unable to inspect or obtain such documents if they were available at the operator’s offices, due to restrictions on travel.

The OCR and OPPC will be amended by these regulations, for a period of 12 months from the date upon which the regulations come into force, so that, where public inspection at a specified UK address is not reasonably practicable due to the imposition of movement restrictions due to coronavirus, an applicant for a permit is not required to make the relevant documents available for public inspection but instead ensure that the application is available on a public website.

The regulations also clarify that while these restrictions are ongoing, the applicants do not need to make the relevant documents obtainable in person. Instead they are required to make them available upon request by post free of charge or electronically.

The proposals

New regulation 7A of the Offshore Chemical Regulations 2002

Public Inspection

The proposed regulations will insert regulation 7A into the OCR to modify the requirements in regulation 7 - to apply only 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. The modifications will remove the requirement to make documents available for inspection or to be obtained at a specified UK address. People will be able to obtain copies of the relevant document by post or electronically and a copy of the document must be available on a publicly-accessible website.

Question 1

Do you have any comments on the proposed insertion of new regulation 7A of the Offshore Chemical Regulations 2002?

New regulation 5B of the Offshore Petroleum Activities (Oil and Pollution Prevention and Control) Regulations 2005

Public Inspection

The proposed regulations will insert regulation 5B into the OPPC to modify the requirements of regulation 5A - to apply only 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. The modifications will remove the requirement to make documents available for inspection or to be obtained at a specified UK address. People will be able to obtain copies of the relevant document by post free of charge or electronically and a copy of the document must be available on a publicly-accessible website.

Question 2

Do you have any comments on the proposed insertion of the new regulation 5B of the Offshore Petroleum Activities (Oil and Pollution Prevention and Control) Regulations 2005?

Assessing Impacts

The impact for offshore oil and gas operators who have made or intend to make an application that will require public inspection under the OCR and OPPC whilst coronavirus restrictions apply, is to give them the ability to continue the application process without contravening the current requirement to allow for public inspection or collection of the relevant documents at a UK address. An alternative means for public inspection must be provided by the applicant including providing copies of the relevant documents by post free of charge or electronically and a copy of the document must be made available on a publicly-accessible website.

There is no, or no significant, impact on the public sector.

An Impact Assessment has not been prepared for this instrument because the SI has temporary effect, relates to maintenance or existing regulatory standards, and will have minimal cost impact on business.

The amendments made by this legislation only apply for the period in which the effects of the coronavirus mean that public inspection or collection of documents at a specified UK address is not reasonably practicable. The amendments will cease to apply 12 months after the regulations come into force.

Consultation questions

1. Do you have any comments on the proposed insertion of new regulation 7A of the Offshore Chemical Regulations 2002?
2. Do you have any comments on the proposed insertion of the new regulation 5B of the Offshore Petroleum Activities (Oil and Pollution Prevention and Control) Regulations 2005?

Next steps

This consultation will close on 6 August 2020, after which responses will be analysed and a government response published as soon as possible on [GOV.UK](https://www.gov.uk) - subject to developments with regard to the coronavirus (COVID-19). We will consider any changes to the draft Offshore Chemicals and Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Coronavirus) (Amendment) Regulations 2020 that may be suggested in stakeholders' responses to the consultation and, if necessary, appropriately revise the proposed Regulations.

Once the government response has been published we will circulate a notification to all stakeholders who were invited to respond to the consultation. Following the government response, we will proceed to lay the regulations before Parliament so that they can enter into force.

This consultation is available from: www.gov.uk/government/consultations/offshore-chemical-regulations-and-oil-pollution-prevention-and-control-regulations-covid-19-related-amendments-exempting-documents-from-being-made-pu

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