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STATUTORY INSTRUMENTS

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**2016 No. 920 (C. 66)**

**ENERGY**

**The Energy Act 2016 (Commencement No. 2  
and Transitional Provisions) Regulations 2016**

*Made - - - - 7th September 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 84(3) and (4) of the Energy Act 2016<sup>(1)</sup>.

**Citation**

1. These Regulations may be cited as the Energy Act 2016 (Commencement No. 2 and Transitional Provisions) Regulations 2016.

**Provisions coming into force on 1st October 2016**

2. The following provisions of the Energy Act 2016 come into force on 1st October 2016, so far as not already in force —

- (a) Part 1 (the OGA) and Schedule 1 (transfer of functions to the OGA),
- (b) Part 2 (further functions of the OGA relating to offshore petroleum), except sections 30 to 36 (information and samples plans, power to require information and samples, coordinators and related appeals), and
- (c) Part 3 (infrastructure and information) and Schedule 2 (abandonment of offshore installations).

**Transitional Provisions**

3. From 1st October 2016, the Oil and Gas Authority (Levy) Regulations 2016<sup>(2)</sup> have effect as if—

- (a) the Regulations were made under sections 13, 14 and 82 of the Energy Act 2016,
- (b) any amount payable to the Secretary of State under those Regulations which has not been paid before 1st October 2016 is payable to the OGA<sup>(3)</sup>, and

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(1) 2016 c. 20.

(2) S.I. 2016/318.

(3) The OGA is defined as the Oil and Gas Authority in section 1(4) of the Energy Act 2016.

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- (c) any amount payable by the Secretary of State under those Regulations which has not been paid before 1st October 2016 is payable by the OGA.

7th September 2016

*Neville-Rolfe*  
Minister of State  
Department for Business, Energy and Industrial  
Strategy

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations bring into force specified provisions of the Energy Act 2016 (c. 20) (“the Act”). These are the second commencement regulations made under the Act.

These Regulations commence the majority of the provisions under the Act relevant to formally establishing the Oil and Gas Authority (“the OGA”) as an independent regulator, transferring existing regulatory powers and functions from the Secretary of State to the OGA and vesting the OGA with the additional powers set out in the Act.

Regulation 2 commences all provisions of the Act that relate to the OGA on 1st October 2016, so far as not already in force and excepting sections 30 to 36. Sections 30 to 36 relate to information and samples plans, the power of the OGA to require information and samples, the role of information and samples coordinators, and appeals against OGA decisions on information and samples plans. Regulation 2 also commences provisions in Part 3 which relate to oil and gas infrastructure and information.

Parts 4, 5 and 6 of the Act have already been brought into force by section 84 of the Act and the Energy Act 2016 (Commencement No. 1 and Savings Provisions) Regulations 2016 (S.I. 2016/602 (C. 43)), which were amended by the Energy Act 2016 (Commencement No. 1 and Savings Provisions) (Amendment) Regulations 2016 (S.I. 2016/710 (C. 50)).

Regulation 3 provides that the Oil and Gas Authority (Levy) Regulations 2016 (S.I. 2016/318) have effect as if made under the powers set out at sections 13, 14 and 82 of the Act, with any outstanding amounts payable to or by the Secretary of State under those Regulations being payable to or by the OGA. Sections 13, 14 and 82 of the Act relate to the Secretary of State’s power to provide for a levy to be imposed on licence holders by regulations.

An impact assessment of the effect that the Act will have on the costs of business and the voluntary sector has been produced, and a copy is available at [www.legislation.gov.uk](http://www.legislation.gov.uk). No separate impact assessment has been produced for this instrument.

## NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

*(This note is not part of the Regulations)*

The following provisions of the Act have been brought into force by commencement regulations made before the date of these Regulations:

| <i>Provision</i>                    | <i>Date of Commencement</i> | <i>S.I. No.</i>  |
|-------------------------------------|-----------------------------|------------------|
| Subsections (1) to (3) of section 1 | 12th July 2016              | 2016/602 (C. 43) |
| Subsection (4) of section 1         | 24th May 2016               | 2016/602 (C. 43) |
| Subsections (2) to (6) of section 2 | 24th May 2016               | 2016/602 (C. 43) |
| Section 3                           | 12th July 2016              | 2016/602 (C. 43) |
| Section 4                           | 12th July 2016              | 2016/602 (C. 43) |
| Section 5                           | 12th July 2016              | 2016/602 (C. 43) |
| Section 13                          | 12th July 2016              | 2016/602 (C. 43) |

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| <i>Provision</i>                      | <i>Date of Commencement</i> | <i>S.I. No.</i>  |
|---------------------------------------|-----------------------------|------------------|
| Section 14                            | 12th July 2016              | 2016/602 (C. 43) |
| Subsections (3) and (4) of section 66 | 24th May 2016               | 2016/602 (C. 43) |
| Section 78                            | 12th July 2016              | 2016/602 (C. 43) |