Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.



Number 4 *of* 2010

PETROLEUM (EXPLORATION AND EXTRACTION) SAFETY ACT 2010

REVISED

Updated to 9 January 2023

This Revised Act is an administrative consolidation of the *Petroleum (Exploration and Extraction) Safety Act 2010*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, and all statutory instruments up to and including *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 4 *of* 2010

PETROLEUM (EXPLORATION AND EXTRACTION) SAFETY ACT 2010

REVISED

Updated to 9 January 2023

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement.
2. Interpretation.
3. Regulation of petroleum activities.
4. Amendment of Schedule 1 to Act of 1999.

ACTS REFERRED TO

Continental Shelf Act 1968	1968, No. 14
Electricity Regulation Act 1999	1999, No. 23
Foreshore Act 1933	1933, No. 12
Gas Act 1976	1976, No. 30
Petroleum and Other Minerals Development Act 1960	1960, No. 7
Sea-Fisheries and Maritime Jurisdiction Act 2006	2006, No. 8

Number 4 *of* 2010

PETROLEUM (EXPLORATION AND EXTRACTION) SAFETY ACT 2010

REVISED

Updated to 9 January 2023

AN ACT TO AMEND THE ELECTRICITY REGULATION ACT 1999; TO CONFER FUNCTIONS ON THE COMMISSION FOR ENERGY REGULATION IN RESPECT OF THE REGULATION OF CERTAIN PETROLEUM ACTIVITIES OF PETROLEUM UNDERTAKINGS WITH REGARD TO SAFETY; TO MAKE CONSEQUENTIAL AMENDMENTS TO CERTAIN OTHER ACTS AND TO PROVIDE FOR RELATED MATTERS.

[3*rd April*, 2010]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Application of Act affected (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), regs. 42(22), 46(3), 63(2) and sch. 2, in effect as per reg. 1(3).

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites

42. ...

(22) Notwithstanding any provision of any statute listed in the *Second Schedule* that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies.

...

Review of existing plans

46. ...

(3) For the purposes of this Regulation, a decision, including a decision to adopt or undertake, or give approval for a plan, may include those adopted, undertaken or approved pursuant to any of the enactments set out in the Second Schedule to these Regulations.

...

General provisions regarding licences etc

63. ...

(2) A licence, consent, permission, permit, derogation or other authorisation given under these Regulations or under any of the enactments referred to in the *Second Schedule* may include conditions requiring compliance with any guideline or code of practice issued under *Regulation 71* or such provisions thereof as may be specified in the conditions.

...

SECOND SCHEDULE

Number	Year	Short Title/Citation
... 4 ...	2010	Petroleum (Exploration & Extraction) Safety Act 2010

Short title and commencement.

1.— (1) This Act may be cited as the Petroleum (Exploration and Extraction) Safety Act 2010.

(2) This Act comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (18.12.2013) by *Petroleum (Exploration and Extraction) Safety Act 2010 (Remaining Provisions)(Commencement) Order 2013* (S.I. No. 500 of 2013).

2.— The 18th day of December 2013 is appointed as the day on which the Petroleum (Exploration and Extraction) Safety Act 2010 (No. 4 of 2010), insofar as it is not already in operation, comes into operation.

E2 Power pursuant to section exercised (1.01.2013) by *Petroleum (Exploration and Extraction) Safety Act 2010 (Commencement of Certain Provisions) Order 2012* (S.I. No. 471 of 2012).

2. The 1st day of January 2013 is appointed as the day on which section 3 (d) of the Petroleum (Exploration and Extraction) Safety Act 2010 (No. 4 of 2010), in so far as it relates to the insertion of sections 13D and 13L into the Electricity Regulation Act 1999 (No. 23 of 1999), comes into operation.

E3 Power pursuant to section exercised (23.07.2010) by *Petroleum (Exploration and Extraction) Safety Act 2010 (Commencement of Certain Provisions) (No. 2) Order 2010* (S.I. No. 367 of 2010).

2.— The 23rd day of July 2010 is appointed as the day on which the following provisions of section 3 of the Petroleum (Exploration and Extraction) Safety Act 2010 (No. 4 of 2010) come into operation:

(*a*) section 3(*a*),

(*b*) section 3(*c*),

(*c*) section 3(*d*), except in so far as it relates to the following provisions of Part IIA of the Electricity Regulation Act 1999 (No. 23 of 1999), namely, sections 13D to 13F, 13I and 13J and sections 13L to 13AD.

E4 Power pursuant to section exercised (22.05.2010) by *Petroleum (Exploration and Extraction) Safety Act 2010 (Commencement of Certain Provisions) Order 2010* (S.I. No. 227 of 2010).

2.— The 22nd day of May 2010 is appointed as the day on which sections 1, 2 and 4 together with sections 13A, 13B, 13C, 13G, 13H and 13K inserted by section 3 of the Petroleum (Exploration and Extraction) Safety Act 2010 (No. 4 of 2010) come into operation.

Interpretation.

2.— In this Act—

"Act of 1999" means the Electricity Regulation Act 1999;

"Commission" means the Commission for Energy Regulation;

"Minister" means the Minister for Communications, Energy and Natural Resources.

Regulation of petroleum activities.

3.— The Act of 1999 is amended—

(*a*) in section 2(1) by inserting the following definition after the definition of "natural gas undertaking":

" 'petroleum undertaking' has the meaning given to it by section 13A(1);",

(*b*) in section 6 by inserting the following after subsection (2):

"(3) Proceedings for an offence under Part IIA of this Act committed in any part of—

(*a*) the licensed area (within the meaning of section 13A) to which subparagraph (i) or (ii), or both, of paragraph (*a*) of the definition of 'licensed area' relates, or

(*b*) a designated area,

may be taken, and the offence may for all incidental purposes be treated, as having been committed in any place in the State.",

(*c*) F1**[**...**]**

(*d*) by inserting the following Part after Part II:

"PART IIA

REGULATION OF PETROLEUM ACTIVITIES

Interpretation (Part IIA).

13A.— (1) In this Part—

'Act of 1960' means the Petroleum and Other Minerals Development Act 1960;

'Act of 1968' means the Continental Shelf Act 1968;

'Act of 1976' means the Gas Act 1976;

'approved safety case' means a safety case in respect of a designated petroleum activity or activities which has been approved by the Commission pursuant to the provisions of this Part and includes any revision made to a safety case which—

(*a*) may take effect without prior approval of the Commission, or

(*b*) has been approved by the Commission;

'Court' means the High Court;

'decommissioning', in relation to petroleum infrastructure, means taking the facility, structure or installation or any part of such facility, structure or installation permanently out of use with a view to its abandonment *in situ* or removal;

'designated area' means an area designated by order under section 2 of the Act of 1968;

'designated petroleum activity' means a petroleum activity which is designated by regulations under section 13D as a petroleum activity which requires a safety permit under section 13P;

'established petroleum activity' means—

(*a*) a petroleum activity which, immediately before the coming into operation of this section is being carried on by a petroleum undertaking,

(*b*) is a designated petroleum activity for the purposes of this Part, and

(*c*) continues to be carried on after the coming into operation of this section by a petroleum undertaking;

'foreshore' has the same meaning as in section 1 of the Foreshore Act 1933;

'internal waters of the State' and 'territorial seas of the State' have the meanings assigned to them by Part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006;

'licensed area' means the whole or any part of—

(*a*) the State, including—

(i) the internal waters of the State, and

(ii) the territorial seas of the State,

and

(*b*) a designated area,

in respect of which a petroleum authorisation is in force;

'petroleum' includes—

(*a*) any mineral oil or relative hydrocarbon and natural gas and other liquid or gaseous hydrocarbons and their derivatives or constituent substances existing in its natural condition in strata (including, without limitation, distillate, condensate, casinghead gasoline and other substances that are ordinarily produced from oil and gas wells), and

(*b*) any other substance contained in oil and natural gas brought to the surface with them in the normal process of extraction,

but does not include coal and bituminous shales and other stratified deposits from which oil can be extracted by distillation;

'petroleum authorisation' means any one or more of the following—

(*a*) an exploration licence granted under section 8 of the Act of 1960,

(*b*) a petroleum prospecting licence granted under section 9 of the Act of 1960,

(*c*) a reserved area licence granted under section 19 of the Act of 1960,

(*d*) a lease option granted under section 10 of the Act of 1960,

(*e*) a petroleum lease granted under section 13 of the Act of 1960,

(*f*) a consent granted under section 5 of the Act of 1968,

(*g*) a consent given under section 40 of the Act of 1976;

'petroleum incident' means an event or occurrence in, at or in the precincts of petroleum infrastructure which—

(*a*) results in the loss of human life,

(*b*) results in personal injury being suffered by a person,

(*c*) results in damage to the structural integrity of petroleum infrastructure,

(*d*) results in the structural integrity of petroleum infrastructure being compromised,

(*e*) results in the failure or malfunction of plant and equipment used as part of or in a manner closely associated with petroleum infrastructure, or

(*f*) is an event or occurrence of a class prescribed by regulations made by the Commission under section 13V;

'petroleum infrastructure' means any facility, structure or installation which is or has been established, maintained or operated, or is intended to be established, for the purpose of carrying on a petroleum activity and includes onshore or offshore facilities, installations or structures or a combination of such facilities, installations and structures;

'petroleum undertaking' means any person to whom a petroleum authorisation has been given or granted;

'processing', in relation to petroleum, means the treatment of unprocessed or partially processed petroleum at a processing plant or terminal or offshore processing installation;

'publish in the prescribed manner', in relation to any document or information (howsoever described), means the document or information, as the case may be—

(*a*) is published on a relevant Internet website, and

(*b*) is available for inspection, at the offices of the Commission and at all reasonable times, by members of the public;

'relevant Internet website' means an Internet website of the Commission (including part of such a website)—

(*a*) to which access is readily available by members of the public, and

(*b*) where anything published on the website is readily available for inspection by members of the public;

'revised safety case' has the meaning given to it by section 13N;

'safety case' means a document describing the components of the safety management system relating to the designated petroleum activity concerned;

'safety framework' means the risk-based petroleum safety framework established under section 13I;

'safety permit' means a permit issued under section 13P;

'upstream pipeline' means so much of any pipeline (including the subsea and onshore sections) operated or constructed—

(*a*) as part of a petroleum production project, or

(*b*) for the purpose of conveying unprocessed petroleum from one or more than one such project to a processing plant or terminal or final coastal landing terminal.

(2) (*a*) In this Part, 'petroleum activity' means any activity referred to in paragraph (*b*)—

(i) that is authorised to be carried on under or in connection with a petroleum authorisation,

(ii) which is carried on, from, by means of or on, or for purposes connected with, any petroleum infrastructure, and

(iii) is carried on in a licensed area.

(*b*) The activities referred to in paragraph (*a*) include, but are not limited to, the following:

(i) petroleum exploration activities carried on under any one or more of the authorisations referred to in paragraphs (*a*) to (*d*) of the definition of 'petroleum authorisation' in section 13A and in respect of which petroleum infrastructure for the drilling of exploration wells in the seabed or subsoil is intended to be established, maintained or operated,

(ii) petroleum extraction activities carried on under an authorisation referred to in paragraph (*e*) of the definition of 'petroleum authorisation' in section 13A and in respect of which petroleum infrastructure for the drilling of wells as part of a petroleum field plan of development and the subsequent extraction, and processing of petroleum, and offshore storage and loading of petroleum is intended to be established, maintained or operated,

(iii) activities relating to the conveyance of unprocessed, partially processed or fully processed petroleum by subsea pipelines or vessels and petroleum infrastructure, including the onshore section of any subsea pipeline carried on pursuant to an authorisation referred to in paragraph (*g*) of the definition of 'petroleum authorisation' in section 13A,

(iv) activities relating to the processing of petroleum at a petroleum processing plant or terminal, offshore installation or other similar facility carried on under the terms and conditions of an authorisation referred to in paragraph (*e*) of the definition of 'petroleum authorisation' in section 13A,

(v) activities relating to the decommissioning of petroleum infrastructure.

(3) Any reference in this Part to a 'petroleum activity' or a 'designated petroleum activity' includes, unless the context otherwise requires, a reference to any 'petroleum infrastructure' which is or has been established, maintained or operated, or is intended to be established, for the purpose of carrying on the petroleum activity or designated petroleum activity.

Safety obligations.

13B.— Nothing in this Part shall be read so as to be restrictive of any other duty, requirement or obligation imposed by law in respect of safety which would otherwise apply to a petroleum undertaking.

Application of Part IIA.

13C.— This Part applies to any petroleum undertaking that—

(*a*) proposes to carry on a designated petroleum activity, or

(*b*) is carrying on an established petroleum activity.

Designated petroleum activity.

13D.— (1) Subject to subsection (3), the Commission shall, where safety considerations render it appropriate, by regulation, designate for the purposes of this Part any petroleum activity or a class or classes of such activity to be a designated petroleum activity.

(2) For the purposes of making a designation under subsection (1), the Commission shall have regard to the following:

(*a*) the nature of the petroleum activity;

(*b*) the type of petroleum infrastructure;

(*c*) an assessment of the risks posed by the carrying on of the petroleum activity;

(*d*) the safety measures required to reduce the risks;

(*e*) the extent to which the petroleum activity and petroleum infrastructure is regulated by or under another Act of the Oireachtas.

(3) (*a*) Before making a designation under subsection (1), the Commission shall for the purpose of satisfying itself that it is appropriate and in the public interest that the petroleum activity or class or classes of such activity be designated—

(i) consult with the persons specified in paragraph (*b*), and

(ii) give interested persons, organisations and other bodies an opportunity to make representations to it concerning the proposed designation,

(*b*) The Commission shall consult with—

(i) The National Standards Authority of Ireland,

(ii) the Health and Safety Authority,

(iii) the Environmental Protection Agency,

(iv) the Minister for Transport,

(v) the Irish Aviation Authority, and

(vi) such other persons as may be prescribed by order by the Minister.

Prohibition on carrying on designated petroleum activity without safety permit.

13E.— (1) A person shall not carry on a designated petroleum activity or, subject to section 13M(2)(*b*), an established petroleum activity, unless a safety permit is in force in respect of the petroleum activity concerned.

(2) A person who contravenes subsection (1) commits an offence.

(3) A person who commits an offence under subsection (2) is liable—

(*a*) on summary conviction to a fine not exceeding €5,000 or a term of imprisonment not exceeding 6 months or both, or

(*b*) on conviction on indictment to a fine not exceeding €3,000,000 or a term of imprisonment not exceeding 3 years or both.

Conditions attaching to petroleum authorisations.

13F.— It shall be a condition of every petroleum authorisation that purports to authorise a person to carry on a designated petroleum activity or an established petroleum activity that that person hold a safety permit mentioned in section 13E(1) in respect of any such activity carried on after the commencement of this section.

Object of Commission relating to petroleum safety.

13G.— The principal objective of the Commission in exercising its functions under this Part is to protect the public by fostering and encouraging safety as respects the carrying on of designated petroleum activities.

Functions of Commission relating to petroleum safety.

13H.— (1) The Commission shall do all things necessary and reasonable to further its objectives and shall exercise its powers and perform its functions in the public interest.

(2) Without prejudice to the generality of subsection (1), the Commission's functions under this Part are—

(*a*) to regulate the designated petroleum activities of petroleum undertakings with respect to safety, which may include specifying standards and codes of practice referred to in section 13L(3),

(*b*) subject to sections 13S to 13U, to investigate and report to the Minister on petroleum incidents,

(*c*) to monitor and enforce compliance by petroleum undertakings with their obligations under this Part,

(*d*) to issue safety permits, and

(*e*) to provide safety information to the public when appropriate.

(3) The Commission shall, in performing its functions under this Part, have regard to—

(*a*) such functions with respect to the safety of petroleum activities as may be performed by the persons specified in paragraph (*c*),

(*b*) the need to co-operate and consult with the persons specified in paragraph (*c*) for the purpose of—

(i) encouraging and fostering safety in the carrying on of petroleum activities, and

(ii) avoiding duplication of activities by the Commission and the persons specified in paragraph (*c*).

(*c*) The following are the persons to whom paragraphs (*a*) and (*b*) apply:

(i) The National Standards Authority of Ireland,

(ii) the Health and Safety Authority,

(iii) the Environmental Protection Agency,

(iv) the Minister for Transport,

(v) the Irish Aviation Authority, and

(vi) such other persons as may be prescribed by order by the Minister.

Safety framework.

13I.— (1) In exercising its function under section 13H(2)(*a*), the Commission shall, subject to subsection (5) and after consultation with such of the persons specified in subsection (2) as the Commission considers appropriate, establish and implement a risk-based petroleum safety framework (in this Part referred to as a 'safety framework') in relation to the carrying on of designated petroleum activities.

(2) The following are the persons specified for the purposes of subsection (1):

(*a*) the Minister,

(*b*) the Minister for the Environment, Heritage and Local Government with respect to petroleum activities undertaken on the foreshore,

(*c*) the Minister for Transport,

(*d*) the Health and Safety Authority, and

(*e*) any other relevant person.

(3) (*a*) The safety framework shall be in writing and shall contain information relating to—

(i) the nature and scope of the petroleum activities and petroleum infrastructure to be regulated by the Commission, and

(ii) the systems and procedures to be operated by the Commission in regulating designated petroleum activities.

(*b*) The information contained in the safety framework shall include, but shall not be limited to, the following information:

(i) a list of designated petroleum activities;

(ii) procedures for the assessment by the Commission of a safety case;

(iii) a system for the ongoing audit and inspection by the Commission of designated petroleum activities;

(iv) the standards and system for assessing safety performance;

(v) any other matter con-sidered necessary by the Commission.

(4) In considering what other matters it may be necessary to include in the safety framework, the Commission may have regard to—

(*a*) technological developments in the petroleum exploration and extraction industry,

(*b*) best practice relating to the carrying on of petroleum activities,

(*c*) the necessity to keep under review safety standards and specifications relating to designated petroleum activities,

(*d*) any directions given by the Minister under section 13J,

(*e*) recommendations made in reports on petroleum incidents, or

(*f*) any submissions or recommendations made by interested persons, organisations and other bodies in relation to the safety of petroleum activities.

(5) (*a*) The Commission shall not establish or implement a safety framework until after a public consultation process has taken place in respect of the safety framework.

(*b*) In paragraph (*a*) 'public consultation process' means an invitation by the Commission to the public for submissions, within a specified time limit, on a draft of the proposed safety framework where such invitation is made by means of a notice to that effect published in a newspaper circulating within the State and published in the prescribed manner.

(6) The Commission shall report annually to the Minister on the functioning of the safety framework.

(7) The Commission may, from time to time, review or amend the safety framework.

(8) The Commission shall publish in the prescribed manner—

(*a*) a copy of the safety framework, and

(*b*) where the safety framework has been amended in accordance with subsection (7), a copy of the safety framework as amended.

Directions by Minister.

13J.— (1) The Minister may give written directions to the Commission relating to—

(*a*) the measures to be taken arising from reports prepared by the Commission under section 13H(2)(*b*) with regard to petroleum incidents, and

(*b*) review or amendment of the safety framework where the Minister considers it is in the public interest for the safety framework to be so reviewed or amended.

(2) The Commission shall comply with any directions of the Minister given under this section.

(3) A notice of any direction of the Minister under this section shall be published in the *Iris Oifigiúil* as soon as practicable after it is given.

(4) Where the safety framework referred to in section 13I has not been published within 6 months after the commencement of that section, the Minister may direct the Commission in writing to publish that safety framework no later than the date specified in the direction.

General duties of petroleum undertakings.

13K.— (1) In addition to complying with the requirements of any other provisions of this Part a petroleum undertaking shall ensure that—

(*a*) any petroleum activity is carried on in such a manner as to reduce any risk to safety to a level that is as low as is reasonably practicable, and

(*b*) any petroleum infrastructure is designed, constructed, installed, maintained, modified, operated and decommissioned in such a manner as to reduce any risk to safety to a level that is as low as is reasonably practicable.

(2) Without prejudice to the generality of subsection (1), the duties of a petroleum undertaking include, but are not limited to, the following—

(*a*) as regards any petroleum infrastructure, ensuring, in so far as is reasonably practicable—

(i) that the construction and installation of petroleum infrastructure is sound and fit for the purpose for which it has been designed,

(ii) that the modification, maintenance or other work is carried out in such a manner to secure that the soundness and fitness for purpose for which the infrastructure is designed is not compromised,

(iii) that safe operating limits for the infrastructure have been established,

(*b*) ensuring that the standards of safety and training of persons carrying on petroleum activities or operating petroleum infrastructure, are such so as to ensure, in so far as is reasonably practicable, the competence of such persons to undertake the activities concerned,

(*c*) preparing, implementing and operating, arrangements and procedures for ensuring, in so far as is reasonably practicable, that the risk of a petroleum incident is as low as is reasonably practicable,

(*d*) having adequate plans in place and adopting measures to be taken in the case of an emergency or serious and imminent danger arising from the carrying on of petroleum activities, and

(*e*) reporting petroleum incidents.

Safety case guidelines.

13L.— (1) Subject to subsection (2), the Commission shall, from time to time, prepare guidelines relating to the preparation of and appropriate contents of a safety case applicable to all or any designated petroleum activity or activities.

(2) For the purpose of developing safety case guidelines the Commission—

(*a*) may consult, as it considers appropriate, with—

(i) The National Standards Authority of Ireland,

(ii) the Health and Safety Authority,

(iii) the Environmental Protection Agency,

(iv) the Minister for Transport,

(v) the Irish Aviation Authority, and

(vi) such other persons as may be prescribed by order by the Minister,

and

(*b*) may give interested persons, organisations and other bodies an opportunity to make representations to it concerning the proposed guidelines.

(3) The safety case guidelines may include provision for all or any of the following:

(*a*) the appropriate contents of a safety case,

(*b*) the appropriate technical principles and specifications relating to the design, construction, operation, maintenance, modification and decommissioning of petroleum infrastructure,

(*c*) the standards and codes of practice applicable to designated petroleum activities including relevant standards and codes of practice, that have been formulated or recommended by the National Standards Authority of Ireland,

(*d*) the safety standards to be achieved and maintained in respect of each designated petroleum activity,

(*e*) the procedures to be followed by a petroleum undertaking for the submission of a safety case or a revised safety case for approval by the Commission,

(*f*) the relevant performance indicators according to which safety performance in respect of each designated petroleum activity will be assessed.

(4) The Commission may revise any guidelines prepared under this section or may withdraw those guidelines and prepare new guidelines.

(5) The Commission shall ensure that guidelines prepared by it under this section are published in the prescribed manner as soon as practicable after the guidelines have been prepared.

Safety case.

13M.— (1) A petroleum undertaking that—

(*a*) proposes to carry on a designated petroleum activity shall prepare a safety case and shall, at least 6 months or, such other lesser time as the Commission may specify, before it proposes to commence the activity, submit the safety case to the Commission for approval, or

(*b*) is carrying on an established petroleum activity shall prepare a safety case and shall submit it to the Commission for approval within 12 months of the publication in the prescribed manner of the guidelines relating to that activity.

(2) (*a*) Subject to paragraph (*b*), a petroleum undertaking shall not carry on a designated petroleum activity unless the safety case submitted under subsection (1)(*a*) has been approved by the Commission and a safety permit has been issued under section 13P in respect of the designated petroleum activity.

(*b*) Notwithstanding section 13E(1), a petroleum undertaking may continue to carry on an established petroleum activity—

(i) where the petroleum undertaking has submitted a safety case to the Commission within the time specified in subsection (1)(*b*), until the day which is 14 days after the Commission notifies the petroleum undertaking of—

(I) the approval of the safety case and issue of a safety permit under section 13P, or

(II) the refusal of a safety permit under section 13Q(1),

or

(ii) where the petroleum undertaking has failed to submit a safety case within the time period specified in subsection (1)(*b*), until the expiry of that time period.

(3) A safety case shall be prepared in accordance with such safety case guidelines as shall be prepared and issued by the Commission under section 13L.

(4) A safety case shall contain such particulars as are specified in the safety case guidelines that relate to the designated petroleum activity or activities in respect of which the safety case is being prepared and shall include sufficient particulars to demonstrate to the Commission that—

(*a*) the petroleum undertaking is complying with its duty under section 13K,

(*b*) the petroleum undertaking has the ability to properly assess and effectively control risks which may arise from the carrying on of the designated petroleum activity or activities to a level that is as low as is reasonably practicable,

(*c*) having identified all hazards and assessed the risks presented by those hazards, the petroleum undertaking has taken such measures as are adequate to ensure that its safety management system is capable of reducing the risks to a level that is as low as is reasonably practicable,

(*d*) all petroleum incident risks have been evaluated and emergency measures are in place in the event of such petroleum incident arising, and

(*e*) adequate arrangements for monitoring, audit and for the making of reports on safety performance and compliance have been established.

(5) A petroleum activity shall cease to be an established petroleum activity—

(*a*) when the Commission approves the safety case and issues a safety permit under section 13P,

(*b*) when the Commission refuses to issue a safety permit under section 13Q(1), or

(*c*) when the petroleum undertaking fails to submit a safety case within the time period specified in subsection (1)(*b*).

(6) In this section 'audit' means systematic assessment of the adequacy of the safety management system, carried out by persons who are sufficiently independent of the system (but who may be employed by the petroleum undertaking) to ensure that such assessment is objective.

Review and revision of safety case.

13N.— (1) A safety case shall be regarded as a working document by which the petroleum undertaking and the Commission can ensure that the safety management system described in the safety case is being properly implemented and continue to be maintained.

(2) A safety case shall be reviewed—

(*a*) at least every 5 years,

(*b*) whenever such a review is necessary because of new facts or to take account of new technical knowledge about safety matters,

(*c*) whenever such a review is necessitated arising from—

(i) reports relating to audits (whether within the meaning of section 13M(6) or otherwise),

(ii) reports on safety performance and compliance,

(*d*) in circumstances where the petroleum undertaking considers it appropriate to do so,

(*e*) where the Commission issues a notice in writing to a petroleum undertaking requiring it to do so, or

(*f*) where a change is made to the safety management system which could significantly affect the ability of the petroleum undertaking to comply with its duty to reduce the risks to a level that is as low as is reasonably practicable,

and where in consequence of that review it is necessary to revise the safety case, the petroleum undertaking shall do so as soon as practicable and inform the Commission of the details of such revision.

(3) Where the revision of a safety case results in a material alteration of the safety case previously approved by the Commission under section 13P the petroleum undertaking concerned shall submit the proposed revision to the Commission and any proposed revision shall not be made unless it has been approved by the Commission in accordance with section 13P.

(4) A revised safety case shall be submitted to the Commission for the purposes of this section in accordance with such procedures as are specified by the Commission in the safety case guidelines.

Duty to conform with safety case.

13O.— Where a petroleum undertaking has prepared and has had accepted a safety case pursuant to section 13P it shall ensure, so long as it carries on the designated petroleum activity or activities to which the safety case relates, that the safety management system described in the safety case and any revision of the safety case under section 13N, is implemented and followed.

Safety permit.

13P.— (1) The Commission shall only approve a safety case or a revised safety case for the purposes of issuing a safety permit under this section where the information contained in the safety case or the revised safety case complies with the requirements of section 13M(4) and the Commission is satisfied that the petroleum undertaking is—

(*a*) capable of implementing the safety management system described in its safety case, and

(*b*) subject to any conditions of the safety permit, is capable of carrying on the designated petroleum activity or activities concerned in compliance with its duties under section 13K.

(2) The Commission, in deciding whether or not to issue a safety permit, for the purpose of satisfying itself under subsection (1), may request in writing such additional information as it may reasonably require from a petroleum undertaking and the undertaking shall comply with any such request.

(3) The Commission shall notify the petroleum undertaking of its acceptance of a safety case by issuing a safety permit to that petroleum undertaking.

(4) It shall be a condition of a safety permit that the petroleum undertaking shall act in accordance with the approved safety case.

(5) Subject to subsection (4), the Commission may attach such conditions to a safety permit as it considers appropriate including conditions—

(*a*) restricting or prohibiting the operation of specified parts of petroleum infrastructure, maintained or intended to be established, in connection

with the carrying on of the designated petroleum activity or activities concerned,

(*b*) restricting or prohibiting the carrying on of specified activities carried out on, from or in connection with petroleum infrastructure,

(*c*) specifying requirements to be complied with in respect of all or any of the different phases of the designated petroleum activity or activities concerned,

(*d*) in respect of when a safety permit shall be subject to review by the Commission,

(*e*) relating to audits (whether within the meaning of section 13M(6) or otherwise) and reporting requirements, or

(*f*) in respect of safety performance requirements.

(6) The Commission shall determine the form of a safety permit.

(7) The Commission shall issue a safety permit under subsection (1) or a request for information under subsection (2) as soon as practicable after it has completed its assessment but no later than 6 months after the date of receipt of the safety case or revised safety case or receipt of the additional information requested under subsection (2).

(8) The acceptance of a safety case or a revised safety case by the Commission and the issuing of a safety permit shall not be interpreted as relieving a petroleum undertaking of its duties under section 13K.

(9) A safety permit remains in force until it is revoked by the Commission under section 13Q or replaced by a new safety permit.

(10) The Commission shall, as soon as practicable after the issue of a safety permit to a petroleum undertaking, ensure that a copy of that permit is published in the prescribed manner.

Refusal or revocation of safety permit.

13Q.— (1) The Commission may—

(*a*) refuse to issue a safety permit where the Commission is not satisfied for the purposes of section 13P(1), or

(*b*) revoke a safety permit issued under section 13P(3) in all or any of the following circumstances:

(i) non-compliance with its conditions;

(ii) failure to comply with an improvement notice issued under section 13Z;

(iii) where, in the opinion of the Commission, the petroleum undertaking is not complying with its duties under section 13K.

(2) Where the Commission proposes to refuse or revoke a safety permit in accordance with subsection (1), it shall notify in writing the petroleum undertaking concerned of the proposal and the petroleum undertaking may, within 21 days of the notification, make representations to the Commission, which shall consider them.

(3) Where the Commission decides under subsection (1) to refuse or revoke a safety permit and, having considered representations (if any) made by the petroleum undertaking under subsection (2), it shall notify the petroleum undertaking concerned of the decision and the reasons for the decision.

(4) Where the Commission decides to refuse a safety permit or revoke a permit issued by it, the petroleum undertaking concerned may, within 21 days of notification of the decision, appeal to the High Court and the refusal or revocation shall not take effect until the time allowed for such appeal has elapsed.

(5) In the event of an appeal under subsection (4), the decision of the Commission under subsection (3) shall not take effect—

(*a*) until the time allowed for such appeal has elapsed, or

(*b*) in the event of an appeal brought against the decision and the determination of the Court does not set the decision of the Commission aside, upon and in accordance with such determination of the Court.

(6) On hearing an appeal under subsection (4), the Court may either confirm or vary the decision of the Commission or allow the appeal.

(7) Any decision of the Court on an appeal under subsection (4) shall be final, save that, an appeal from the decision may be made to the Supreme Court on a specified point of law.

Fees relating to consideration of safety case.

13R.— (1) Where a petroleum under-taking—

(*a*) submits a safety case under section 13M, or

(*b*) submits a revised safety case under section 13N,

it shall be accompanied by such fee as the Commission may determine to be appropriate, having regard to the nature of the designated petroleum activity and the nature and extent of the petroleum infrastructure to which the safety case or revised safety case relates.

(2) The level of fees shall be structured to ensure that the fee relating to the safety case or revised safety case concerned is sufficient to enable the Commission recover the reasonable costs and expenses which the Commission is likely to incur by reason of its consideration of the safety case or revised safety case concerned and matters directly pertaining to the case concerned including the costs and expenses incurred in determining conditions relating to the issue of a safety permit or the refusal to issue a safety permit.

(3) The Commission shall make information on the structure and methodology of how it has determined such fees available to the petroleum undertaking concerned where requested to do so.

Reportable petroleum incident.

13S.— (1) Where a petroleum incident occurs the petroleum undertaking concerned or if the petroleum incident involves more than one petroleum undertaking, the petroleum undertakings concerned shall notify the Commission of the petroleum incident as soon as practicable after the occurrence of the petroleum incident and such notification shall—

(*a*) be in such form, and

(*b*) be accompanied by such additional information and particulars,

as may be prescribed by regulations made by the Commission.

(2) On receipt of a notification of a petroleum incident the Commission shall consider the notification and where it considers that it is necessary, the Commission may request a further report giving additional details of the incident and the circumstances associated with it, and in that event the Commission

shall notify the petroleum undertaking concerned and request that such further report be furnished to it within such period of time specified in the request and is reasonable in the circumstances.

(3) A petroleum undertaking which does not comply with this section commits an offence and is liable—

(*a*) on summary conviction, to a fine not exceeding €5,000 or

(*b*) on conviction on indictment, to a fine not exceeding €1,000,000.

Actions Commission may take following petroleum incident.

13T.— (1) The Commission may on its own initiative or following receipt of a notification under section 13S(1) or a report under section 13S(2) appoint a petroleum safety officer to investigate the petroleum incident.

(2) Where the Commission receives—

(*a*) a notification under section 13S(1) of a petroleum incident,

(*b*) a report under section 13S(2) in respect of a petroleum incident, or

(*c*) a report by a petroleum safety officer of an investigation under subsection (1),

the Commission may issue to the petroleum undertaking concerned—

(i) an improvement notice,

(ii) a prohibition notice,

(iii) a notice requiring the undertaking to revise its safety case, or

(iv) a notice that the Commission intends to revoke the relevant safety permit.

(3) Nothing in subsection (2) shall limit the power of the Commission to issue a notice of a kind specified in that subsection in circumstances other than those referred to in this section.

Reporting of petroleum incidents to Minister by Commission.

13U.— (1) The Commission shall prepare and send to the Minister a report in respect of each petroleum incident which—

(*a*) results in the loss of human life,

(*b*) results in personal injury being suffered by a person, or

(*c*) results in damage to property the ownership of which is held by a person other than the petroleum undertaking concerned.

(2) The Commission may prepare and send to the Minister a report in respect of a petroleum incident other than an incident referred to in subsection (1) where, in the opinion of the Commission, it is appropriate to do so by reason of the seriousness of the petroleum incident concerned.

Regulations (Part IIA).

13V.— The Commission may, for the purpose of enabling this Part to have full effect, make regulations—

(*a*) prescribing a class of event or occurrence for the purposes of the definition of petroleum incident which in the opinion of the Commission

may materially increase the risk of an event or occurrence referred to in section 13U(1)(*a*) to (*c*) occurring, and

(*b*) prescribing a form to be used by a petroleum undertaking in notifying the Commission of a petroleum incident, and the classes of information to be included in such form.

Petroleum safety officers.

13W.— (1) The Commission may appoint any of its officers or any other person to be a petroleum safety officer for the purposes of the exercise by the Commission of its functions under this Part.

(2) (*a*) A person appointed under subsection (1) shall be furnished with a certificate of his or her appointment by the Commission.

(*b*) When exercising a power conferred on him or her by this section, a petroleum safety officer shall, if requested by a person affected, produce the certificate of his or her appointment or a copy of such certificate to such person.

(3) A petroleum safety officer may, subject to this section—

(*a*) at any time board or otherwise enter, inspect, examine and search any place which he or she has reasonable grounds for believing is used for the purposes of or in connection with a designated petroleum activity and there make such inspection, carry out such tests or examination as may be necessary of any—

(i) petroleum infrastructure,

(ii) upstream pipeline,

(iii) activity, process or procedure,

(iv) plant, vessel or equipment, or

(v) records,

to ascertain whether the provisions of this Part are being complied with and for those purposes take with him or her and use any equipment or materials he or she considers necessary,

(*b*) carry out an investigation where appointed to do so under section 13T(1),

(*c*) direct that the place and anything at, in or on it, be left undisturbed for so long as is reasonably necessary for any search, examination, investigation, inspection or inquiry under this Part,

(*d*) take any measurement or photograph or make any electrical or electronic recording which he or she considers necessary for the purposes of any such examination or inquiry,

(*e*) take samples of any fluid or gas or other substance found at that place,

(*f*) as regards any article or substance he or she finds at that place, require any relevant person in authority to supply the officer without charge with any such article or substance,

(*g*) require any relevant person in authority to produce to him or her such documents, records or materials (and in the case of information in a non-legible form to reproduce it in a legible form) as are in that person's possession or control relating to the matter under inquiry and to give

to him or her such information as the officer may reasonably require in regard to such documents, records or materials,

(*h*) inspect and take copies of or extracts from any such documents, records or materials or any electronic information system at that place or premises, including in the case of information in a non-legible form, copies or extracts from such information in a permanent legible form or require that such copies be provided,

(*i*) remove and retain such records for such period as may be reasonable for further examination,

(*j*) require any relevant person in authority to give to the officer any information that the officer may reasonably require for the purposes of any search, examination, investigation, inspection or inquiry under this Part,

(*k*) require any person he or she finds at that place to give the officer such assistance and facilities within the person's power or control as are reasonably necessary to enable the officer to exercise any of his or her powers under this Part,

(*l*) exercise such other powers as may be necessary for the purposes of the exercise by the Commission of its functions under this Part.

(4) Without prejudice to the generality of subsection (3)(*l*) where, in the opinion of the petroleum safety officer, there is a substantial and imminent risk to safety, the petroleum safety officer may—

(*a*) instruct any person to evacuate any place referred to in subsection (3)(*a*) until such time as the place is, in the opinion of the officer, safe,

(*b*) instruct any person to perform or refrain from performing any act, if in the opinion of the officer, the performance or non-performance of such act is necessary in order to reduce or prevent any danger arising from the carrying on of any petroleum activity,

(*c*) search for any escaped oil or gas, or any leak or defect in any petroleum infrastructure, upstream pipeline or plant or equipment,

(*d*) interrupt the flow of any oil or gas, or disconnect any part of any petroleum infrastructure, upstream pipeline or plant or equipment,

(*e*) liaise with any other authorised person appointed by a body that has functions that are similar or ancillary to the functions of the Commission with respect to the safety of petroleum activities.

(5) Where a petroleum safety officer has reasonable cause to apprehend any serious obstruction in the exercise of his or her duty or otherwise considers it necessary, he or she may be accompanied by—

(*a*) a member or members of the Garda Síochána, or

(*b*) a member or members of the Defence Forces, where the place concerned is in any part of—

(i) the licensed area to which subparagraph (i) or (ii), or both, or paragraph (*a*) of the definition of 'licensed area' relates, or

(ii) a designated area.

(6) A petroleum safety officer shall not enter a dwelling other than—

(*a*) with the consent of the occupier, or

(*b*) in accordance with a warrant from a District Court issued under subsection (8).

(7) Where a petroleum safety officer, in the exercise of his or her powers under this section, is prevented from entering any place, an application may be made, subject to subsection (9), to the District Court for a warrant under subsection (8) authorising such entry.

(8) Without prejudice to the powers of a petroleum safety officer under this Part, if a judge of the District Court is satisfied by information on oath of a petroleum safety officer that there are reasonable grounds for believing that—

(*a*) there are any articles or substances at any place or any records (including documents stored in a non-legible form) or information relating to a place, that the petroleum safety officer requires to inspect for the purposes of enforcing this Part, or

(*b*) there is to be found, or such an inspection is likely to disclose, evidence of a contravention of or failure to comply with a provision of this Part,

the judge may issue a warrant authorising a petroleum safety officer, alone or accompanied by such other persons as may be necessary, at any time or times within one month of the date of issue of the warrant, on production of the warrant if requested, to enter the place, if necessary by the use of reasonable force, and perform any of the functions of a petroleum safety officer under this section.

(9) Where the place the subject of an application under subsection (8) is located in any part of—

(*a*) the licensed area to which subparagraphs (i) or (ii), or both, of paragraph (*a*) of the definition of 'licensed area' relates, or

(*b*) a designated area,

the application for a search warrant may be made to a judge assigned to any district court district.

(10) A person who—

(*a*) obstructs or impedes a petroleum safety officer in the exercise of powers conferred by this section,

(*b*) fails or refuses to comply with any instruction, requirement or direction of a petroleum safety officer for any of the purposes of this section,

(*c*) knowingly gives to a petroleum safety officer information which is false or misleading in a material respect,

(*d*) alters, suppresses or destroys any documents, records or materials (including documents stored in non-legible form) that the person has been required to produce or may reasonably expect to produce, or

(*e*) interferes with any action taken by a petroleum safety officer to interrupt the flow of oil or gas or to disconnect any part of any petroleum infrastructure, upstream pipeline or plant,

commits an offence.

(11) A person who commits an offence under this section is liable—

(*a*) on summary conviction to a fine not exceeding €5,000 or a term of imprisonment not exceeding 6 months or to both, or

(*b*) on conviction on indictment to a fine not exceeding €3,000,000 or a term of imprisonment not exceeding 3 years or to both.

Emergency direction.

13X.— (1) Where a petroleum safety officer is of the opinion that the condition of any petroleum infrastructure or any part of such infrastructure, or an upstream pipeline or any activity, process or procedure carried on, from or in connection with, such infrastructure or pipeline, poses such a substantial and imminent risk to safety that the activity should be ceased until specified measures have been taken to reduce the risk to a level that is as low as is reasonably practicable, the officer shall immediately inform the Commission.

(2) The Commission, on being informed of the opinion of the petroleum safety officer as respects a matter referred to in subsection (1), may, where it is satisfied that it is necessary to do so for the immediate protection of human life or petroleum infrastructure, issue an emergency direction in writing to the petroleum undertaking stating that the activity should be ceased immediately and the measures that are required to be taken to reduce the risk to a level that is as low as is reasonably practicable.

(3) If a petroleum undertaking fails to comply with the direction under subsection (2), the Commission may apply *ex parte* to the Court for an order restricting or prohibiting that activity.

(4) The Court may, upon an application under subsection (3), make such order as it considers appropriate.

(5) An order under this section shall have effect notwithstanding the terms of any permission given under any other enactment for the activity to which the application under this section relates.

(6) On an application by any person for the revocation or variation of an order under subsection (3), the Commission shall be entitled to be heard.

Improvement plan.

13Y.— (1) Where the Commission is of the opinion that a petroleum undertaking or a person under the control or on behalf of that undertaking—

(*a*) is not operating in accordance with the approved safety case, or in accordance with any conditions of the safety permit issued to that petroleum undertaking,

(*b*) is not operating in such a manner as to ensure compliance with the duties under section 13K, or

(*c*) is contravening or has contravened or is failing to comply with or has failed to comply with any other requirement of this Part,

the Commission may give a direction in writing to the petroleum undertaking concerned requiring it to submit to the Commission, within the time period stated in the direction, a plan (in this Part referred to as an 'improvement plan') specifying the remedial action proposed to be taken by the petroleum undertaking to rectify the matters set down in the direction.

(2) Where an improvement plan is submitted in accordance with subsection (1) or re-submitted under paragraph (*b*), the Commission shall, within 30 days, write to the petroleum undertaking—

(*a*) stating that the Commission is satisfied with the remedial action proposed to be taken, or

(*b*) if the Commission is not satisfied that the remedial action proposed to be taken is adequate, directing that the plan be revised and re-submitted to the Commission within a specified time period.

(3) The Commission may withdraw a direction under this section at any time before a date specified in the direction or may extend and further extend such date.

Improvement notice.

13Z.— (1) Where the Commission is of the opinion that—

(*a*) a petroleum undertaking has failed to comply with a direction under section 13Y to submit or implement an appropriate improvement plan, or

(*b*) the petroleum undertaking or a person under the control of, or on behalf of that undertaking—

(i) is not operating in accordance with the approved safety case, or in accordance with any conditions of the safety permit issued to the undertaking, or

(ii) is not operating in such a manner as to ensure compliance with the duties under section 13K, or

(iii) is contravening or has contravened or is failing to comply with or has failed to comply with any other requirement of this Part,

the Commission may serve a written notice (in this Part referred to as an 'improvement notice') on that petroleum undertaking.

(2) An improvement notice shall—

(*a*) state that the Commission is of the opinion referred to in subsection (1),

(*b*) state the reasons for that opinion,

(*c*) where applicable, state that the petroleum undertaking has failed to submit or implement an improvement plan,

(*d*) direct the petroleum undertaking to remedy the alleged contraventions or the matters occasioning that notice by a date specified in the notice, which shall not be earlier than the period within which an appeal may be brought under subsection (5),

(*e*) contain details of the consequences, under this section or under section 13Q, of a failure to comply with the notice,

(*f*) include information regarding the making of an appeal under subsection (5), and

(*g*) include any other requirement that the Commission considers appropriate.

(3) An improvement notice may include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates or otherwise comply with the notice.

(4) Where the Commission proposes to serve an improvement notice, it shall first notify the petroleum undertaking concerned in writing of its intention to serve the improvement notice and the petroleum undertaking concerned may, within 21 days of such notification, make representations to the Commission, which shall consider them.

(5) Where the Commission decides, having considered any representations made to it under subsection (4), to serve an improvement notice, a petroleum undertaking which is aggrieved by such improvement notice may, within the period of 14 days beginning on the day on which the notice is served on it, appeal to the Court against the notice and in determining the appeal the Court may—

(*a*) if it is satisfied that in the circumstances of the case it is reasonable to do so, confirm the notice with or without modification, or

(*b*) cancel the notice.

(6) In considering an appeal against an improvement notice, the Court shall take into account the general duties of petroleum undertakings under section 13K.

(7) Where an appeal against an improvement notice is taken, the notice shall, unless cancelled by the Court, take effect on the day next following the day on which the notice is confirmed on appeal or the appeal is withdrawn or on the day specified in the notice as that on which it is to come into effect, whichever is the later.

(8) Where no appeal is taken against an improvement notice, the notice shall take effect on the expiration of the period during which such an appeal may be taken or on the day specified in the notice as that on which it is to come into effect, whichever is the later.

(9) The Commission may withdraw an improvement notice at any time before the date specified in it under subsection (2)(*d*) and the Commission may extend or further extend that date at any time when an appeal against the notice is not pending.

(10) A person who fails to comply with an improvement notice commits an offence and shall be liable—

(*a*) on summary conviction to a fine not exceeding €5,000 or a term of imprisonment not exceeding 6 months or to both, or

(*b*) on conviction on indictment to a fine not exceeding €3,000,000 or a term of imprisonment not exceeding 3 years or to both.

Prohibition notice.

13AA.— (1) Where the Commission is of the opinion that an activity being or likely to be carried on by or under the control or on behalf of a petroleum undertaking involves a substantial risk to safety, the Commission may serve a notice (in this Part referred to as a 'prohibition notice') on that petroleum undertaking.

(2) A prohibition notice shall—

(*a*) state that the Commission is of the opinion referred to in subsection (1),

(*b*) state the reasons for that opinion,

(*c*) specify the activity, or the infrastructure, in respect of which that opinion is held,

(*d*) where, in the opinion of the Commission, the matter involves a contravention, or is likely to involve a contravention, of the requirements of this Part, specify the provision or provisions concerned and the reasons for that opinion,

(*e*) prohibit the carrying on of the activity concerned until the matters which give rise or are likely to give rise to the risk are remedied, and

(*f*) contain details of the consequences under this section of a failure to comply with the notice.

(3) A prohibition notice may include directions—

(*a*) as to the measures to be taken to remedy any contravention or matter to which the notice relates or to otherwise comply with the notice, and

(*b*) to bring the notice to the attention of any person affected by it, or to the attention of the public generally.

(4) A prohibition notice shall take effect—

(*a*) if the notice so declares, immediately the notice is received by the petroleum undertaking or the person on whom it is served,

(*b*) if no appeal is taken against the notice, on the expiration of the period during which such an appeal may be taken or on the day specified in the notice as that on which it is to come into effect, whichever is the later, or

(*c*) in case an appeal is taken (unless the notice is cancelled by the Court) on the day next following the day on which the notice is confirmed on appeal or the appeal is withdrawn or on the day specified in the notice as that on which it is to come into effect, whichever is the later.

(5) The bringing of an appeal against a prohibition notice which is to take effect in accordance with subsection (4)(*a*) shall not have the effect of suspending the operation of the notice provided that—

(*a*) the appellant may apply to the Court to have the operation of the notice suspended until the appeal is disposed of, and

(*b*) on such application, the Court may, if it thinks proper to do so, direct that the operation of the notice be suspended until the appeal is disposed of.

(6) (*a*) A petroleum undertaking which is aggrieved by a prohibition notice may, within the period of 7 days beginning on the day on which the notice is served on it, appeal to the Court against the notice and in determining the appeal the Court may—

(i) if it is satisfied that in the circumstances of the case it is reasonable to do so, confirm the notice with or without modification; or

(ii) cancel the notice.

(*b*) Where on the hearing of an appeal under this section a prohibition notice is confirmed, notwithstanding subsection (4), the Court by which the appeal is heard may, on the application of the appellant, suspend the operation of the notice for such period as in the circumstances of the case the Court considers appropriate.

(7) In considering an appeal against a prohibition notice, the Court shall take into account the general duties of petroleum undertakings and others under section 13K.

(8) The Commission may at any time withdraw a prohibition notice.

(9) A person who fails to comply with a prohibition notice commits an offence and is liable—

(*a*) on summary conviction to a fine not exceeding €5,000 or a term of imprisonment not exceeding 6 months or to both, or

(*b*) on conviction on indictment to a fine not exceeding €3,000,000 or a term of imprisonment not exceeding 3 years or to both.

Circumstances in which application may be made to Court for immediate suspension of petroleum activities.

13AB.— (1) Where the Commission considers that the risk to the safety of—

(*a*) human life,

(*b*) petroleum infrastructure, or

(*c*) property not in the ownership of the petroleum undertaking concerned,

is so serious that any of the petroleum activities of a petroleum undertaking should be restricted or should be immediately prohibited until specified measures have been taken to reduce the risk to a level which is as low as is reasonably practicable, the Commission may apply, *ex parte*, to the Court for an order restricting or prohibiting the activities concerned.

(2) The Court may make such interim or interlocutory order as it considers appropriate, and the Court in considering whether to make the order shall consider whether the elimination or necessary reduction of the risk concerned could be achieved by the issue of an emergency direction or a prohibition notice.

(3) Any such order shall have effect notwithstanding the terms of any permission given under this Act or any other enactment for the carrying on of the activity concerned or, where the order refers to another person, the carrying out of an activity by such person.

(4) On any application for the revocation or variation of an order made under subsection (1), the Commission shall be entitled to appear, be heard and adduce evidence.

Access to safety case information.

13AC.— (1) A petroleum undertaking that has been issued with a safety permit shall make available a copy of the approved safety case to which that permit relates to any member of the public who requests it.

(2) Notwithstanding subsection (1), the obligation to make available a copy of an approved safety case does not extend to releasing any content of an approved safety case that relates to matters of industrial, commercial or personal confidentiality, public security or national defence.

(3) Where a petroleum undertaking proposes to omit any content of an approved safety case which relates to the matters referred to in subsection (2), it shall obtain the prior written consent of the Commission.

(4) (*a*) A petroleum undertaking that makes available a copy of an approved safety case is entitled to charge the person who requests it a fee in respect of the making available of that copy, provided that the amount charged by the undertaking does not exceed an amount which is reasonable having regard to the cost of making it available.

(*b*) For the purposes of paragraph (*a*), the Commission may give the petroleum undertaking such direction as it considers appropriate in relation to what is a reasonable fee.

Contraventions in the licensed area.

13AD.— A contravention of any provision of this Part (including a failure to comply with the conditions of a safety permit) which occurs in any part of—

(*a*) the licensed area to which subparagraphs (i) or (ii), or both, of paragraph (*a*) of the definition of 'licensed area' relates, or

(*b*) a designated area,

shall be treated as having occurred in the State.".

Annotations

Amendments:

F1 Repealed (16.04.2012) by *Energy (Miscellaneous Provisions) Act 2012* (3/2012), s. 22(d), S.I. No. 122 of 2012.

Amendment of Schedule 1 to Act of 1999.

4.— Schedule 1 to the Act of 1999 is amended—

(*a*) by the substitution of the following for paragraphs 16 and 17:

"16. For the purposes of meeting expenses properly incurred by the Commission in the discharge of its functions under this Act, the Commission may make an order (in this Act referred to as a 'levy order') imposing a levy to be paid each year on such class or classes of—

(*a*) energy undertakings, or

(*b*) petroleum undertakings,

as may be specified by the Commission in the order and separate orders may be made under this paragraph in respect of electricity undertakings, natural gas undertakings and petroleum undertakings and in respect of different classes of such undertakings.

17. Whenever a levy order is made under paragraph 16 there shall be paid to the Commission by each undertaking to which the levy order applies such amount as shall be appropriate having regard to the terms of the levyorder.",

(*b*) by the substitution of the following for paragraph 20:

"20. (1) Any excess of the revenue of the Commission over its expenditure in any year shall be applied by the Commission to meet its expenses in the following year and the levy for that year shall take into account such excess.

(2) Any expenses incurred by the Commission which are not recovered by the levy payable for a particular year may be recovered by the Commission on foot of a levy order in a subsequent year.

(3) In making a subsequent levy order the Commission shall, in so far as is reasonably practicable, apply the amount of the excess of revenue in a particular year or the amount of expenses not recovered in a particular yearto the class of undertaking to which it most closely relates.",

(*c*) by the substitution of the following for paragraph 25(*aa*):

"(*aa*) shall ensure, as far as is reasonably practicable, that such accounts identify separately in regard to the gas, electricity and petroleum sectors all elements of cost and revenue, with the basis of their calculation and the detailed attribution methods used, related to the discharge of the Commission's functions under this Act,".

Number 4 *of* 2010

PETROLEUM (EXPLORATION AND EXTRACTION) SAFETY ACT 2010

REVISED

Updated to 9 January 2023

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

• *Energy (Miscellaneous Provisions) Act 2012* (3/2012)

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Petroleum (Exploration and Extraction) Safety Act 2010 (Remaining Provisions) (Commencement) Order 2013* (S.I. No. 500 of 2013)
- *Petroleum (Exploration and Extraction) Safety Act 2010 (Commencement of Certain Provisions) Order 2012* (S.I. No. 471 of 2012)
- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)
- *Petroleum (Exploration and Extraction) Safety Act 2010 (Commencement of Certain Provisions) (No. 2) Order 2010* (S.I. No. 367 of 2010)
- *Petroleum (Exploration and Extraction) Safety Act 2010 (Commencement of Certain Provisions) Order 2010* (S.I. No. 227 of 2010)

All statutory instruments up to and including *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, were considered in the preparation of this revision.