



Energy Act 2016

2016 CHAPTER 20

PART 2

FURTHER FUNCTIONS OF THE OGA RELATING TO OFFSHORE PETROLEUM

VALID FROM 01/10/2016

CHAPTER 3

INFORMATION AND SAMPLES

Interpretation

27 Petroleum-related information and samples

(1) In this Chapter—

“petroleum-related information” means—

- (a) in relation to any relevant person, information acquired or created by or on behalf of the person in the course of carrying out activities which are relevant to the fulfilment of the principal objective, and
- (b) in relation to a relevant person who is an offshore licensee, information acquired or created by or on behalf of the person in the course of carrying out activities under the licensee's licence, which is not information falling within paragraph (a);

“petroleum-related samples” means samples of substances acquired by or on behalf of an offshore licensee in the course of carrying out activities under the licensee's licence.

(2) In this Chapter, “petroleum-related information” and “petroleum-related samples” include information or samples acquired or created as mentioned in subsection (1) which are relevant to activities carried out under a carbon dioxide storage licence.

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- (3) In subsection (2) “carbon dioxide storage licence” means a licence granted under section 18 of the Energy Act 2008.

Retention

28 Retention of information and samples

- (1) Regulations made by the Secretary of State may require—
- (a) specified relevant persons to retain specified petroleum-related information;
 - (b) specified offshore licensees to retain specified petroleum-related samples.
- (2) Regulations under this section may include provision about—
- (a) the form or manner in which information or samples are to be retained;
 - (b) the period for which information or samples are to be retained;
 - (c) the event that triggers the commencement of that period.
- (3) In this section, “specified” means specified, or of a description specified, in regulations under this section.
- (4) Requirements imposed by regulations under this section are sanctionable in accordance with Chapter 5.
- (5) Before making regulations under this section the Secretary of State must consult the OGA.

29 Retention: supplementary

- (1) Subsection (2) applies in relation to regulations under section 28 imposing requirements on an offshore licensee to retain information or samples.
- (2) The regulations may provide for those requirements to continue following a termination of rights under the licensee's licence (whether by transfer, surrender, expiry or revocation and whether in relation to all or only part of the licence).
- (3) Regulations under section 28 may not impose requirements which have effect in relation to particular petroleum-related information or particular petroleum-related samples at any time when an information and samples plan dealing with the information or samples has effect (see sections 30 to 33).

VALID FROM 21/10/2017

Information and samples plans

30 Information and samples plans: termination of rights under offshore licences

- (1) This section and sections 31 to 33 make provision in relation to the preparation of information and samples plans in connection with licence events.
- (2) The following definitions apply for the purposes of this section and those sections.

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- (3) “Licence event” means—
- (a) a transfer of rights under an offshore licence, whether in relation to all or part of the area in respect of which the licence was granted,
 - (b) a surrender of rights under an offshore licence in relation to all of the area in respect of which the licence was granted, or in relation to so much of that area in respect of which the licence continues to have effect,
 - (c) the expiry of an offshore licence, or
 - (d) the revocation of an offshore licence by the OGA.
- (4) “Relevant licence”, in relation to a licence event, means the licence in respect of which the licence event occurs.
- (5) “Responsible person” in relation to a licence event, means the person who is or was, or the persons who are or were, the licensee in respect of the relevant licence immediately before the licence event.
- (6) “Information and samples plan”, in relation to a licence event, means a plan dealing with what is to happen, following the event, to—
- (a) petroleum-related information held by the responsible person before the event, and
 - (b) petroleum-related samples held by that person before the event.

31 Preparation and agreement of information and samples plans

- (1) The responsible person must prepare an information and samples plan in connection with a licence event.
- (2) The responsible person must agree the information and samples plan with the OGA—
- (a) in the case of a licence event mentioned in section 30(3)(a), (b) or (c) (transfer, surrender or expiry), before the licence event takes place, or
 - (b) in the case of a licence event mentioned in section 30(3)(d) (revocation), within a reasonable period after the revocation of the relevant licence.
- (3) An information and samples plan has effect once it is agreed with the OGA.
- (4) If an information and samples plan is not agreed with the OGA as mentioned in subsection (2)(a) or (b), the OGA—
- (a) may itself prepare an information and samples plan in connection with the licence event, and
 - (b) may require the responsible person to provide it with such information as the OGA may require to enable it to do so.
- (5) The OGA must inform the responsible person of the terms of any information and samples plan it prepares in connection with a licence event.
- (6) Where the OGA—
- (a) prepares an information and samples plan in connection with a licence event, and
 - (b) informs the responsible person of the terms of the plan,
- the plan has effect as if it had been prepared by the responsible person and agreed with the OGA.

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- (7) Where an information and samples plan has effect in connection with a licence event, the responsible person must comply with the plan.
- (8) The requirements imposed by subsections (2) and (7), or under subsection (4)(b), are sanctionable in accordance with Chapter 5.

32 Changes to information and samples plans

- (1) Where an information and samples plan has effect in relation to a licence event, the OGA and the responsible person may agree changes to the plan.
- (2) Once changes are agreed, the plan has effect subject to those changes.
- (3) Where—
 - (a) two or more persons are the responsible person in relation to a licence event, and
 - (b) those persons include a company that has, since the licence event, been dissolved,
 the reference to the responsible person in subsection (1) does not include that company.

33 Information and samples plans: supplementary

- (1) An information and samples plan, in relation to a licence event, may provide as appropriate for—
 - (a) the retention, by the responsible person, of any petroleum-related information or petroleum-related samples held by or on behalf of that person before the licence event,
 - (b) the transfer of any such information or samples to a new licensee or to a person holding a carbon dioxide storage licence, or
 - (c) appropriate storage of such information or samples.
- (2) An information and samples plan prepared by the OGA under section 31(4) may not include provision under subsection (1)(b) for the transfer of information or samples to another person without the consent of the responsible person.
- (3) Where an information and samples plan makes provision under subsection (1) for a person, other than the responsible person, to hold information or samples in accordance with the plan—
 - (a) the plan may, with the consent of that other person, impose requirements on that person in connection with the information and samples, and
 - (b) any such requirements are sanctionable in accordance with Chapter 5.
- (4) An information and samples plan may provide for the storage of information or samples as mentioned in subsection (1)(c) to be the responsibility of the OGA.
- (5) Subsection (6) applies where a transfer of rights under an offshore licence relates to only part of the area in relation to which the licence was granted.
- (6) In those circumstances, the information and samples plan prepared in connection with the transfer is to relate to all petroleum-related information and petroleum-related samples held by the responsible person before the licence event, and not

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only petroleum-related information and petroleum-related samples in respect of that part of the area.

- (7) In subsection (1)(b) “carbon dioxide storage licence” means a licence granted under section 18 of the Energy Act 2008.

VALID FROM 19/12/2016

Power to require information and samples

34 Power of the OGA to require information and samples

- (1) The OGA may by notice in writing, for the purpose of carrying out any functions of the OGA which are relevant to the fulfilment of the principal objective or which relate to activities carried out under a carbon dioxide storage licence, require—
- (a) a relevant person to provide it with any petroleum-related information, or a portion of any petroleum-related sample, held by or on behalf of the person;
 - (b) a person who holds information or samples in accordance with an information and samples plan (see sections 30 to 33) to provide it with any such information or a portion of any such sample,
- subject to subsection (3).
- (2) The notice must specify—
- (a) the form or manner in which the information or the portion of a sample must be provided;
 - (b) the time at which, or period within which, the information or the portion of a sample must be provided.
- (3) Information requested under subsection (1) may not include items subject to legal privilege.
- (4) Requirements imposed by a notice under this section are sanctionable in accordance with Chapter 5.
- (5) Where a person provides information or a portion of a sample to the OGA in accordance with a notice under this section, any requirements imposed on the person in respect of that information or sample by regulations under section 28 are unaffected.
- (6) In subsection (1) “carbon dioxide storage licence” means a licence granted under section 18 of the Energy Act 2008.

VALID FROM 21/10/2017

Coordinators

35 Information and samples coordinators

- (1) A relevant person must—

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- (a) appoint an individual to act as an information and samples coordinator, and
 - (b) notify the OGA of that individual's name and contact details.
- (2) The information and samples coordinator is to be responsible for monitoring the relevant person's compliance with its obligations under this Chapter.
- (3) A relevant person must comply with subsection (1) within a reasonable period after—
- (a) the date on which this section comes into force, if the person is a relevant person on that date, or
 - (b) becoming a relevant person, in any other case.
- (4) The relevant person must notify the OGA of any change in the identity or contact details of the information and samples coordinator within a reasonable period of the change taking place.
- (5) The requirements imposed by this section are sanctionable in accordance with Chapter 5.

VALID FROM 19/12/2016

Appeals

36 Appeals against decisions of the OGA: information and samples plans

- (1) This section applies to any decision of the OGA to which effect is given by one of the actions set out in an entry in column 1 of the table below.
- (2) A person affected by any such decision may appeal against it to the Tribunal—
 - (a) on the grounds that the decision was not within the powers of the OGA, or
 - (b) on the grounds set out in the corresponding entry in column 2 of the table.

<i>(1) Action by the OGA</i>	<i>(2) Grounds for appeal</i>
The preparation of an information and samples plan.	The plan is unreasonable.
The giving of a notice requiring the provision of information or samples under section 34(1).	The length of time given to comply with the notice is unreasonable.

- (3) On an appeal under this section the Tribunal may—
 - (a) affirm, vary or quash the decision under appeal,
 - (b) remit the decision under appeal to the OGA for reconsideration with such directions (if any) as the Tribunal considers appropriate, or
 - (c) substitute its own decision for the decision under appeal.

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