



Energy Act 2016

2016 CHAPTER 20

PART 2

FURTHER FUNCTIONS OF THE OGA RELATING TO OFFSHORE PETROLEUM

CHAPTER 3

INFORMATION AND SAMPLES

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.
- (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.

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- (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.
- (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.

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(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 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.

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