STATUTORY INSTRUMENTS

2018 No. 514

ENERGY

The Oil and Gas Authority (Offshore Petroleum) (Retention of Information and Samples) Regulations 2018

Made - - - - *23rd April 2018*

Laid before Parliament *24th April 2018*

Coming into force in accordance with regulation 1

The Secretary of State for Business, Energy and Industrial Strategy, in exercise of powers conferred by sections 28(1) and (2) and 82(2) of the Energy Act 2016(**1**) and having consulted the Oil and Gas Authority in accordance with section 28(5) of that Act, makes the following Regulations.

PART 1

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Oil and Gas Authority (Offshore Petroleum) (Retention of Information and Samples) Regulations 2018 and come into force on the twenty-first day after the day on which they are made.

(2) In these Regulations—

"computerised model" means a model which—

(a) provides a spatial representation of the distribution of sediment and rock in the subsurface, or

(b) simulates the flow of petroleum or any other fluid in a reservoir;

"petroleum" has the meaning given in section 1 of the Petroleum Act 1998(**2**);

"relevant upstream petroleum pipeline" and "upstream petroleum infrastructure" have the meanings given in section 9H of that Act(**3**);

"well" includes borehole.

(**1**) 2016 c. 20. Section 28(3) provides that "specified" means specified, or of a description specified, in regulations.
(**2**) 1998 c.17.
(**3**) Section 9H was inserted by section 41 of the Infrastructure Act 2015 (c.7).

Application

2. These Regulations apply to—

(1) petroleum-related information(**4**) which is—

(a) held by or on behalf of a specified relevant person(**5**) on the day the Regulations commence, or

(b) acquired or created by or on behalf of a specified relevant person on or after that day, and

(2) petroleum-related samples(**6**) which are—

(a) held by or on behalf of a specified offshore licensee(**7**) on the day the Regulations commence, or

(b) acquired or created by or on behalf of a specified offshore licensee on or after that day.

PART 2

Retention of petroleum-related information

Information acquired or created under an offshore licence

3.—(1) A relevant person who is an offshore licensee must retain—

(a) any of the following petroleum-related information relating to a geological survey—

(i) relevant data;

(ii) information relating to the position of the following when measurements are taken during the survey—

(aa) the device used to generate the energy used in the survey;

(bb) the sensors used to detect the energy used in the survey;

(iii) data derived from the processing of relevant data where—

(aa) the processing takes place during the survey, or

(bb) the data is used to create the final product;

(iv) the final product;

(v) any report relating to—

(aa) the acquisition or creation of relevant data;

(bb) the processing of relevant data, or

(cc) the final product;

(b) subject to paragraph (2), any petroleum-related information which relates to—

(i) the sub-surface;

(ii) the geology of the strata;

(iii) the structure of any reservoir;

(iv) the chemical composition of any petroleum;

(**4**) "Petroleum-related information" is defined in section 27(1) of the Energy Act 2016.

(**5**) "Relevant person" is defined in section 18(1) of the Energy Act 2016 as a person listed in section 9A(1)(b) of the Petroleum Act 1998 (c.17), being (i) holders of petroleum licences; (ii) operators under petroleum licences; (iii) owners of upstream petroleum infrastructure; (iv) persons planning and carrying out the commissioning of upstream petroleum infrastructure; and (v) owners of relevant offshore installations. Those terms are further defined in sections 9H-9I of the Petroleum Act 1998.

(**6**) "Petroleum-related samples" is defined in section 27(1) of the Energy Act 2016.

(**7**) "Offshore licensee" is defined in section 18(1) of the Energy Act 2016.

(v) how any petroleum may behave in the reservoir;

(vi) how any petroleum may be trapped in strata and migrate to a reservoir.

(2) Paragraph (1)(b) does not apply to information which relates to a particular geological survey, well or computerised model.

(3) In this regulation—

"final product" means the final 2D, 3D or 4D image of the sub-surface which results from the processing of relevant data and—

(a) includes any data embedded in the image, but

(b) does not include a computerised model;

"relevant data" means data acquired or created in the course of a geological survey.

Information acquired or created under a production licence

4.—(1) A relevant person who holds an offshore licence(**8**) to search and bore for, and get, petroleum must retain any petroleum-related information relating to—

(a) the position or dimensions of a well, including the directional path of the borehole;

(b) the material, equipment or components used in any of the following activities in relation to a well—

(i) drilling;

(ii) any test carried out on any petroleum encountered;

(iii) any test carried out on the well;

(iv) completion work;

(v) production;

(vi) maintenance;

(vii) suspending the use of a well such that it may be re-used for the purpose of getting petroleum or other works;

(viii) plugging, or

(ix) abandoning a well permanently;

(c) any summary of any of the activities listed in sub-paragraph (b);

(d) the strata, formations or fluids which are or may be encountered while undertaking any of the activities listed in sub-paragraph (b) other than production;

(e) the quantity of petroleum or any other fluid produced from or injected into a reservoir where the information relates to a period of twenty-four hours or more;

(f) the chemical composition or characteristics of petroleum or any other fluid produced from or injected into a reservoir;

(g) the quantity of gas which is produced from a reservoir which is flared, vented or used in or during production from that reservoir;

(h) the chemical composition or characteristics of gas which is produced from a reservoir which is flared, vented or used in or during production from that reservoir;

(i) the quantity of petroleum or any other fluid produced or used in or during production from a reservoir which is transported from the petroleum field where the information relates to a period of twenty-four hours or more; or

(**8**) "Offshore licence" is defined in section 18(1) of the Energy Act 2016.