



# Energy Act 2016

## 2016 CHAPTER 20

### PART 2

#### FURTHER FUNCTIONS OF THE OGA RELATING TO OFFSHORE PETROLEUM

### CHAPTER 4

#### MEETINGS

#### **37 Meetings: interpretation**

- (1) A meeting is a relevant meeting for the purposes of this Chapter if—
  - (a) two or more relevant persons are represented at the meeting, and
  - (b) the meeting involves discussion of relevant issues.
- (2) A relevant person is represented at a meeting if an employee of, or a person acting on behalf of, the relevant person participates in the meeting.
- (3) In this Chapter “meeting” includes a meeting which is conducted in such a way that those who are not present together at the same place may by electronic means participate in it.
- (4) In this Chapter “relevant issues” means issues which—
  - (a) are relevant to the fulfilment of the principal objective, or
  - (b) relate to activities carried out under an offshore licence,but does not include anything in respect of which a claim to legal professional privilege (or, in Scotland, to confidentiality of communications) could be maintained in any legal proceedings.
- (5) A notice given by the OGA may provide that—
  - (a) a meeting specified, or of a description specified, in the notice is not a relevant meeting for the purposes of this Chapter;

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- (b) an issue specified, or of a description specified, in the notice is not a relevant issue for those purposes.

#### Commencement Information

**II** [S. 37](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(b\)](#)

### 38 Duty to inform the OGA of meetings

- (1) This section applies where a relevant person, or an employee of or person acting on behalf of the relevant person, knows or should know that a meeting arranged by, or on behalf of, the relevant person will be or is likely to be a relevant meeting.
- (2) The relevant person must, in writing—
  - (a) inform the OGA of the fact that the meeting is to take place, and
  - (b) provide such details of the meeting as are necessary for a person authorised by the OGA to be able to participate in it.
- (3) The relevant person must comply with subsection (2)—
  - (a) at least 14 days before the day on which the meeting is to take place, or
  - (b) if that is not reasonably practicable, so as to give as much notice of the meeting as is reasonably practicable.
- (4) In a case within subsection (3)(b) the relevant person must, when complying with subsection (2), explain in writing to the OGA why it was not reasonably practicable to comply with subsection (2) at least 14 days before the day on which the meeting is to take place.
- (5) The relevant person must inform the OGA in writing as soon as is reasonably practicable of any changes to the information provided under subsection (2)(b).
- (6) The relevant person must also provide the OGA with any information that is provided (whether by the relevant person or any other person) to other persons attending the meeting, including (in particular)—
  - (a) the agenda, and
  - (b) any other documents relevant to the meeting.
- (7) That information must be provided to the OGA—
  - (a) at the same time as it is provided to other persons attending the meeting, or
  - (b) if it not possible for the relevant person to provide it to the OGA at that time, as soon after that time as is reasonably practicable.
- (8) Subsection (6) does not require the relevant person to provide the OGA with information that does not relate to relevant issues.
- (9) The information required under subsections (2), (5) and (6), and any explanation provided under subsection (4), must be provided to the OGA in such manner as may be required by a notice given by the OGA.
- (10) The requirements imposed by this section are sanctionable in accordance with Chapter 5.

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#### Commencement Information

**I2** [S. 38](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(b\)](#)

### 39 Participation by the OGA in meetings

- (1) A person authorised by the OGA under this section is entitled to participate in any relevant meeting.
- (2) But such a person is not entitled—
  - (a) to participate in any part of the meeting that does not relate to relevant issues, or
  - (b) if any matter is decided on by a vote, to take part in the voting.
- (3) The relevant person who arranged the meeting, or on whose behalf the meeting was arranged, must secure that the right conferred by subsection (1) may be exercised.
- (4) The requirement imposed by subsection (3) is sanctionable in accordance with Chapter 5.

#### Commencement Information

**I3** [S. 39](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(b\)](#)

### 40 Provision of information to the OGA after meetings

- (1) This section applies where the right conferred by section 39(1) (right of person authorised by the OGA to participate) is not exercised in relation to a relevant meeting.
- (2) The relevant person by, or on behalf of whom, the meeting was arranged must provide the OGA with a written summary of—
  - (a) the meeting, and
  - (b) any decisions reached at the meeting.
- (3) The written summary must be provided to the OGA within a reasonable period after the end of the meeting.
- (4) Subsection (2) does not require the relevant person to provide the OGA with any information that does not relate to relevant issues.
- (5) The requirement imposed by this section is sanctionable in accordance with Chapter 5.

#### Commencement Information

**I4** [S. 40](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(b\)](#)

### 41 Notices

- (1) This section applies to a notice given by the OGA under this Chapter.
- (2) The notice—

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- (a) may make different provision for different cases, and
  - (b) may be varied or revoked by a further notice given by the OGA.
- (3) The notice, and any variation or revocation, must be published in such manner as the OGA considers appropriate for bringing it to the attention of the persons who, in its opinion, are likely to be affected by it.

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**Commencement Information**

**I5** [S. 41](#) in force at 1.10.2016 by [S.I. 2016/920](#), [reg. 2\(b\)](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2016/602, art. 3 by [S.I. 2016/710 reg. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act excluded in part by [S.I. 2023/734 art. 6\(1\)](#)