

**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(a) 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(b);

“relevant upstream petroleum pipeline” and “upstream petroleum infrastructure” have the meanings given in section 9H of that Act(c);

“well” includes borehole.

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(a) 2016 c. 20. Section 28(3) provides that “specified” means specified, or of a description specified, in regulations.

(b) 1998 c.17.

(c) Section 9H was inserted by section 41 of the Infrastructure Act 2015 (c.7).

## Application

2. These Regulations apply to—
- (1) petroleum-related information(a) which is—
    - (a) held by or on behalf of a specified relevant person(b) 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(c) which are—
    - (a) held by or on behalf of a specified offshore licensee(d) 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;
    - (v) how any petroleum may behave in the reservoir;
    - (vi) how any petroleum may be trapped in strata and migrate to a reservoir.

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(a) “Petroleum-related information” is defined in section 27(1) of the Energy Act 2016.

(b) “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.

(c) “Petroleum-related samples” is defined in section 27(1) of the Energy Act 2016.

(d) “Offshore licensee” is defined in section 18(1) of the Energy Act 2016.

(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<sup>(a)</sup> 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
- (j) the chemical composition or characteristics of petroleum or any other fluid produced or used in or during production from a reservoir which is transported from the petroleum field;
- (k) the most recent version of a computerised model.

(2) In this regulation—

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(a) “Offshore licence” is defined in section 18(1) of the Energy Act 2016.

“characteristics” includes temperature and pressure;

“completion work” has the meaning given in clause 21(4) of the Schedule to the Petroleum Licensing (Production) (Seaward Areas) Regulations 2008(a).

### **Pipeline information**

**5.**—(1) A relevant person to whom this regulation applies must retain any petroleum-related information which relates to—

- (a) the position or dimensions of a relevant upstream petroleum pipeline;
- (b) the material, equipment or components used in the construction, operation, maintenance or decommissioning of a relevant upstream petroleum pipeline;
- (c) the occurrence of construction, maintenance, inspection or decommissioning of a relevant upstream petroleum pipeline, or
- (d) the results of any inspection of a relevant upstream petroleum pipeline.

(2) This regulation applies to a relevant person who is—

- (a) an owner of upstream petroleum infrastructure which is a relevant upstream petroleum pipeline(b), or
- (b) planning and carrying out the commissioning of upstream petroleum infrastructure which is a relevant upstream petroleum pipeline.

### **Information relating to relevant offshore installations and upstream petroleum infrastructure other than pipelines**

**6.**—(1) A relevant person to whom this regulation applies must retain any petroleum-related information which relates to—

- (a) the position or dimensions of a relevant offshore installation or upstream petroleum infrastructure;
- (b) the material, equipment or components used in the construction, operation, maintenance or decommissioning of a relevant offshore installation or upstream petroleum infrastructure;
- (c) the occurrence of construction, maintenance, inspection or decommissioning of a relevant offshore installation or upstream petroleum infrastructure, or
- (d) any summary of the following activities—
  - (i) in relation to a relevant offshore installation, any activity referred to in section 44(3) of the Petroleum Act 1998(c);
  - (ii) in relation to upstream petroleum infrastructure which is a gas processing facility, any gas processing operations;
  - (iii) in relation to upstream petroleum infrastructure which is an oil processing facility, any oil processing operations.

(2) This regulation applies to a relevant person who is—

- (a) an owner of a relevant offshore installation;
- (b) an owner of upstream petroleum infrastructure other than a relevant upstream petroleum pipeline, or
- (c) planning and carrying out the commissioning of upstream petroleum infrastructure other than a relevant upstream petroleum pipeline.

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(a) S.I. 2008/225. Clause 21 is amended by S.I. 2016/912.

(b) Section 9H of the Petroleum Act 1998 defines “upstream petroleum infrastructure” (and “owners” of such infrastructure) for purposes of s9(A)(1)(b) of that Act, which includes a “relevant upstream petroleum pipeline” as defined in section 82(1) of the Energy Act 2011 (c.16). Section 9H was inserted by section 41 of the Infrastructure Act 2015 (c.7).

(c) Section 44 was amended by paragraph 11 of Schedule 1 to the Energy Act 2008 (c.32).

(3) In this regulation—

“gas processing facilities”, “gas processing operations”, “oil processing facilities” and “oil processing operations” have the meanings given in section 90 of the Energy Act 2011(a);

“relevant offshore installation” has the meaning given in section 9HA of the Petroleum Act 1998(b).

### **Duration of retention**

7. A relevant person who is required to retain petroleum-related information under this Part must retain the information until it is provided to the OGA(c) under section 34 of the Energy Act 2016.

## **PART 3**

### **Retention of petroleum-related samples**

#### **Interpretation**

8. In this Part, “production licence” means a licence to search and bore for, and get, petroleum.

#### **Petroleum samples**

9.—(1) Subject to paragraph (2), an offshore licensee who holds a production licence must retain any petroleum-related sample(d) of petroleum which is acquired during the drilling of a well.

(2) Where a petroleum-related sample of petroleum exceeds 1 litre, at least 1 litre of the sample must be retained.

#### **Strata samples**

10.—(1) Subject to paragraphs (2) and (3), an offshore licensee who holds a production licence must retain any petroleum-related sample of strata which is acquired during the drilling of a well.

(2) Where a petroleum-related sample—

(a) is a drill cutting, and

(b) exceeds 100 grams,

at least 100 grams of the sample must be retained.

(3) The obligation under paragraph (1) applies to any portion of a petroleum-related sample which is not provided to the OGA under section 34 of the Energy Act 2016.

(4) In this regulation, “drill cutting” means fragments of strata removed from a well during drilling.

#### **Duration of retention**

11. An offshore licensee who is required to retain a petroleum-related sample under regulations 9 or 10 must retain the sample until—

(a) where a sample of petroleum is not a gas, the earlier of—

(i) the date the sample, or any portion of it, is provided to the OGA under section 34 of the Energy Act 2016, or

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(a) Section 90 was amended by paragraph 72 of Schedule 1 to the Energy Act 2016.

(b) Section 9HA was inserted by section 73 of the Energy Act 2016.

(c) The OGA is defined as the Oil and Gas Authority in section 1(4) of the Energy Act 2016.

(d) “Offshore licensee” and “petroleum-related samples” are defined in sections 18 and 27 of the Energy Act 2016, respectively.

- (ii) the end of the period of six months beginning on the date the offshore licensee gives notice under the licence of the licensee’s intention to dispose of the sample;
- (b) where a sample is of gas, the earlier of—
  - (i) the date the sample, or any portion of it, is provided to the OGA under section 34 of the Energy Act 2016, or
  - (ii) the end of the period of five days beginning on the date the offshore licensee gives notice under the licence of the licensee’s intention to dispose of the sample;
- (c) where the sample is of strata, the later of—
  - (i) the end of the period of six months beginning on the date the offshore licensee gives notice under the licence of the licensee’s intention to dispose of the sample, or
  - (ii) the end of the period of five years beginning on the date the sample is acquired by or on behalf of the licensee.

*Claire Perry*  
Minister of State

23rd April 2018

Department for Business, Energy and Industrial Strategy

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations set out requirements for the retention of petroleum-related information and samples (as defined in section 27(1) of the Energy Act 2016 (c.17) (“the Act”)) by certain relevant persons (as defined in section 18(1) of that Act). The Regulations apply to information or samples which are held on the date the Regulations commence or which are acquired or created on or after that date (regulation 2).

Part 2 of the Regulations specifies the relevant persons who must retain petroleum-related information, the information they must retain and the duration of the obligation. The relevant persons who must retain specified information are offshore licensees (as defined in section 18(1) of the Act), owners of upstream petroleum infrastructure (as defined in section 9H of the Petroleum Act 1998 (c.17) and 82(1) of the Energy Act 2011 (c.16)) or those planning and carrying out the commissioning of such infrastructure, and owners of relevant offshore installations (as defined in sections 9HA-9I and 44 of the Petroleum Act 1998). The obligation to retain information under this Part terminates once the information is provided to the Oil and Gas Authority (OGA) under section 34 of the Act (regulation 7).

Part 3 of the Regulations requires holders of an offshore licence to search and bore for, and get, petroleum to retain any petroleum-related sample of strata or petroleum acquired during the drilling of a well and specifies the maximum quantities to be retained and the duration of retention.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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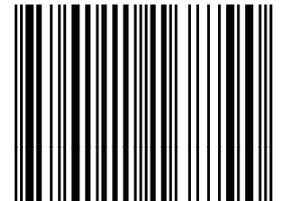


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