EXPLANATORY MEMORANDUM TO

THE OIL AND GAS AUTHORITY (CARBON STORAGE AND OFFSHORE PETROLEUM) (SPECIFIED PERIODS FOR DISCLOSURE OF PROTECTED MATERIAL) REGULATIONS 2026

2026 No. XXXX

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Energy Security and Net Zero and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Minister Michael Shanks, Minister for Energy at the Department for Energy Security and Net Zero confirms that this Explanatory Memorandum meets the required standard.

2.2 Matthew Taylor, Director for Carbon Capture Usage and Storage Strategy and Policy, at the Department for Energy Security and Net Zero confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Hannah Reid at the Department for Energy Security and Net Zero can be contacted by email at the following address with any queries regarding the instrument: hannah.reid@energysecurity.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These Regulations specify when information and samples acquired or created under carbon storage licences may be published by the Oil and Gas Authority ("OGA"), operating under the business name of the North Sea Transition Authority ("NSTA"). The Regulations also amend the period after which the OGA may publish information on the drilling or operation of wells under offshore petroleum licences.

These Regulations apply to information and samples obtained by licensees, in the course of carrying out activities under their licence, and reported to the OGA. Parts one to four of the Regulations apply to information and samples acquired or created under carbon storage licences, and part five of the Regulations applies to information acquired or created under offshore petroleum licences.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England, Wales, Scotland and Northern Ireland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the same as its extent.

5. Policy Context

What is being done and why?

5.1 Carbon storage and offshore petroleum licensees are responsible for complying with various obligations, including reporting information and samples, obtained through the conduct of licensee activities, to regulatory authorities. These Regulations set out when the OGA can publicly disclose carbon storage information and samples, and amends when the OGA can publicly disclose information on the drilling or operation of wells under offshore petroleum licences.

5.2 **Carbon Storage:** The Energy Act 2023 ("the EA2023") allows the Secretary of State to require, by regulations, holders of carbon storage licences granted by, or treated as granted by, the OGA to retain specified carbon storage information and samples. The EA2023 makes provision for the OGA to require licensees to provide it with information or samples as it may request, and for the subsequent public disclosure of that information.

5.3 Carbon capture, usage and storage ("CCUS") is a technology that captures carbon dioxide ("CO_2") emissions for reuse in various industrial applications or permanent storage underground. CCUS is essential to meet the UK's net zero target and Carbon Budgets. CCUS will safeguard our energy security and decarbonise power and industry in a way that drives growth, with the CCUS sector projected to support up to 50,000 jobs and £2.8 billion of Gross Value Added (2022 prices) annually across the supply chain by 2050.

5.4 With the UK Continental Shelf ("UKCS") holding up to an estimated 78 billion tonnes of theoretical CO_2 storage capacity,[1] the UK can lead the world both in the provision of CO_2 services and in the storage of domestic and, potentially, international CO_2 emissions. As of 1st November 2025, the OGA has awarded 27 carbon storage licences and four carbon storage permits, with the first CO_2 injection (apart from tests) still to take place following the progression of the government's CCUS plan.

5.5 The Oil and Gas Authority (Carbon Storage) (Retention of Information and Samples) Regulations 2025 ("the Retention Regulations"), [2] which commenced on 13 May 2025, set out the specified types of carbon storage information and samples that are to be retained by carbon storage licensees and, when the obligation to retain may commence and end. The Oil and Gas Authority (Carbon Storage and Offshore Petroleum) (Specified Periods for Disclosure of Protected Material) Regulations 2026 set out the periods of confidentiality and subsequent disclosure for carbon storage information and samples retained and reported by carbon storage licensees under the Retention Regulations to the OGA.

5.6 Carbon storage information is defined in section 107(4) EA2023 and refers to information acquired or created by or on behalf of a licensee in the course of carrying out activities under the licensee's carbon storage licence. This can include but is not limited to geophysical survey information, monitoring information and well information.

5.7 Carbon storage samples is defined in section 107(5) EA2023 and are samples of substances acquired by or on behalf of a licensee in the course of carrying out activities under the licensee's carbon storage licence. The samples can include but are

[1] https://www.co2stored.co.uk/home/index
[2] The Oil and Gas Authority (Carbon Storage) (Retention of Information and Samples) Regulations 2025 - https://www.legislation.gov.uk/uksi/2025/498/made

not limited to samples of fluid or strata acquired during the drilling of a well, as well as samples of fluid or strata acquired during monitoring activities.

5.8 Further information on technical terms used in these Regulations: survey acquisition means the collection and generation of raw data of the surface and/or the subsurface, targeted storage formation means the geological formation which is used or intended to be used for carbon storage, primary top seal means the seal which is adjacent to the top of the storage formation, store type means the characterisation of the geological formation used for carbon storage e.g. depleted oil field, and bounding polygon means the area which defines the boundaries of the storage site or storage complex as agreed in the carbon storage permit. These terms are not defined within the Regulations themselves as they are well understood by industry participants. This is consistent with the approach in the equivalent regulations for the disclosure of offshore petroleum information and samples (The Oil and Gas Authority (Offshore Petroleum) (Disclosure of Protected Material after Specified Period) Regulations 2018 ("the 2018 Regulations")).

5.9 Sufficient confidentiality and disclosure periods are critical to enable the licensees to make commercial use of the information and ensure access to deliver efficient ways to utilise the UKCS's storage potential. These Regulations support government's vision for CCUS.

5.10 **Offshore Petroleum:** The Energy Act 2016 ("the EA2016") allows the Secretary of State to require, by regulations, holders of offshore petroleum licences granted by, or treated as granted by, the OGA to retain specified petroleum-related information and samples. The Act makes provision for the OGA to require licensees to provide it with information or samples as it may request, and for the subsequent public disclosure of that information.

5.11 Section 34 notices ("reporting notices") under the EA2016 require licensees to provide the OGA with information in the form, manner and at a time as specified in the notice. Regulation 9 of the 2018 Regulations allows the OGA to disclose "Other Well Information" to the public following a two-year confidentiality period beginning with the date on which the information is obtained by the OGA.

5.12 "Other Well Information" is information created by, or on behalf of, an offshore licensee and is related to all aspects of the lifecycle of a well. This is an extensive and varied category of information which in some cases can extend over multiple decades.

5.13 As drafted, the 2018 Regulations are not leading to the optimal disclosure of this category of information. Currently regulation 9 specifies the start of the confidentiality period for "Other Well Information" is from the date the information is obtained by the OGA. In practice, much information requested under reporting notices is provided later than the requested reporting deadline. Consequently, once the two-year confidentiality period is added on, there can be significant delays in disclosure.

5.14 To address this, these Regulations amend the start of the confidentiality period for "Other Well Information" from the date the information is obtained to the date of the reporting deadline, as outlined in the reporting notice, ensuring a more consistent disclosure timeline, independent of reporting delays.

5.15 This amendment will align with the approach of disclosure for carbon storage well information under these Regulations (regulations 7, 11 and 16), promoting greater consistency in standards across industries. This alignment will also improve transparency around how industry information is disclosed. For the OGA, this policy will support a clearer, more uniform approach to applying regulations, enabling

consistent implementation across the carbon storage and offshore petroleum industries. The public will benefit from a clearly defined confidentiality period, providing reliable access to information.

What was the previous policy, how is this different?

5.16 **Carbon Storage:** Prior to this instrument, the requirements regarding periods of confidentiality and disclosure were set under licence model clauses which do not provide the specific detail required.

5.17 **Offshore Petroleum:** In accordance with the 2018 Regulations, disclosure occurred two years after the OGA obtained the information, with delays if licensees submitted information late. The amendment as set out in these Regulations minimises this delay by allowing disclosure two years after the information is due, aligning with disclosure for carbon storage well information.

6. Legislative and Legal Context

How has the law changed?

6.1 Carbon Storage: The Energy Act 2008 ("the EA2008") established a licensing framework for the storage of carbon dioxide, with the OGA established as the relevant licensing authority for carbon storage in the UKCS. Carbon storage activities requiring a licence are set out in section 17(2) EA2008, and licences are issued under section 18(1) EA2008.

6.2 The Retention Regulations, made under section 108 EA2023, set out the specified types of information and samples that are to be retained by carbon storage licensees and when the obligation to retain may commence and end.

6.3 Under section 112 EA2023, the OGA may require a carbon storage licensee to provide it with carbon storage information or samples held by, or on behalf of, the licensee.

6.4 Section 331(2) and Paragraph 4, Schedule 7 of the EA2023 provides powers for the Secretary of State to make provisions permitting protected material to be published, or made available to the public, by way of regulations. These Regulations are made under Schedule 7 which provides the power for the Secretary of State to specify time periods for the public disclosure of carbon storage information and samples obtained by the OGA under section 112 EA2023. "Protected material" means information or samples which have been obtained by the OGA under section 112 or 124 of the EA2023.

6.5 This instrument was made in consideration of similar, existing powers held by the OGA in relation to offshore petroleum information and samples, as provided under the 2018 Regulations. These Regulations look to follow that precedent where relevant.

6.6 **Offshore Petroleum:** Sections 66 and 82 of the EA2016 give the Secretary of State the power to make regulations that may include provision permitting protected material to be published, or made available to the public. "Protected material" refers to information or samples obtained by the OGA under Part 2 EA2016.

6.7 Under section 34(1) EA2016, the OGA may notify and require to be provided with any 'petroleum-related information' or a portion of any 'petroleum-related sample'[3] held by, or on behalf of, the relevant person[4] or a person who holds information or

[3] "petroleum-related information" and "petroleum-related samples" are defined in section 27 of the EA2016.
[4] "Relevant person" means a person listed in section 9A(1)(b) of the Petroleum Act 1998

samples in accordance with an information and samples plan ("a reporting notice"). Section 34(2) EA2016 provides that the reporting notice must specify the time at which, or period within which, the information or the portion of a sample must be provided.

6.8 The 2018 Regulations specify the time at, or after which, the OGA may publish or make publicly available different types of petroleum related information and samples. These timings vary according to the type of information.

6.9 Regulation 9(3)(a) of the 2018 Regulations as currently drafted specifies the start of the confidentiality period for "Other Well Information" as from the date the information is obtained by the OGA. In practice, information is sometimes provided later than the requested reporting deadline. Once the two-year confidentiality period is then added on, disclosure of this information can be significantly delayed.

6.10 These Regulations amend regulation 9(3)(a) so that the OGA may publish the information listed in regulation 9(1) after the period of two years beginning with the reporting deadline date set out and required in the section 34 reporting notice.

Why was this approach taken to change the law?

6.11 This is the only possible approach to make the necessary changes to ensure timely disclosure of protected material to industry, academia and the public.

7. Consultation

Summary of consultation outcome and methodology

7.1 **Carbon Storage:** Ahead of the introduction of enabling powers within EA2023, the OGA ran a public consultation[5] on information and sample related matters in carbon dioxide appraisal and storage, and petroleum licences. This consultation ran between January 2023 and March 2023, with a response[6] published in April 2023.

7.2 The OGA received eleven responses which were broadly supportive on the principle of applying similar information gathering powers currently exercised by the OGA in respect of petroleum licensees to carbon storage licences.

7.3 This consultation highlighted respondents' desire for timely and transparent access to carbon storage information. Two respondents raised concerns regarding the need for appropriate confidentiality periods for the information's subsequent disclosure. Further feedback was provided regarding the types of information which would be collected through the conduct of carbon storage activities. These representations were taken into account in the development of powers in the EA2023 and subsequently in the drafting of these regulations.

7.4 The OGA ran a public consultation[7] between February 2024 and April 2024, gathering further industry views on its proposed disclosure requirements of carbon storage information and samples. A response[8] was published in October 2025.

7.5 Eleven responses were received from industry representative bodies, government organisations and individual companies including the Carbon Capture and Storage

[5] https://www.nstauthority.co.uk/news-publications/consultation-on-new-carbon-storage-data-powers/
[6] https://www.nstauthority.co.uk/news-publications/consultation-response-on-proposals-on-new-carbon-storage-data-powers/
[7] https://www.nstauthority.co.uk/news-publications/consultation-on-proposed-regulations-for-the-disclosure-of-carbon-storage-information-and-samples/
[8] https://www.nstauthority.co.uk/news-publications/response-to-consultation-on-regulations-for-disclosure-of-carbon-storage-info-samples/

Association ("CCSA") and the British Geological Survey ("BGS"). Responses were broadly positive, echoing the response to the 2023 consultation. The responses were appropriately considered ahead of the drafting of these regulations and, where reasonable, adjustments have been made to the proposed confidentiality and disclosure periods.

7.6 Paragraph 4(3) of Schedule 7 EA2023 requires the Secretary of State to consult such persons that are considered appropriate. Through the OGA consultation, industry, stakeholders and licensing authorities such as the devolved administrations were consulted. In line with paragraph 4(4) of Schedule 7 EA2023 the consultation requirement is considered to be met.

7.7 **Offshore Petroleum:** The OGA ran a separate public consultation[9] on the proposals to amend the confidentiality period for well information in the 2018 Regulations. This consultation ran between July and September 2022.

7.8 The proposals were supported by respondents. There were no negative responses. All respondents agreed that information should become disclosable at a date based on when the information should have been reported, rather than when it was actually reported to the OGA. This was noted in the consultation response[10] published in February 2023. As outlined in the consultation response, these proposals have been discussed with stakeholders extensively and have been accepted as a workable improvement.

7.9 Subsection 3 of section 66 EA2016 requires the Secretary of State to consult such persons that are considered appropriate. Through consultation, industry, stakeholders and licensing authorities such as the devolved administrations were consulted. In line with subsection 4 of section 66 EA2016 the consultation requirement is considered to be met.

8. Applicable Guidance

8.1 **Carbon Storage:** The OGA intends to issue guidance in due course, to aid industry's understanding of and compliance with the Retention Regulations and parts one to four and the schedules of these Regulations.

8.2 **Offshore Petroleum:** The changes to the to the 2018 Regulations in relation to the timeframe within which the OGA may publish information on the drilling or operation of wells under offshore petroleum licences will be included in updated guidance to be published after the amended Regulations come into force.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the impact the carbon storage disclosure requirements and amendment to offshore petroleum disclosure requirements will have on businesses does not meet the threshold for such an assessment. The Equivalent Annual Net Direct Cost to Business (EANDCB) is estimated to be below ±£10 million, and therefore falls below the threshold to produce an impact assessment.

[9] https://www.nstauthority.co.uk/news-publications/consultation-on-proposals-on-nsta-fees-and-data-confidentiality-periods/

[10] https://www.nstauthority.co.uk/news-publications/consultation-response-on-proposals-on-nsta-fees-and-data-confidentiality-periods/

9.2 Specifying the disclosure periods for carbon storage information and samples is an administrative measure. Familiarisation costs of less than one day are expected for carbon storage licensees, with administrative obligations and costs falling solely on the NSTA.

9.3 There are no financial impacts to business following the change in relation to the confidentiality period for well information reporting.

Impact on businesses, charities and voluntary bodies

9.4 There is no, or no significant, impact on business, charities or voluntary bodies because there is no additional administrative or cost burden on carbon storage or petroleum licensees. The disclosure of carbon storage information and samples has the potential to result in a cost saving as prospective carbon storage licensees and petroleum licensees will not have to purchase similar information and samples elsewhere, if available.

9.5 The legislation does not disproportionately impact small or micro businesses.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The OGA has a responsibility to keep the requirements in the Regulations under review to ensure they are operating effectively. This is part of the broader regulatory framework that governs the OGA's activities.

10.2 The instrument does not include a statutory review clause because it provides for the disclosure of information by a public authority (the OGA).

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 These Regulations relate to *The Oil and Gas Authority (Carbon Storage) (Retention of Information and Samples) Regulations 2025*. Those Regulations, made using the powers in section 108 EA2023, enabled the Secretary of State to make provisions, by way of regulations, about the retention of carbon storage information and samples. Together, the provisions on retention and disclosure of carbon storage information and samples will enhance knowledge sharing across the CCUS industry and support the effectiveness and efficiency of UK carbon storage.

12. European Convention on Human Rights

12.1 The Minister for Energy has made the following statement regarding Human Rights:

"In my view the provisions of the Oil and Gas Authority (Carbon Storage and Offshore Petroleum) (Specified Periods for Disclosure of Protected Material) Regulations 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").