Draft Regulations laid before Parliament under section 82(4) of the Energy Act 2016, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No.

ENERGY

The Oil and Gas Authority (Offshore Petroleum) (Disclosure of Protected Material after Specified Period) Regulations 2018

Made - - - -	*2018*
Laid before Parliament	*May 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 66(1) and (2) and 82(2) of the Energy Act 2016(**a**) and having had regard to the requirements of section 66(5) and (6) of that Act, makes the following Regulations.

The Secretary of State is satisfied under section 66(4) of the Energy Act 2016 that consultation is not necessary having regard to consultation carried out by the Oil and Gas Authority.

In accordance with section 82(4) of the Energy Act 2016 a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Oil and Gas Authority (Offshore Petroleum) (Disclosure of Protected Material after Specified Period) Regulations 2018 and come into force on the twenty-first day after the day on which they are made.

General application

2. Subject to regulation 3, these Regulations apply to the following protected material(**b**) obtained by the OGA(**c**) under Chapter 3 of Part 2 of the Energy Act 2016—

(a) material falling within regulations 5 to 7 (information relating to geological surveys) where the end of the calendar year in which the information is acquired or created by or

(**a**) 2016 c. 20.
(**b**) "Protected material" is defined in section 62(1) 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.

on behalf of an offshore licensee(**a**) occurs after the commencement of these Regulations; and

(b) material falling within regulations 8 to 21 (other information relating to offshore petroleum activities) where the event which under these Regulations determines the time at, or after which, the material may be published or made available to the public occurs after the commencement of these Regulations.

Application in relation to the determination of an offshore licence

3.—(1) Paragraph (2) applies where—

(a) these Regulations permit the publication of protected material after the determination of an offshore licence(**b**); and

(b) the determination relates to only part of the area in respect of which the licence was granted.

(2) These Regulations are to be applied to the protected material relating to the part of the area to which the determination relates only unless that is the only area in respect of which the licence continued to have effect.

Interpretation

4.—(1) In these Regulations—

"characteristics" includes temperature and pressure;

"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;

"determination" means any of the following events in relation to all or part of the area in respect of which an offshore licence is granted—

(a) a surrender of rights under the licence;

(b) the expiry of the licence;

(c) the revocation of the licence by the OGA where the revocation is in respect of every person who is a licensee with an interest in the area in respect of which the licence is revoked;

"development plan" means a plan or programme of activity under an offshore licence which satisfies the following conditions—

(a) a clause corresponding to model clause 17(1) of the Schedule to the Petroleum Licensing (Production) (Seaward Areas) Regulations 2008(**c**) applies to the plan or programme, and

(b) the OGA has—

(i) given consent or approval to the plan or programme, or

(ii) served the plan or programme on the licensee;

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

"pipeline works authorisation" means an authorisation given by the OGA in accordance with section 15 of the Petroleum Act 1998(**e**);

(**a**) "Offshore licensee" is defined in section 18(1) of the Energy Act 2016.
(**b**) "Offshore licence" is defined in section 18(1) of the Energy Act 2016.
(**c**) S.I. 2008/225. Model clause 17 is amended by S.I. 2016/912.
(**d**) 1998 c. 17.
(**e**) Section 15 is amended by paragraph 15 of Schedule 1 to the Energy Act 2016, paragraph 9 of Schedule 2 to the Energy Act 2011 (c. 16) and S.I. 2011/2305 and S.I. 2000/1937.

"production information" means information acquired or created by or on behalf of an offshore licensee which relates to—

(a) the quantity of petroleum or any other fluid which is produced from or injected into a reservoir;

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

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

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

(e) the quantity of petroleum or any other fluid which is produced or used in or during production from a reservoir and which is transported from the petroleum field; or

(f) the chemical composition or characteristics of petroleum or any other fluid which is produced or used in or during production from a reservoir and which is transported from the petroleum field;

"production licence" means an offshore licence which confers on the holder of that licence the right to search and bore for, and get, petroleum;

"relevant licence" means the offshore licence under which the activities were carried out in the course of which the protected material to be published or made available to the public was acquired or created;

"relevant offshore installation" has the meaning given in section 9HA of the Petroleum Act 1998(**a**);

"relevant upstream petroleum infrastructure" means a relevant oil processing facility or a relevant gas processing facility as defined for the purposes of section 9H of the Petroleum Act 1998(**b**);

"well" includes borehole.

(2) In regulations 6 and 7, "processing" means any operation performed on data acquired or created in the course of a geological survey to generate an image of the subsurface.

PART 2

Disclosure of protected material

Summary information relating to geological surveys carried out by or on behalf of an offshore licensee

5.—(1) This regulation applies to the following information relating to a geological survey which is carried out by or on behalf of an offshore licensee—

(a) the name of the survey;

(b) the dates on which the survey started and finished or was expected to start and finish;

(c) the type of survey;

(d) whether the survey was carried out by or on behalf of the holder of a production licence for the purpose of getting petroleum under that licence;

(e) the geographic coordinates of the area surveyed;

(f) for seismic surveys—

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

(**a**) Section 9HA was inserted by section 73(4) of the Energy Act 2016.

(**b**) Section 9H was inserted by section 41 of the Infrastructure Act 2015 (c. 7) and substituted by section 74(2) of the Energy Act 2016.

(ii) the depth below sea level at which the device was located;

(iii) the intervals between activating the device during the survey;

(iv) the intervals between measurements taken during the survey;

(v) the duration of the recording of the seismic trace;

(vi) the length of the streamer cables towed by a seismic vessel;

(vii) where there were multiple streamer cables towed by a seismic vessel, the lateral separation between them.

(2) Where this regulation applies, the OGA (or a subsequent holder(**a**)) may publish the information after the date on which the geological survey finishes.

Information relating to geological surveys carried out by or on behalf of the holder of a production licence

6.—(1) Subject to paragraph (2), this regulation applies to information relating to a geological survey which is carried out by or on behalf of the holder of a production licence.

(2) This regulation does not apply to information to which any of regulations 5, 8 or 9 applies.

(3) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the earlier of—

(a) the period of five years beginning with the date on which processing relating to the survey referred to in paragraph (1) is complete; or

(b) the date of the determination of the production licence in respect of the area to which the geological survey relates.

Information relating to geological surveys carried out other than by or on behalf of the holder of a production licence

7.—(1) Subject to paragraph (2), this regulation applies to information relating to a geological survey which is carried out—

(a) by or on behalf of the holder of an exploration licence, and

(b) other than on behalf of the holder of a production licence.

(2) This regulation does not apply to information to which any of regulations 5, 8 or 9 applies.

(3) Where this regulation applies, the OGA (or a subsequent holder) may publish the information—

(a) where the information is processed information, after the period of ten years beginning with the date on which processing relating to the survey referred to in paragraph (1) is complete;

(b) where the information is original information, after the period of fifteen years beginning with the date on which processing relating to the survey referred to in paragraph (1) is complete.

(4) In this regulation—

"exploration licence" means an offshore licence which confers on the holder of that licence the right to search for petroleum;

"original information" means—

(a) data acquired or created in the course of a geological survey;

(b) information relating to the acquisition or creation of that data;

(c) information other than seismic velocity values which was used in processing arising from a seismic survey;

(**a**) "Subsequent holder" is defined in section 62(2) of the Energy Act 2016.

"processed information" means—

(a) the final 2D, 3D or 4D image generated by processing and—

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

(ii) does not include a computerised model;

(b) information which relates to the methodology for processing and which is not original information;

(c) any seismic velocity values used in processing.

Summary well information

8.—(1) This regulation applies to the following information which is acquired or created by or on behalf of an offshore licensee and relates to a well—

(a) whether there is any other well connected to the well;

(b) whether any other well has been drilled under the relevant licence to search, bore for or get petroleum from the same strata;

(c) where the well is associated with a petroleum field, the name of the field;

(d) the geographic coordinates of the points at which the well penetrates the seabed and reaches total depth;

(e) the date drilling started;

(f) the depth of the water at the point at which the well penetrates the seabed;

(g) the total depth of the well;

(h) the location from which the depth of the well was measured;

(i) the distance above sea level of the location from which the depth of the well was measured;

(j) the date the total depth of the well was reached;

(k) the status of the well;

(l) the following information about the strata which are or may be encountered while undertaking any of the activities listed in regulation 9(1)(b)—

(i) name;

(ii) age;

(iii) thickness, and

(iv) type of rock;

(m) whether petroleum has been found and if so, whether it is oil or gas, and

(n) the results of any flow test.

(2) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the date on which the information is obtained by the OGA.

Other well information

9.—(1) Subject to paragraph (2), this regulation applies to information which is acquired or created by or on behalf of an offshore licensee and relates 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) completion work;

(iv) production;

(v) maintenance;

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

(vii) plugging, or

(viii) 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.

(2) This regulation does not apply to information to which regulation 8 applies.

(3) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the earlier of—

(a) the period of two years beginning with the date on which the information is obtained by the OGA; or

(b) the date of the determination of the relevant licence.

(4) In this regulation, "completion work" has the meaning given in model clause 21(4) of the Schedule to the Petroleum Licensing (Production) (Seaward Areas) Regulations 2008(**a**).

Consolidated production information

10.—(1) This regulation applies to production information which is consolidated on the basis of—

(a) the calendar month to which the information relates, or

(b) the petroleum field to which the information relates.

(2) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the earlier of—

(a) the period of two calendar months beginning with the last day of the month to which the information relates, or

(b) the date of the determination of the relevant licence.

Other production information

11.—(1) This regulation applies to production information to which regulation 10 does not apply.

(2) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the earlier of—

(a) the date production permanently ceases from the petroleum field to which the information relates, or

(b) the date of the determination of the relevant licence.

Information relating to computerised models

12.—(1) This regulation applies to the following information which is acquired or created by or on behalf of an offshore licensee—

(a) a computerised model, and

(b) information relating to how a computerised model was created.

(**a**) Model clause 21 is amended by S.I. 2016/912.

(2) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the date of the determination of the relevant licence.

Summary information relating to production under an offshore licence

13.—(1) This regulation applies to the following information which is acquired or created by or on behalf of an offshore licensee and relates to a field in which petroleum is discovered—

(a) the date on which production started;

(b) the date on which production permanently ceased;

(c) a description of any element or compound in the petroleum encountered which may be corrosive or hazardous or may otherwise affect the production of petroleum or its transportation from the petroleum field.

(2) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the date on which the information is obtained by the OGA.

Geotechnical information in a development plan

14.—(1) Subject to paragraph (2), this regulation applies to information which is contained in a development plan and which relates to—

(a) the geotechnical engineering or analysis required to carry out the activities described in the plan; or

(b) the geology of the area to which the plan relates.

(2) This regulation does not apply to information to which any of regulations 5 to 13 applies.

(3) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the earlier of—

(a) the period of five years beginning with the date on which petroleum is first produced from the petroleum field, or

(b) the date of the determination of the relevant licence.

Other information relating to an offshore licence

15.—(1) Subject to paragraph (2), this regulation applies to information which is acquired or created by or on behalf of an offshore licensee and relates to—

(a) the sub-surface;

(b) the geology of the strata;

(c) the structure of any reservoir;

(d) the chemical composition of any petroleum;

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

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

(2) This regulation does not apply to information to which any of regulations 5 to 14 applies.

(3) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the date of the determination of the relevant licence.

Samples

16.—(1) The OGA (or a subsequent holder) may make available to the public a petroleum-related sample after the earlier of—

(a) the period of two years beginning with the date on which the sample is obtained by the OGA, or

(b) the date of the determination of the relevant licence.

(2) In this regulation, "petroleum-related sample" has the meaning given in section 27(1) of the Energy Act 2016(**a**).

General information relating to pipelines

17.—(1) This regulation applies to the following information relating to a pipeline in respect of which the OGA has granted a pipeline works authorisation—

(a) the design of the pipeline;

(b) the capacity of the pipeline;

(c) the route of the pipeline;

(d) the geographic coordinates for the points at which the pipeline begins and ends and any points at which it changes direction;

(e) the maximum allowable operating pressure of the pipeline;

(f) the things authorised to be conveyed by the pipeline;

(g) the burial status of the pipeline;

(h) the average depth of the pipeline below sea level;

(i) the dates on which construction of the pipeline started and finished or is expected to start and finish.

(2) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the date on which the OGA grants the pipeline works authorisation.

Information relating to cessation of use and removal of pipelines

18.—(1) Where the OGA grants a relevant pipeline works authorisation, the OGA (or a subsequent holder) may, after the date on which the authorisation is granted, publish the date on which the pipeline ceases to be used or is expected to cease being used.

(2) The OGA (or a subsequent holder) may publish the date on which a pipeline is removed after the date on which that information is obtained by the OGA.

(3) In this regulation—

"relevant pipeline works authorisation" means a pipeline works authorisation which authorises the cessation of the use of a pipeline;

"removed" means removed in accordance with an abandonment programme under Part 4 of the Petroleum Act 1998(**b**).

Pipeline deposit information

19.—(1) Where the OGA grants consent to a pipeline deposit proposal, this regulation applies to the following information relating to a deposit in respect of which that consent was granted—

(a) the number assigned to the pipeline to which the deposit relates;

(b) the dates on which the process of placing the deposit on the seabed started and finished or is expected to start and finish;

(c) the type, size and quantity of the material which is used or expected to be used;

(d) the geographic coordinates of the location of the deposit on the seabed.

(2) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the date on which the OGA grants consent to the pipeline deposit proposal.

(3) In this regulation—

"deposit" means any material placed on the seabed for the protection or support of a pipeline;

(**a**) 2016 c. 20.
(**b**) 1998 (c. 17), to which there are amendments not relevant to these Regulations.

"pipeline deposit proposal" means a proposal submitted pursuant to a pipeline works authorisation to place a deposit on the seabed—

(a) during the construction of the pipeline, or

(b) for the maintenance of the pipeline.

Summary information relating to relevant offshore installations and relevant upstream petroleum infrastructure

20.—(1) This regulation applies to the following information relating to a relevant offshore installation or relevant upstream petroleum infrastructure—

(a) the name of the installation or infrastructure;

(b) the type of installation or infrastructure;

(c) the name of the owner or operator of the installation or infrastructure;

(d) any description of the installation or infrastructure contained in a development plan;

(e) the status of the installation or infrastructure;

(f) the geographic coordinates of the location of the installation or infrastructure;

(g) confirmation of whether any pipelines are connected to the installation or infrastructure;

(h) information relating to power or telecommunication cables connected to the installation or infrastructure.

(2) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the date on which the information is obtained by the OGA.

Other information relating to relevant offshore installations and relevant upstream petroleum infrastructure

21.—(1) Subject to paragraph (2), this regulation applies to information relating to a relevant offshore installation or relevant upstream petroleum infrastructure which relates to—

(a) the position or dimensions of the installation or infrastructure;

(b) the material, equipment or components used in the construction, operation, maintenance or decommissioning of the installation or infrastructure;

(c) the occurrence of construction, maintenance, inspection or decommissioning of the installation or infrastructure;

(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(**a**);

(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 does not apply to information to which regulation 20 applies.

(3) Where this regulation applies, the OGA (or a subsequent holder) may publish the information after the date on which the conditions in paragraph (4) are satisfied.

(4) The conditions referred to in paragraph (3) are—

(a) the installation or infrastructure was used to get petroleum under an offshore licence; and

(b) production has permanently ceased from every petroleum field which used the installation or infrastructure to get petroleum under an offshore licence.

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

(5) In this regulation, "gas processing facility", "gas processing operation", "oil processing facility" and "oil processing operations" have the meanings given in section 90 of the Energy Act 2011(**a**).

Name
Minister of State for Energy and Clean Growth
Date Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the time at, or after which, protected material (as defined in section 62(1) of the Energy Act 2016 (c. 20)) which has been obtained by the Oil and Gas Authority under Chapter 3 of Part 2 of that Act (offshore petroleum-related information and samples) may be published (or otherwise made available) by it or a subsequent holder. Regulations 2 and 3 set out how the Regulations apply. Material falling within regulations 5 to 7 is only subject to the Regulations if the end of the calendar year in which the information was acquired or created (by or on behalf of an offshore licensee, as defined in section 18(1) of the Energy Act 2016) occurs after the commencement of the Regulations (regulation 2(a)). Material falling within regulations 8 to 21 is subject to the Regulations where the event which under the Regulations determines the time at, or after which, the material may be published occurs after the commencement of the Regulations (regulation 2(b)). Where the determination of an offshore licence (as defined in section 18(1) of the Energy Act 2016) determines when protected material may be published under these Regulations and the determination relates to only part of the area in respect of which the licence was granted, only material relating to that part may be published unless that is the only area in respect of which the licence continued to have effect (regulation 3).

Regulations 5 to 7 specify the time at, or after which, it is permissible to publish information relating to geological surveys conducted by or on behalf of offshore licensees. Regulations 8 and 9 specify the time at, or after which, it is permissible to publish information relating to the drilling or operation of a well under an offshore licence. Regulations 10 and 11 specify the time at, or after which, it is permissible to publish information relating to petroleum production, such as the quantities and chemical composition of petroleum. Regulations 12 to 15 specify the time at, or after which, it is permissible to publish computerised models of the subsurface or reservoirs, the dates during which production is undertaken, any description of substances which may affect production or transportation of petroleum, information relating to the geotechnical engineering or analysis required to erect the installations or other structures needed for production and any other information relating to the composition of the sub-surface or the presence of petroleum. Regulation 16 specifies the time at, or after which, it is permissible to make available samples acquired or created when drilling or producing from a well. Regulations 17 to 21 specify the time at, or after which, it is permissible to publish information relating to pipelines, relevant offshore installations and relevant upstream petroleum infrastructure.

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. An Explanatory Memorandum is published alongside these Regulations at www.legislation.gov.uk and is also available from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET.

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(**a**) 2011 c. 16. Section 90 was amended by paragraph 72 of Schedule 1 to the Energy Act 2016.

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