STATUTORY INSTRUMENTS

2025 No. 498

ENERGY

The Oil and Gas Authority (Carbon Storage) (Retention of Information and Samples) Regulations 2025

Made - - - -	*17th April 2025*
Laid before Parliament	*22nd April 2025*
Coming into force - -	*13th May 2025*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 108 and 331(2)(b) of the Energy Act 2023(**a**).

The Secretary of State has, in accordance with section 108(7) of that Act, consulted the licensing authorities that may under section 18(1) of the Energy Act 2008(**b**) ("the 2008 Act") grant a licence in respect of the carrying on, in a place to which these Regulations apply, of activities within section 17(2) of the 2008 Act.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Oil and Gas Authority (Carbon Storage) (Retention of Information and Samples) Regulations 2025.

(2) These Regulations come into force on 13th May 2025.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(4) These Regulations apply in relation to carbon storage information(**c**) and carbon storage samples(**d**)—

(a) held by, or on behalf of, a licensee(**e**) immediately before these Regulations come into force, or

(b) acquired or created by, or on behalf of, a licensee on or after the day on which these Regulations come into force.

(5) But nothing in these Regulations applies in relation to any carbon storage information or carbon storage samples at any time when—

(a) an information and samples plan(**f**) dealing with the information or samples has effect;

(**a**) 2023 c. 52.
(**b**) 2008 c. 32.
(**c**) See section 107(4) of the Energy Act 2023 ("the 2023 Act") for the meaning of "carbon storage information".
(**d**) See section 107(5) of the 2023 Act for the meaning of "carbon storage samples".
(**e**) See section 107(2) of the 2023 Act for the meaning of "licensee".
(**f**) See section 109(4) of the 2023 Act for the meaning of "information and samples plan".

(b) the information or samples are required to be retained in accordance with any provision included in a storage permit in accordance with regulation 8 of, and Schedule 2 to, the CS Licensing Regulations 2010.

Interpretation

2. In these Regulations—

"CO_2" means carbon dioxide;

"the CS Licensing Regulations 2010" means the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010(**a**);

"the CS Storage Directive" means Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide(**b**);

"fluid" means—

(a) a gas, a liquid or vapours, or

(b) a mixture of those things;

"injection" means injection of CO_2, or any other fluid, into a storage site;

"OGA notice" means a notice under section 112 of the Energy Act 2023 (power of OGA to require information and samples);

"storage site" has the meaning given by Article 3 of the CS Storage Directive;

"well" includes borehole.

Retention of carbon storage information by licensees

3.—(1) A licensee must retain the following carbon storage information—

(a) the survey information,

(b) the well information,

(c) the site information,

(d) the injection and production information,

(e) the monitoring information, and

(f) the installation information.

(2) The Schedule makes further provision about that carbon storage information.

(3) The licensee must retain the information until a relevant event occurs in relation to that information.

(4) A "relevant event" occurs in relation to carbon storage information if that information—

(a) is provided to the OGA(**c**) in accordance with an OGA notice,

(b) is provided to the OGA in accordance with any requirement imposed by or under regulation 8 of, and Schedule 2 to, the CS Licensing Regulations 2010, or

(c) is included in the register maintained under section 29(1) of the Energy Act 2008(**d**).

(**a**) S.I. 2010/2221. Regulation 8 was amended by section 104 of the Energy Act 2023 and Schedule 2 was amended by S.I. 2012/461 and 2019/544. There are other amendments to the CS Licensing Regulations 2010 but none is relevant.
(**b**) OJ No L 140, 5.6.2009, p 114.
(**c**) See section 127 of the 2023 Act for the meaning of "the OGA".
(**d**) 2008 c. 32.

Retention of carbon storage samples by licensees

4.—(1) A licensee must retain—

(a) any portion of a relevant sample which is not provided to the OGA in accordance with—

(i) an OGA notice, or

(ii) any requirement included in a storage permit in accordance with regulation 8 of, and Schedule 2 to, the CS Licensing Regulations 2010, and

(b) if a drill cuttings sample or fluid sample exceeded the maximum quantity when acquired, any portion of the maximum quantity of the sample which is not provided to the OGA in accordance with such a notice or such a requirement,

and each such portion is referred to in this regulation as a "licensee portion".

(2) The licensee must retain a licensee portion until the end of the period of six months beginning with the day on which the licensee gives a disposal intention notice to the OGA in respect of that portion.

(3) Subject to paragraph (4), where a licensee portion is of a solid sample, the licensee may not give the OGA a disposal intention notice in respect of that portion more than six months before the later of—

(a) the last day of the post-completion period ("the post completion day") for the relevant well, and

(b) the last day of the post-closure period ("the post closure day") for the well.

(4) Where the post closure day for a relevant well is later than the post completion day for that well, the licensee may, with the consent of the OGA, give the OGA a disposal intention notice on an early notification date in respect of a licensee portion of a solid sample acquired from that well.

(5) For the purposes of paragraph (4), an early notification date is a day which is—

(a) before the post closure day for the relevant well, but

(b) at least six months after the post completion day for the well.

(6) For the purposes of this regulation—

(a) a "relevant sample" is a carbon storage sample acquired by, or on behalf of, a licensee—

(i) during the drilling of a well, or

(ii) in the course of carrying out activities for one or more of the purposes specified in paragraph 2(3) of Schedule 2 to the CS Licensing Regulations 2010;

(b) a "drill cuttings sample" is a relevant sample which is of fragments of strata acquired during the drilling of a well;

(c) a "fluid sample" is a relevant sample which is of a fluid;

(d) the "maximum quantity"—

(i) for a drill cutting sample, is 100 grammes;

(ii) for a fluid sample, is one litre;

(e) a "solid sample" is a relevant sample other than a fluid sample;

(f) "disposal intention notice" means a notice of a licensee's intention to dispose of a licensee portion;

(g) "relevant well" means the well from which a relevant sample is acquired;

(h) "the post-completion period" for a relevant well is the period of 10 years beginning with the day on which all work necessary to bring the well into operation is completed;

(i) "the post-closure period" for a relevant well is the period—

(i) beginning with the day on which the storage site in which the well is situated closes, and

(ii) ending at the end of the day on which the carbon storage licence for that site terminates.

Termination of rights under a carbon storage licence

5.—(1) Where a relevant licence event occurs in respect of a licence, the requirements imposed by these Regulations continue to apply to the responsible person(**a**) until the end of the agreement period but with the modifications specified in paragraph (2).

(2) The modifications mentioned in paragraph (1) are—

(a) any reference to a licensee is to be read as including a reference to the responsible person;

(b) regulation 3 has effect as if in paragraph (3), for "a relevant event" to the end, there were substituted "the relevant information and samples plan has effect";

(c) regulation 4 has effect as if—

(i) in paragraph (2), for "the end of the period" to the end, there were substituted "the relevant information and samples plan has effect", and

(ii) paragraphs (3) to (6) were omitted.

(3) For the purposes of this regulation—

(a) "relevant licence event" means an event mentioned in section 109(1)(c), (d), (e), (f) or (g) of the Energy Act 2023;

(b) the "agreement period" is the period—

(i) beginning with the relevant licence event, and

(ii) ending when the relevant information and samples plan has effect;

(c) "the relevant information and samples plan" means the information and samples plan dealing with—

(i) the carbon storage information held by the responsible person before the relevant licence event, and

(ii) the carbon storage samples held by that person before the event.

Sarah Jones
Minister of State
17th April 2025 Department for Energy Security and Net Zero

(**a**) See section 109(2) of the 2023 Act for the meaning of "responsible person".

SCHEDULE

Regulation 3

Categories of carbon storage information to be retained by licensees

Interpretation

1.—(1) In this Schedule "CO_2 storage model", in relation to a storage complex or a potential storage complex (the "relevant complex"), means a computerised model which——

(a) provides a spatial representation of the distribution of the following in the relevant complex—

(i) sediment;

(ii) rock;

(iii) wells (if any), and

(b) simulates the flow of fluids in the relevant complex.

(2) In this Schedule the following terms have the meanings given by Article 3 of the CS Storage Directive (and cognate expressions are to be construed accordingly)—

"corrective measure";

"hydraulic unit";

"leakage";

"migration";

"significant irregularity";

"storage complex";

Survey information

2.—(1) The survey information is any carbon storage information which—

(a) is survey data,

(b) if a device is used to generate the energy used in a survey, relates to the position of the device when measurements are taken during the survey,

(c) relates to the position of the sensors used to detect the energy used in a survey when measurements are taken during the survey,

(d) is data derived from the processing of survey data, where—

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

(ii) the data is used to create to the final product,

(e) is the final product,

(f) is a report relating to the acquisition or creation of survey data,

(g) is a report relating to the processing or reprocessing of survey data, or

(h) is a report relating to the final product.

(2) In this paragraph—

"the final product", in relation to a survey, means the final 2D, 3D or 4D image of the subsurface which results from the processing of survey data—

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

(b) excluding any CO_2 storage model;

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

Well information

3. The well information is any carbon storage information which—

(a) relates to the position or dimensions of a well, including the directional path of any borehole,

(b) relates to the materials, equipment and components used in any of the following activities in relation to a well (each a "relevant activity")—

(i) drilling;

(ii) any test carried out on any fluids or other substances encountered;

(iii) any test carried out on the well;

(iv) any work for the purpose of bringing a well into operation and which is carried out after the well has been drilled (including, for example, the installation of a casing);

(v) operation;

(vi) maintenance;

(vii) suspending the operation of the well so that it may be re-used for, or in connection with, the storage of CO_2 or other works;

(viii) plugging;

(ix) abandoning the well permanently;

(x) monitoring;

(c) summarises a relevant activity, or

(d) relates to the strata, formations or fluids which are, or may be, encountered while undertaking a relevant activity.

Site information

4.—(1) The site information is any carbon storage information (other than the survey information or a CO_2 storage model) which relates to a matter specified in sub-paragraph (2).

(2) The matters mentioned in sub-paragraph (1) are—

(a) the subsurface;

(b) the geology of the strata;

(c) the geological formation of—

(i) a hydraulic unit,

(ii) a storage site, or

(iii) a storage complex;

(d) the chemical composition of a fluid occurring naturally in—

(i) a hydraulic unit,

(ii) a storage site, or

(iii) a storage complex;

(e) how CO_2 behaves, or may behave, in—

(i) a hydraulic unit,

(ii) a storage site, or

(iii) a storage complex;

(f) how CO_2 may migrate;

(g) the assessment of the integrity of any well in a storage site or a storage complex.

Injection and production information

5.—(1) The injection and production information is any carbon storage information which—

(a) is an estimate of—

(i) the total quantity of CO_2 that could be stored in a storage site or a potential storage site;

(ii) the proposed injection rates of CO_2,

(b) relates to the quantity of a fluid which is injected—

(i) in the period of 24-hours beginning when it is first injected, and

(ii) in each following period of 24-hours,

(c) relates to the injection rates for a fluid,

(d) relates to the quantity of a fluid or other substance which is produced from a storage complex—

(i) in the period of 24-hours beginning when the particular fluid or other substance is first produced, and

(ii) in each following period of 24-hours,

(e) relates to the chemical composition or characteristics of a fluid or other substance falling within paragraph (b) or (d),

(f) relates to the quantity of a gas which is—

(i) produced from a storage site, and

(ii) flared or vented, or used, in or during the operation of the site,

(g) relates to the chemical composition or characteristics of a gas falling within paragraph (f),

(h) relates to the pressure or temperature in a storage complex during—

(i) injection of a fluid, or

(ii) production of a fluid, or

(i) is, or relates to, the most recent version of a CO_2 storage model.

(2) In this paragraph "characteristics" includes temperature and pressure.

Monitoring information

6. The monitoring information is any carbon storage information which relates to the monitoring of a storage complex or injection facilities for the purposes of—

(a) comparing the actual and modelled behaviour of a substance in a storage site;

(b) detecting any significant irregularities;

(c) detecting migration of CO_2;

(d) detecting leakage of CO_2;

(e) detecting any significant adverse effects on the surrounding environment;

(f) assessing the effectiveness of any corrective measures taken;

(g) assessing the safety and integrity, both short-term and long-term, of the storage complex (including in particular, the assessment of whether the stored CO_2 can or will be completely and permanently contained).

Installation information

7.—(1) The installation information is any carbon storage information which relates to—

(a) the position or dimensions of a relevant installation,

(b) the materials, equipment and components used in any of the following—

(i) the construction of a relevant installation;

(ii) the operation of a relevant installation;

(iii) the maintenance of a relevant installation;

(iv) the decommissioning of a relevant installation,

(c) the occurrence of construction, maintenance, inspection or decommissioning of a relevant installation, or

(d) the inspection of a relevant installation.

(2) In this paragraph "relevant installation", in relation to a licensee, means an installation established or maintained in a controlled place in accordance with their licence.

(3) For the purposes of sub-paragraph (2), "controlled place" and "installation" have the meanings given for the purposes of Chapter 3 of Part 1 of the Energy Act 2008 (see section 35 of that Act).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the requirements for the retention of carbon storage information and carbon storage samples by holders of carbon storage licences granted by the Oil and Gas Authority ("licensees"). "Carbon storage information" and "carbon storage samples" are defined in section 107 of the Energy Act 2023 (c. 52) and cover information, and samples, acquired or created by, or on behalf of, licensees in carrying out activities under their carbon storage licences.

Regulation 3, and Schedule 1, set out the carbon storage information that is to be retained by licensees and the period for which it is to be retained.

Regulation 4 sets out which carbon storage samples are to be retained by licensees and the period for which they are to be retained.

Regulation 5 makes transitional provision in respect of cases where a licensee's rights under a carbon storage licence terminates.

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

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