



**Notice pursuant to Energy Act 2016 section 34(1)(a)
Requirement to provide information & samples to the Oil and Gas Authority**

To: *Relevant persons*

Date: *1st March 2019*

1. Section 34(1) of the Energy Act 2016 ('EA2016') states that:

'34 Power of the OGA to require information and samples

(1) The OGA may by notice in writing, for the purpose of carrying out any functions of the OGA which are relevant to the fulfilment of the principal objective or which relate to activities carried out under a carbon dioxide storage licence, require—

- (a) a relevant person to provide it with any petroleum-related information, or a portion of any petroleum-related sample, held by or on behalf of the person;*
- (b) a person who holds information or samples in accordance with an information and samples plan (see sections 30 to 33) to provide it with any such information or a portion of any such sample [...].'*

(A copy of sections 34 and 36 EA2016 is attached to this Notice at **ANNEX 1**)

A definition of "petroleum-related information" is given at section 27 EA2016:

'27 Petroleum-related information and samples

(1) In this Chapter—

"petroleum-related information" means—

- (a) in relation to any relevant person, information acquired or created by or on behalf of the person in the course of carrying out activities which are relevant to the fulfilment of the principal objective, and*
- (b) in relation to a relevant person who is an offshore licensee, information acquired or created by or on behalf of the person in the course of carrying out activities under the licensee's licence, which is not information falling within paragraph (a);'*

and the “*principal objective*” referred to in section 27(1)(a) above is the principal objective of maximising the economic recovery of UK petroleum as defined in section 9A(1) of the Petroleum Act 1998.

2. Pursuant to section 34(1)(a) EA2016, the Oil and Gas Authority (‘OGA’) hereby gives notice that you are required to provide the OGA with the following petroleum-related information and petroleum-related samples (the ‘requested information and samples’):

- i) Summary well information required to be reported in submissions to the OGA’s Well Operations and Notification System (‘WONS’) in the Reporting Period (see section 6 of the OGA’s *Guidance on Reporting and Disclosure of Information and Samples*¹ (‘the guidance’)) (‘summary well information’).
- ii) Other well information created or acquired in relation to wellbores with a regulatory completion date in the Reporting Period (see section 6 of the guidance) (‘other well information’).
- iii) Samples acquired in relation to wellbores with a regulatory completion date in the Reporting Period (see section 7 of the guidance) (‘well samples’).
- iv) Summary survey information for all geophysical surveys where acquisition finished in the Reporting Period as required to be reported by the survey activity log and close-out form (see section 8 of the guidance) (‘summary geophysical survey information’).
- v) Information acquired or created in the Reporting Period in relation to geophysical surveys and/or where processing has completed in the Reporting Period (see section 8 of the guidance) (‘geophysical survey information’).
- vi) Detailed production data for fields where permanent cessation of production (COP) occurred in the Reporting Period (see section 9 of the guidance) (‘detailed production information’).
- vii) Information relating to geotechnical engineering or analysis and geological information contained in a field development plan or field development plan addendum (‘FDP’) to which the OGA gave consent in the Reporting Period (see section 10 of the guidance and the OGA’s FDP guidance²) (‘FDP information’).
- viii) Other licence information pertaining to a licence, acquired or created in the Reporting Period (see section 11 of the guidance ‘other licence information’).

In this paragraph 2, ‘Reporting Period’ means the period from **1 January 2018 to 31 December 2018**, both dates inclusive.

3. The requested information and samples are petroleum-related information or petroleum-related samples as they have been acquired or created by or on behalf of

¹ <https://www.ogauthority.co.uk/media/5353/oga-guidance-on-reporting-disclosure-18-february-2019.pdf>

² <https://www.ogauthority.co.uk/media/4868/fdp-guidance-may-2018.pdf>

a relevant person who is the recipient of this notice in the course of carrying out activities that are relevant to the fulfilment of the principal objective or, where that relevant person is an offshore licensee, in the course of carrying out activities under the licensee's licence.

4. It is appropriate for the OGA to request the requested information and samples for the purposes of carrying out any of its functions which are relevant to the fulfilment of the principal objective, including:

to ensure the preservation of petroleum-related information and petroleum-related samples;

as it is necessary in order for the OGA to disclose such information and/or samples (if applicable) in accordance with *The Oil and Gas Authority (Offshore Petroleum) (Disclosure of Protected Material after Specified Period) Regulations 2018*.

5. The requested information and samples must be provided in the following form or manner:
 - i) Summary well information must be reported in the form and manner required in respect of the relevant WONS submission.
 - ii) Other well information must be reported in the form and manner specified in section 6 of the guidance.
 - iii) Well samples must be reported in the form and manner specified in section 7 of the guidance.
 - iv) Summary geophysical survey information must be reported in the form and manner specified in section 8 of the guidance.
 - v) Geophysical survey information must be reported in the form and manner specified in section 8 of the guidance.
 - vi) Detailed production information must be reported in the form and manner specified in section 9 of the guidance.
 - vii) FDP information must be reported in the form and manner specified in section 10 of the guidance and the OGA's FDP guidance.
 - viii) Other licence information must be reported in the form and manner specified in section 11 of the guidance.

Section 2 of the guidance sets out where to report the requested information and samples.

6. The requested information and samples must be provided by **31st March 2019** or at the following respective time(s), whichever is the later:
 - i) Summary well information: at the times required by WONS.
 - ii) Other well information: within 6 months after the regulatory completion date of the wellbore (see section 6 of the guidance) or, if arising as the result of subsequent activity on the wellbore, 6 months after it is created or acquired.

- iii) Well samples: within 6 months after the regulatory completion date of the wellbore (see section 7 of the guidance).
- iv) Summary geophysical survey information: in accordance with the survey closeout process (see section 8 of the guidance).
- v) Geophysical survey information: in accordance with the survey closeout process (see section 8 of the guidance).
- vi) Detailed production information: within 1 month after permanent cessation of production occurring (see section 9 of the guidance).
- vii) FDP information (reported in the FDP document): when required by the field consent process (see section 10 of the guidance and the OGA's FDP guidance).
- viii) Other licence information: no later than the end of the calendar year in which the information was created or acquired (see section 11 of the guidance).

ANNEX 1

34 Power of the OGA to require information and samples

- (1) The OGA may by notice in writing, for the purpose of carrying out any functions of the OGA which are relevant to the fulfilment of the principal objective or which relate to activities carried out under a carbon dioxide storage licence, require—
- (a) a relevant person to provide it with any petroleum-related information, or a portion of any petroleum-related sample, held by or on behalf of the person;
 - (b) a person who holds information or samples in accordance with an information and samples plan (see sections 30 to 33) to provide it with any such information or a portion of any such sample,
- subject to subsection (3).
- (2) The notice must specify—
- (a) the form or manner in which the information or the portion of a sample must be provided;
 - (b) the time at which, or period within which, the information or the portion of a sample must be provided.
- (3) Information requested under subsection (1) may not include items subject to legal privilege.
- (4) Requirements imposed by a notice under this section are sanctionable in accordance with Chapter 5.
- (5) Where a person provides information or a portion of a sample to the OGA in accordance with a notice under this section, any requirements imposed on the person in respect of that information or sample by regulations under section 28 are unaffected.
- (6) In subsection (1) “carbon dioxide storage licence” means a licence granted under section 18 of the Energy Act 2008.

36 Appeals against decisions of the OGA: information and samples plans

- (1) This section applies to any decision of the OGA to which effect is given by one of the actions set out in an entry in column 1 of the table below.
- (2) A person affected by any such decision may appeal against it to the Tribunal—
- (a) on the grounds that the decision was not within the powers of the OGA, or
 - (b) on the grounds set out in the corresponding entry in column 2 of the table.

<i>(1) Action by the OGA</i>	<i>(2) Grounds for appeal</i>
The preparation of an information and samples plan.	The plan is unreasonable.
The giving of a notice requiring the provision of information or samples under section 34(1).	The length of time given to comply with the notice is unreasonable.

- (3) On an appeal under this section the Tribunal may—
- (a) affirm, vary or quash the decision under appeal,
 - (b) remit the decision under appeal to the OGA for reconsideration with such directions (if any) as the Tribunal considers appropriate, or
 - (c) substitute its own decision for the decision under appeal.