



Oil & Gas  
Authority

# Meetings: Statutory Notice

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## Introduction

1. The Energy Act 2016 (the 'Act') gives the OGA the power to attend and participate in certain 'relevant' external meetings (including videoconferences and teleconferences) between different companies operating in the UK Continental Shelf (UKCS).
2. The Statutory Meetings Notice sets out the powers given to the OGA by the Act and the related obligations that the Act places on industry.
3. In summary, the Act obliges industry to inform the OGA in advance of these meetings, provide the OGA with documentation and, if the OGA does not attend, provide it with a written summary of the relevant parts of the meeting. This power is not about intervening in everyday conversations or attending internal meetings. The main purpose of the Notice is to limit the external meetings in which the OGA may wish to participate and thus to which the obligations on industry apply.

## The OGA's powers

4. Section 39 of the Act provides the OGA with the power to attend and participate in "relevant meetings", or such parts of a relevant meeting that cover "relevant issues", between "relevant persons" and persons acting on their behalf. It does not confer on the OGA a power to vote at such meetings if any matter is decided on by a vote.

## Definitions

5. Section 37 of the Act defines:
  - a "relevant meeting" as a meeting at which two or more "relevant persons" are represented, including by an employee or a person acting on their behalf, at which there is discussion of "relevant issues"
  - "relevant issues" as issues which are either relevant to the fulfilment of the 'Principal Objective' of maximising the economic recovery of UK petroleum (as set out in section 9A (1) of the Petroleum Act 1998), or relate to activities under an offshore licence – but do not include anything in respect of which a claim to legal professional privilege (or in Scotland, to confidentiality of communications) could be maintained in any legal proceedings
  - a "relevant person" as being a person listed in section 9A (1) (b) of the Petroleum Act 1998.

6. Section 37 of the Act gives the OGA the power to issue a statutory "notice" to provide that a meeting specified, or of a description specified, is not a relevant meeting for the purposes of Chapter 4 of the Act (Chapter 4) or that an issue specified, or of a description specified, is not a relevant issue for the purposes of Chapter 4.

## Obligations on industry

7. Sections 38 to 40 of the Act set out the obligations on industry (in other words, on relevant persons):
  8. to inform the OGA, in writing, of all relevant meetings and provide sufficient details to enable us to participate in the meeting, at least 14 days before the day of the meeting, or as soon as is practicable (and inform us as soon as is practicable of any changes to this information)
    - if it is not practicable to inform the OGA of the meeting and/or details of participation at least 14 days before the day of the meeting, to provide the OGA with a written explanation
    - to provide the OGA with any information that is provided to other attendees (that relates to relevant issues), at the same time or, if not possible, as soon after that time as is reasonably practicable, including, in particular, the agenda and any other documents relevant to the meeting
    - if the OGA does not attend the meeting, to provide it with a written summary of the relevant part(s) of the meeting and any decisions.
9. Section 38 of the Act also gives the OGA the power to use a statutory notice to set out how it wishes to receive the written information that industry is obliged to send.

10. A meeting between two or more relevant persons or involving discussion of relevant issues is not a relevant meeting for the purposes of Chapter 4 unless it is a meeting of one of the descriptions specified below:
- Operating Committee Meetings (OCMs): meetings (including of sub-committees or any sole risk participants) held pursuant to an operating agreement<sup>1</sup> where (i) operational matters under or pertinent to that operating agreement will be discussed, and (ii) the operating agreement relates to one of the assets listed below situated in a priority area plan area<sup>2</sup>
  - Technical Committee Meetings ('TCMs'): meetings where (i) technical matters under or pertinent to that operating agreement will be discussed, and (ii) the operating agreement relates to one of the assets listed below situated in a priority area plan area

#### Assets in scope of OCMs and TCMs

Field developments/Areas under appraisal



<sup>1</sup> For the purposes of this Notice, operating agreements include joint operating agreements, unit and unitisation operating agreements, pipeline operating agreements and other operating or similar agreements under or pursuant to which relevant persons regulate their operations.

<sup>2</sup> A number of geographical areas in the UKCS have been identified where an area plan has been or should be initiated to maximise economic recovery in that area – these are 'Priority Area Plans' and are shown in the OGA Overview 2018. See link: <https://www.ogauthority.co.uk/media/5407/oga-overview-2019.pdf>

## Producing fields



## Infrastructure

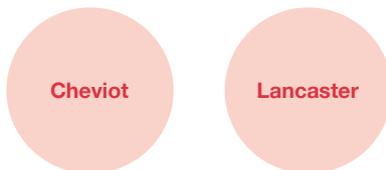


- Exploration and Appraisal ('E&A') Well Pre-investment Meetings: meetings where there is technical peer review on any prospects and undeveloped discoveries, with the intent that this will lead to an investment decision regarding E&A wells
- Major Project Meetings: decision-gate meetings between joint venture ('JV') partners for major investment projects (of £300 million or more) for greenfield, brownfield and decommissioning projects
- Forties Pipeline System ('FPS'): Meetings between the FPS owner and more than one FPS shipper
- Bacton Terminals (Perenco Bacton Terminal and Shell Bacton Terminal): Meetings between one or more owner of each terminal and one or more of its or their shippers
- Barrow North Terminal: Meetings between one or more owners of the terminal and one or more of its or their shippers
- Sullom Voe Terminal ('SVT'): Meetings between more than one SVT owner and more than one SVT user

- Fulmar: Meetings between the Fulmar Platform Operator and a relevant person to whom the Fulmar platform owner(s) provide(s) services (or who wishes to receive services from the Fulmar platform owner(s))
- SEGAL: Meetings between the SEGAL operator and two or more of their shippers
- Meetings between any or all of the owners of more than one of the following fields:



- Meetings between any or all of the owners of one or more of the following fields and the owner(s) of any upstream petroleum infrastructure (or person(s) planning upstream petroleum infrastructure):



11. This means that if a relevant meeting does not fall within one of the above specifications, then relevant persons are not required under Chapter 4 to inform the OGA of that meeting, secure the right to OGA participation, provide the OGA with information about the meeting, or provide it with a written summary of the meeting.

#### Notice to set out how the OGA wishes to receive information

12. Notifications of meetings which fall within the above specifications and that are in scope of the Chapter 4 obligations, as set out above at paragraph 10, and all associated written information that relevant persons are obliged to send the OGA in relation to such meetings, should be sent to the email address: [meetings@ogauthority.co.uk](mailto:meetings@ogauthority.co.uk).
13. The OGA will normally only expect to receive one notification of a meeting and one copy of the associated information that relevant persons are obliged to send the OGA. Therefore, the meeting participants may wish to agree who will fulfil the Chapter 4 obligations on their behalf. This may be the operator or the person calling the meetings, for example.

#### Application of Notice

14. Under section 41 of the Act, this Notice may be varied or revoked by a further notice at any time. Should the OGA vary or revoke this Notice, it will publish it in such manner as it considers appropriate for bringing to the attention of those persons the OGA consider likely to be affected.
15. Failure to comply with the obligations imposed under Chapter 4 of the Act is sanctionable in accordance with Chapter 5 of the Act.

