



Energy Act 2008

2008 CHAPTER 32

PART 1

GAS IMPORTATION AND STORAGE

CHAPTER 3

STORAGE OF CARBON DIOXIDE

Abandonment of offshore [^{F1}infrastructure]

[^{F1}30A [^{F2}Change of use relief for certain installations]

(1) The Secretary of State may [^{F3}, on an application made by a relevant person, by notice] designate an installation as an eligible CCS installation.

^{F4}(2)

^{F5}(3)

[The Secretary of State must consult the Oil and Gas Authority before deciding—

- ^{F6}(3A) (a) whether to designate an installation under subsection (1);
(b) whether to make a certification under subsection (5)(b).]

[^{F7}(4) An eligible CCS installation qualifies for change of use relief if—

- (a) the Secretary of State has given a CCS-related abandonment programme notice to a person in relation to the abandonment of the installation, and
(b) the trigger event has occurred in relation to the installation.

(4A) In subsection (4) “CCS-related abandonment programme notice” means an abandonment programme notice given under section 29 of the 1998 Act in that section’s application in relation to carbon storage installations (by virtue of section 30 of this Act).]

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- [^{F8}(5) The trigger event occurs in relation to an eligible CCS installation when—
- (a) a decommissioning fund (as defined in section 92(7) of the Energy Act 2023) has been established for providing security for the discharge of liabilities in respect of decommissioning costs in relation to the installation, and
 - (b) the Secretary of State certifies by notice in writing (an “approval notice”) that one or more relevant persons have paid into the fund an amount or amounts the total of which is not less than the required amount.
- (5A) In subsection (5)—
- (a) “relevant person” means a person of a description specified in regulations made by the Secretary of State;
 - (b) “the required amount” means an amount determined by the Secretary of State in accordance with regulations made by the Secretary of State.
- (5B) Where the Secretary of State gives an approval notice in relation to an eligible CCS installation the Secretary of State must—
- (a) give a copy of the approval notice to every person to whom a notice has been given under section 29(1) of the 1998 Act in relation to the installation, and
 - (b) publish a notice that—
 - (i) specifies the installation, and
 - (ii) states that the Secretary of State has given an approval notice under subsection (5)(b) in relation to it.]
- (6) Where an eligible CCS installation qualifies for change of use relief—
- (a) an abandonment programme notice must not be served on a person who is within section 30(1) of the 1998 Act only because one or more of subsections (7) to (9) applies in relation to the person (but this does not affect the validity of a notice served on any such person before the installation qualified for change of use relief), and
 - (b) a proposal must not be made under section 34(1)(b) of the 1998 Act if the effect of the proposal (if implemented) would be to impose an abandonment liability on a person who is within section 34(2)(a) of the 1998 Act only because one or more of subsections (7) to (10) applies in relation to the person.
- (7) This subsection applies in relation to a person if—
- (a) the person is within paragraph (b) of section 30(1) of the 1998 Act in relation to the installation only by virtue of the fact that the person had a right mentioned in section 30(5)(a) of that Act when an activity mentioned in section 30(6) of that Act was last carried on from, by means of or on the installation, and
 - (b) any such activity was last so carried on before the trigger event occurred in relation to the installation.
- (8) This subsection applies in relation to a person if—
- (a) the person is within paragraph (ba) of section 30(1) of the 1998 Act in relation to the installation, and
 - (b) the transfer mentioned in sub-paragraph (i) of that paragraph took place before the trigger event occurred in relation to the installation.
- (9) This subsection applies in relation to a person if the person is within paragraph (e) of section 30(1) of the 1998 Act only by virtue of being associated with a body corporate which is within subsection (7) or (8).

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- (10) This subsection applies in relation to a person if the person has been within any of paragraphs (a), (b), (c), (d) or (e) of section 30(1) of the 1998 Act in relation to the installation, but only at a time—
- when the installation was an offshore installation (within the meaning given by section 44 of the 1998 Act), and
 - before the trigger event occurred in relation to the installation.
- (11) The power conferred by subsection (1) does not include a power to revoke [^{F9}a notice given] under that subsection.
- [The Secretary of State must publish a notice given under subsection (1).]
^{F10}(11A)
- (12) In this section—
- “abandonment liability”, in relation to an installation, means a duty to secure that an abandonment programme for the installation is carried out;
- “abandonment programme”, in relation to an installation, means a programme in respect of the installation approved, or having effect as if approved, by the Secretary of State under section 32 of the 1998 Act;
- “abandonment programme notice” means a notice served under section 29(1) of the 1998 Act;
- “captured carbon dioxide” means carbon dioxide that has been produced by, or in connection with, commercial electricity generation and captured with a view to its disposal by way of permanent storage;
- “carbon dioxide”, [^{F11}has the same meaning] as in Part 1 of the Energy Act 2010 (see section 7 of that Act);
- ^{F12}...
- [^{F13}“decommissioning costs” has the meaning given by section 92 of the Energy Act 2023;]
- [^{F13}“relevant person” means a person to whom a notice may be given under section 29(1) of the 1998 Act in relation to an offshore installation (within the meaning given by section 44 of the 1998 Act);]
- “Scotland” has the same meaning as in the Scotland Act 1998 (see section 126(1) of that Act).
- (13) Section 30(8) to (9) of the 1998 Act (when one body corporate is associated with another) apply for the purposes of this section.]

Textual Amendments

- F1** S. 30A, 30B inserted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), **ss. 107(2)**, 121(3)
- F2** S. 30A heading substituted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 96(2)**, 334(3)(b)
- F3** Words in s. 30A(1) inserted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 96(3)**, 334(3)(b)
- F4** S. 30A(2) omitted (26.12.2023) by virtue of [Energy Act 2023 \(c. 52\)](#), **ss. 96(4)**, 334(3)(b)
- F5** S. 30A(3) omitted (26.12.2023) by virtue of [Energy Act 2023 \(c. 52\)](#), **ss. 96(4)**, 334(3)(b)
- F6** S. 30A(3A) inserted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 96(5)**, 334(3)(b)
- F7** S. 30A(4)(4A) substituted for s. 30A(4) (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 96(6)**, 334(3)(b)
- F8** S. 30A(5)-(5B) substituted for s. 30A(5) (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 96(7)**, 334(3)(b)
- F9** Words in s. 30A(11) substituted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 96(8)**, 334(3)(b)
- F10** S. 30A(11A) inserted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 96(9)**, 334(3)(b)
- F11** Words in s. 30A(12) substituted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 96(10)(a)**, 334(3)(b)

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2008, Section 30A. (See end of Document for details)

- F12** Words in s. 30A(12) omitted (26.12.2023) by virtue of Energy Act 2023 (c. 52), ss. 96(10)(b), 334(3)(b)
- F13** Words in s. 30A(12) inserted (26.12.2023) by Energy Act 2023 (c. 52), ss. 96(10)(c), 334(3)(b)

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2008, Section 30A.