



# Energy Act 2008

## 2008 CHAPTER 32

### PART 1

#### GAS IMPORTATION AND STORAGE

### CHAPTER 3

#### STORAGE OF CARBON DIOXIDE

#### *Miscellaneous*

#### **34 Power of Secretary of State etc to transfer functions**

- (1) The Secretary of State may by order transfer to a public body any function conferred on the Secretary of State by or under this Chapter, other than a power to make regulations or an order.
- (2) A function transferred by an order under subsection (1) reverts to the Secretary of State if the order is revoked.
- (3) An order under subsection (1) may—
  - (a) transfer different functions to different bodies;
  - (b) transfer functions to a body in respect of all activities within section 17(2) or only specified activities;
  - (c) transfer the same function to different bodies in respect of different activities;
  - (d) transfer functions to different bodies in respect of different places.
- (4) An order under subsection (1) may—
  - (a) provide for the Secretary of State to make payments to a body to which a function has been transferred in respect of the body's expenditure in connection with the exercise of the function;
  - (b) require any fee paid to such a body under this Chapter to be paid into the Consolidated Fund;

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*Status: This is the original version (as it was originally enacted).*

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- (c) make such modifications of section 188 of the Energy Act 2004 (c. 20) (power to impose charges to fund energy functions), or any regulations made under that section, as the Secretary of State considers appropriate in consequence of the transfer of a function by virtue of this section.
- (5) The Secretary of State may give a direction to a body to which functions have been transferred under subsection (1) about—
  - (a) whether, or in what circumstances, a function specified in the direction is to be carried out;
  - (b) the manner in which a function specified in the direction is to be carried out.
- (6) A direction under subsection (5) may be general or specific.
- (7) The Secretary of State may not give a direction under subsection (5) without first consulting the body to which the Secretary of State proposes to give the direction.
- (8) This section applies in relation to the Scottish Ministers and any functions conferred on them by or under this Chapter as it applies in relation to the Secretary of State and any functions conferred on the Secretary of State by or under this Chapter, except that—
  - (a) in its application to the Scottish Ministers the reference in subsection (4)(b) to the Consolidated Fund is to be read as a reference to the Scottish Consolidated Fund, and
  - (b) the reference in that subsection to section 188 of the Energy Act 2004 (c. 20) is to be read as a reference to that section as applied and modified by subsection (12) (inserted by paragraph 13(e) of Schedule 1 to this Act).