Energy Act 2010

2010 CHAPTER 27

PART 1

CARBON CAPTURE AND STORAGE AND DECARBONISATION

Financial assistance

2 Assistance schemes: further provision

(1) An assistance scheme may, in particular—

(a) make provision about any of the matters specified in subsection (2), and

(b) impose obligations or confer functions on a person (including the Secretary of State).

(2) These are the matters referred to in subsection (1)(a)—

(a) what is to be carried out as part of the assisted activities;

(b) financial assistance to be given in respect of assisted activities, including determination of the amount of financial assistance to be given, or to be given at a particular time, by reference to particular matters;

(c) administration of the scheme;

(d) safety and other standards applicable to assisted activities;

(e) measurement and assessment of progress made in carrying out assisted activities;

(f) postponement, reduction or withdrawal of financial assistance to be given, and repayment of financial assistance given, in respect of assisted activities, including postponement, reduction, withdrawal and repayment on account of financial assistance given in respect of assisted activities from other sources;

(g) payments to the administrator by participants in assisted activities;

(h) disclosure of knowledge obtained in, or relating to, assisted activities, including its disclosure to third parties;

(i) audit of information (whether by the administrator or a third party), including requirements for audits to be paid for by the person whose information is subject to audit;

(j) provision of information, including its provision to third parties;

(k) changes to what is to be carried out as part of the assisted activities;

(l) changes to the persons who are the participants in relation to assisted activities;

(m) termination of the scheme;

(n) compliance with the scheme, except imposition of penalties for non-compliance;

(o) reviews and appeals.

(3) The Secretary of State may amend or revoke an assistance scheme.

(4) Before making, amending or revoking an assistance scheme, the Secretary of State must consult the following persons—

(a) the administrator;

(b) the Scottish Ministers, but only if the assisted activities are in Scotland;

(c) such other persons as the Secretary of State thinks it is appropriate to consult.

(5) If the Secretary of State makes or amends an assistance scheme, the Secretary of State must lay before Parliament the scheme as made or amended.

(6) If the Secretary of State revokes an assistance scheme, the Secretary of State must lay before Parliament a memorandum of revocation of the scheme.

(7) The power under section 1(3) or (4) or under subsection (3) of this section may not be exercised—

(a) to make a scheme unless all persons who would, by the exercise of the power, be participants consent to the exercise of the power;

(b) to amend a scheme unless—

(i) the scheme allows for the exercise of the power,

(ii) regulations under section 3 allow for the exercise of the power, or

(iii) all relevant persons consent to the exercise of the power;

(c) to revoke a scheme unless—

(i) the scheme allows for the exercise of the power,

(ii) regulations under section 3 allow for the exercise of the power, or

(iii) all persons who are participants consent to the exercise of the power.

(8) For the purposes of subsection (7)(b)(iii) each of the following is a relevant person in relation to a scheme that is to be amended—

(a) each person who is a participant in relation to the scheme (including a person who would cease to be a participant by the exercise of the power);

(b) a person who would, by the exercise of the power, be a participant in relation to the scheme.

Changes to legislation:
There are currently no known outstanding effects for the Energy Act 2010, Section 2.