



Energy Act 2023

2023 CHAPTER 52

PART 1

LICENSING OF CARBON DIOXIDE TRANSPORT AND STORAGE

CHAPTER 1

LICENSING OF ACTIVITIES

Transfer of licences

18 Transfer of licences

- (1) A licence—
 - (a) is to be capable of being transferred by the licence holder, with the consent of the economic regulator, in accordance with this section and subject to any term of the licence relating to its transfer;
 - (b) may include conditions which must be complied with before the licence can be transferred.
- (2) A transfer may relate to the whole or any part of the licence.
- (3) The reference in [subsection \(2\)](#) to part of a licence is a reference to a part of the activities authorised by the licence (whether described by reference to activities being carried on by the licence holder or to activities which the licence holder is authorised to carry on).
- (4) Such consent may be given subject to compliance with such modification conditions or other conditions as the economic regulator considers necessary or expedient.
- (5) In the case of a partial transfer, conditions imposed under [subsection \(4\)](#) may make, as respects so much of the licence as is proposed to be retained by the transferor, provision different from that made as respects so much of the licence as is proposed to be transferred.

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- (6) Conditions imposed under [subsection \(4\)](#) may in particular require—
- (a) the transfer of rights, liabilities or property to the transferee;
 - (b) the creation of rights in relation to property, rights or liabilities in favour of the transferee;
 - (c) the creation of other rights and liabilities as between the transferor and transferee.
- (7) A purported transfer of a licence is to be void—
- (a) if the licence is not capable of transfer or the economic regulator has not given its consent under [section 19](#),
 - (b) if the purported transfer is in breach of a condition of the licence, or
 - (c) if there has, before the purported transfer, been a contravention of a condition subject to compliance with which the economic regulator’s consent is given.
- (8) In this section—
- “modification condition” means a condition requiring, or otherwise providing for the making of, modifications to the conditions of a licence;
- “transfer” includes any form of transfer or assignment or, in Scotland, assignation.

Commencement Information

II [S. 18](#) in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

19 Consenting to transfer

- (1) Before giving consent to the transfer of a licence under [section 18\(1\)](#), the economic regulator must—
- (a) publish a notice stating that it proposes to grant consent to the transfer,
 - (b) send a copy of the notice to—
 - (i) the Scottish Ministers, if an activity authorised by the licence is within Scottish devolved competence,
 - (ii) the Welsh Ministers, if an activity authorised by the licence is within Welsh devolved competence,
 - (iii) the Department for the Economy in Northern Ireland, if an activity authorised by the licence is within Northern Ireland devolved competence,
 - (iv) the Oil and Gas Authority, and
 - (v) such other persons as the economic regulator considers are likely to be affected by the decision, and
 - (c) consider any representations or objections that are duly made and not withdrawn.
- (2) [Section 17\(4\)](#) (activities authorised by a licence: devolved competence) applies for the purposes of [subsection \(1\)\(b\)](#) of this section as it applies for the purposes of [section 17](#).
- (3) A notice under [subsection \(1\)](#) must—
- (a) state the reasons why the economic regulator proposes to give consent;

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- (b) specify any conditions the economic regulator proposes to impose under [section 18\(4\)](#);
 - (c) specify the time from the date of publication of the notice (which must not be less than two months) within which representations or objections with respect to the proposed transfer may be made,
and must be published in such manner as the economic regulator considers appropriate for bringing it to the attention of persons likely to be affected by the transfer.
- (4) Subject to [subsection \(6\)](#), the economic regulator must, following consideration of any representations or objections under [subsection \(3\)](#), give the Secretary of State not less than 28 days' notice of—
- (a) any proposal to give consent to the transfer, and
 - (b) any conditions the economic regulator proposes to impose under [section 18\(4\)](#).
- (5) If, before the expiry of the time specified in a notice under [subsection \(4\)](#), the Secretary of State gives the economic regulator a direction not to consent to the transfer, the economic regulator must comply with that direction.
- (6) Where the Secretary of State gives no direction under [subsection \(5\)](#), the economic regulator may give consent to the transfer of the licence after—
- (a) the expiry of the time specified in the notice under [subsection \(4\)](#), or
 - (b) if earlier than the time in [paragraph \(a\)](#), the time at which the Secretary of State informs the economic regulator that in relation to the notice no direction will be given under [subsection \(5\)](#).

Commencement Information

I2 [S. 19](#) in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

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