



Energy Act 2023

2023 CHAPTER 52

PART 1

LICENSING OF CARBON DIOXIDE TRANSPORT AND STORAGE

CHAPTER 3

REPORTING REQUIREMENTS

39 Forward work programmes

- (1) The economic regulator must, before each financial year, publish a document (the “transport and storage forward work programme”) containing a general description of the relevant projects, other than those comprising routine activities in the exercise of its functions, which it plans to undertake during the year.
- (2) That description must include the objectives of each relevant project.
- (3) The forward work programme for any year must also include an estimate of the overall expenditure which the economic regulator expects to incur during the year in the exercise of its relevant functions.
- (4) Before publishing the forward work programme for any year, the economic regulator must give notice—
 - (a) containing a draft of the transport and storage forward work programme, and
 - (b) specifying the time within which representations or objections to the proposals contained in it may be made,and must consider any representations or objections which are duly made and not withdrawn.
- (5) The notice under [subsection \(4\)](#) must be published by the economic regulator in such manner as it considers appropriate for the purpose of bringing the matters contained in it to the attention of persons likely to be affected by them.

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- (6) The economic regulator must send a copy of any notice given by it under subsection (4) to—
- (a) the Welsh Ministers,
 - (b) the Scottish Ministers, and
 - (c) the Department for the Economy in Northern Ireland.
- (7) In this section—
- “relevant functions” means functions of the economic regulator under this Part;
- “relevant project” means a project relating to the economic regulator’s functions under this Part.

40 Information in relation to CCUS strategy and policy statement

- (1) As soon as reasonably practicable after the designation of a statement as the CCUS strategy and policy statement for the purposes of this Part, the economic regulator must publish a document setting out the required information in relation to the statement.
- (2) The economic regulator must include the required information in relation to a CCUS strategy and policy statement in the transport and storage forward work programme for each financial year, subject to making such modifications to the information as the economic regulator considers appropriate from the version as last published under this subsection.
- (3) The required information in relation to a CCUS strategy and policy statement to be set out in a document or forward work programme is—
- (a) the strategy the economic regulator intends to adopt for the purpose of furthering the delivery of the policy outcomes contained in the statement (both in respect of the year in or for which the document or programme is issued and beyond);
 - (b) the things the economic regulator proposes to do in implementing that strategy (including when the economic regulator proposes to do them);
 - (c) the ways in which the economic regulator has had regard to the strategic priorities contained in the statement in setting out the information required under paragraphs (a) and (b).
- (4) The duty under [subsection \(1\)](#) does not apply if—
- (a) the economic regulator does not think it reasonably practicable to publish the document mentioned in that subsection before the time when the economic regulator is next required to publish a transport and storage forward work programme, and
 - (b) the economic regulator includes the required information in that forward work programme.
- (5) The duty under [subsection \(2\)](#) does not apply in relation to the first financial year beginning after the designation of the statement if—
- (a) the economic regulator does not think it reasonably practicable to include the required information in the transport and storage forward work programme for that year, and
 - (b) the economic regulator includes the required information in a document published under [subsection \(1\)](#).

- (6) The duty under [subsection \(2\)](#) does not apply in relation to a financial year if the Secretary of State gives notice to the economic regulator under this subsection that the statement’s designation—
- (a) will be withdrawn before the beginning of the year, or
 - (b) is expected to have been withdrawn before the beginning of the year.
- (7) Subsections (4) and (5) of [section 39](#) (notice requirements) apply to a document published under [subsection \(1\)](#) as they apply to a transport and storage forward work programme.
- (8) In this section—
- “CCUS strategy and policy statement”, “policy outcomes” and “strategic priorities” have the same meaning as in [Chapter 3](#) of [Part 2](#) (see [section 99](#));
 - “designation”, in relation to a CCUS strategy and policy statement, means designation of the statement by the Secretary of State under [section 99](#);
 - “transport and storage forward work programme” has the meaning given by [section 39](#).

41 Annual report on transport and storage licensing functions

- (1) The economic regulator must, as soon as practicable after the end of each financial year, make to the Secretary of State a report (the “annual T&S report” for that year) on—
- (a) the exercise of its functions under this Part during that year including a general survey of developments in respect of matters falling within the scope of those functions, and
 - (b) the activities of the CMA during that year in respect of any references made by the economic regulator by virtue of [section 36\(1\)](#).
- (2) The annual T&S report for each year must include—
- (a) a report on the progress of the projects described in the transport and storage forward work programme for that year;
 - (b) a summary of final and provisional orders made and penalties imposed by the economic regulator during the year;
 - (c) a report on such other matters as the Secretary of State may from time to time require.
- (3) The annual T&S report for each year must also include a report on—
- (a) the ways in which the economic regulator has carried out its duties under [section 100\(1\)](#) in relation to the CCUS strategy and policy statement (so far as the statement’s designation was in effect during the whole or any part of the year), and
 - (b) the extent to which the economic regulator has done the things set out under [section 40](#) in a transport and storage forward work programme or other document as the things the economic regulator proposed to do during that year in implementing its strategy for furthering the delivery of the policy outcomes contained in the statement (see [subsection \(3\)\(b\)](#) of that section).
- (4) The report mentioned in [subsection \(3\)](#) must, in particular, include—

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- (a) the economic regulator’s assessment of how the carrying out of its functions under this Part during the year has contributed to the delivery of the policy outcomes contained in the CCUS strategy and policy statement, and
 - (b) if the economic regulator has failed to do any of the things mentioned in [subsection \(3\)\(b\)](#), an explanation for the failure and the actions the economic regulator proposes to take to remedy it.
- (5) In subsections [\(3\)](#) and [\(4\)](#)—
 - “CCUS strategy and policy statement” and “policy outcomes” have the same meaning as in [Chapter 3 of Part 2](#) (see [section 99](#));
 - “transport and storage forward work programme” has the meaning given by [section 39\(1\)](#).
- (6) The Secretary of State must consult the economic regulator before exercising the power under [subsection \(2\)\(c\)](#) in relation to any matter.
- (7) The Secretary of State must—
 - (a) lay a copy of each annual T&S report before each House of Parliament,
 - (b) send a copy of the report to the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland, and
 - (c) arrange for the report to be published in such manner as the Secretary of State considers appropriate.
- (8) The Scottish Ministers must lay a copy of each annual T&S report before the Scottish Parliament.
- (9) The Welsh Ministers must lay a copy of each annual T&S report before Senedd Cymru.
- (10) The Department for the Economy in Northern Ireland must lay a copy of each annual T&S report before the Northern Ireland Assembly.
- (11) In making or preparing any report under this section the economic regulator must have regard to the need for excluding, so far as practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where publication of that matter would or might, in the opinion of the economic regulator, seriously and prejudicially affect the interests of that individual or body.