



Energy Act 2023

2023 CHAPTER 52

PART 1

LICENSING OF CARBON DIOXIDE TRANSPORT AND STORAGE

CHAPTER 6

MISCELLANEOUS AND GENERAL

53 Cooperation of storage licensing authority with economic regulator

- (1) In Chapter 3 of Part 1 of the Energy Act 2008 (storage of carbon dioxide), after section 34 insert—

“34A Cooperation with economic regulator

- (1) This section applies where a licence holder also holds a relevant licence.
- (2) The licensing authority who granted the licence to the licence holder must provide such assistance as the economic regulator may reasonably require in carrying out its functions in relation to the relevant licence.
- (3) The licensing authority must, in particular, inform the economic regulator if it becomes aware of—
- (a) circumstances that have arisen, or are likely to arise, in relation to the activities authorised by the licence which, in the opinion of the licensing authority, could affect the carrying on of activities authorised by the relevant licence;
 - (b) circumstances that have arisen, or are likely to arise, in which the licence or a storage permit granted under the licence may be terminated.
- (4) In this section—

Status: Point in time view as at 26/12/2023.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Chapter 6. (See end of Document for details)

“economic regulator” has the same meaning as in Part 1 of the Energy Act 2023 (see section 55 of that Act);

“relevant licence” means a licence under section 7 of the Energy Act 2023;

“storage permit” means a storage permit within the meaning of—

- (a) regulation 1(3) of the Storage of Carbon Dioxide (Licensing etc) Regulations 2010 ([S.I. 2010/2221](#)), or
- (b) regulation 1(3) of the Storage of Carbon Dioxide (Licensing etc) (Scotland) Regulations 2011 ([S.S.I. 2011/24](#)).

34B Information sharing with economic regulator

- (1) A licensing authority may provide information relating to a licence or a storage permit granted under a licence to the economic regulator for the purpose of enabling or facilitating the exercise of the economic regulator’s functions in relation to a relevant licence.
- (2) Except as provided by [subsection \(3\)](#), the disclosure of information under this section does not breach—
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (3) This section does not authorise or require a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, the power conferred by [subsection \(1\)](#) is to be taken into account).
- (4) In this section—
 - “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
 - “economic regulator”, “relevant licence” and “storage permit” have the same meaning as in section 34A;
 - “information” includes advice.”

- (2) In section 8 of the Energy Act 2016 (matters to which the Oil and Gas Authority must have regard), in subsection (1), in the paragraph headed “Collaboration”, after “government of the United Kingdom” insert “, with the Gas and Electricity Markets Authority,”.

Commencement Information

II [S. 53](#) in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

54 Amendments related to [Part 1](#)

[Schedule 5](#) contains amendments related to this Part.

Status: Point in time view as at 26/12/2023.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Chapter 6. (See end of Document for details)

Commencement Information

I2 S. 54 in force at 26.12.2023, see s. 334(3)(a)

55 Interpretation of Part 1

In this Part—

“carbon dioxide stream” means a flow of substances that results from carbon dioxide capture processes;

“CMA” means the Competition and Markets Authority;

“contravention”, in relation to any direction, condition, requirement, regulation or order, includes any failure to comply with it and cognate expressions are to be construed accordingly;

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“economic regulator” has the meaning given by [section 1\(2\)](#);

“enactment” includes—

- (a) an enactment contained in subordinate legislation (as defined in section 21 of the Interpretation Act 1978);
- (b) an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru;
- (c) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation;
- (e) any retained direct EU legislation;

“final order” has the meaning given by [section 31\(4\)](#);

“financial year” means a financial year of the economic regulator;

“functions” includes powers and duties;

“geological formation” means a lithostratigraphical subdivision within which distinct rock layers can be found and mapped;

“geological storage”, in relation to carbon dioxide, means storage of carbon dioxide streams in underground geological formations with a view to the permanent containment of carbon dioxide (and references to geological storage are to be read as including injection);

“grantor” has the meaning given by [section 9\(10\)](#);

“licence”, except where the context otherwise requires, means a licence under [section 7](#), and “licence holder” is to be interpreted accordingly;

“licensable activities” has the meaning given by [section 1\(10\)](#);

“licensable means of transportation” has the meaning given by [section 2\(3\)](#);

“modifications” includes additions, alterations and omissions and cognate expressions are to be construed accordingly;

“operates”, in relation to a site for the geological storage of carbon dioxide, is to be interpreted in accordance with [section 2\(10\)](#);

“provisional order” has the meaning given by [section 31\(4\)](#);

“transport and storage network” has the meaning given by [section 1](#).

Status: Point in time view as at 26/12/2023.

Changes to legislation: There are currently no known outstanding effects
for the Energy Act 2023, Chapter 6. (See end of Document for details)

.....

Commencement Information

I3 [S. 55](#) in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

Status:

Point in time view as at 26/12/2023.

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Chapter 6.