



# Energy Act 2023

## 2023 CHAPTER 52

### PART 3

#### LICENSING OF HYDROGEN PIPELINE PROJECTS

##### *Designation in relation to hydrogen pipeline projects*

#### **131 Designation**

- (1) The Secretary of State may by notice given to a person designate the person in relation to a hydrogen pipeline project.
- (2) The Secretary of State may designate a person in relation to a hydrogen pipeline project only if the Secretary of State is of the opinion—
  - (a) that it is likely to be appropriate for conditions described in [section 137\(1\)\(a\)](#) and [\(b\)](#) to be included in any gas transporter licence held by the person for the purposes of the project (whether or not the person already holds such a licence), and
  - (b) that the project is likely to result in value for money.
- (3) A person may be designated only with the person's consent.
- (4) A designation may not relate to more than one hydrogen pipeline project (but a person who is designated in relation to one project may be designated separately in relation to another).

#### **Commencement Information**

- II** [S. 131](#) in force at 26.12.2023, see [s. 334\(3\)\(e\)](#)

#### **132 Designation: procedure**

- (1) The Secretary of State must publish a statement setting out—

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*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023,  
 Cross Heading: Designation in relation to hydrogen pipeline projects. (See end of Document for details)*

- (a) the procedure that the Secretary of State expects to follow in determining whether to exercise the power under [section 131\(1\)](#), and
  - (b) how the Secretary of State expects to determine whether the conditions in [section 131\(2\)](#) are met.
- (2) A duty imposed by [subsection \(1\)](#) may be satisfied by things done before the passing of this Act (as well as by things done after that time).
- (3) A designation notice must include—
- (a) a description of the hydrogen pipeline project to which the designation relates,
  - (b) the Secretary of State’s reasons for the designation,
  - (c) details of any conditions to which the designation is subject, and
  - (d) the date of the notice.
- (4) The Secretary of State must give the GEMA a copy of a designation notice.
- (5) The Secretary of State must publish a designation notice, but may exclude from publication any material the disclosure or publication of which the Secretary of State considers—
- (a) would be likely to prejudice the commercial interests of any person, or
  - (b) would be contrary to the interests of national security.
- (6) In this section, “designation notice” means a notice under [section 131\(1\)](#).

**Commencement Information**

**I2** [S. 132](#) in force at 26.12.2023, see [s. 334\(3\)\(c\)](#)

**133 Revocation of designation**

- (1) The Secretary of State may by notice given to a designated person revoke the person’s designation in relation to a hydrogen pipeline project if—
- (a) either of the conditions in [section 131\(2\)](#) ceases to be met in relation to the project,
  - (b) the Secretary of State determines that a condition to which the designation is subject has not been met, or
  - (c) the person consents to the designation being revoked.
- (2) [Section 132\(3\)\(a\)](#), [\(b\)](#) and [\(d\)](#), [\(4\)](#) and [\(5\)](#) applies (with necessary modifications) in relation to the revocation of a person’s designation as it applies in relation to the designation of a person.
- (3) Where the Secretary of State gives a notice to a person under [subsection \(1\)](#), the person’s designation in relation to the hydrogen pipeline project in question ceases to have effect at the end of the day on which the notice is given to the person.
- (4) The revocation of a person’s designation in relation to a hydrogen pipeline project does not affect anything done in relation to the licence by the Secretary of State under or by virtue of this Part while the person was designated in relation to the project.

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**Commencement Information**

**I3** [S. 133](#) in force at 26.12.2023, see [s. 334\(3\)\(c\)](#)

**Status:**

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

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