



# Energy Act 2023

## 2023 CHAPTER 52

### PART 13

#### OFFSHORE WIND ELECTRICITY GENERATION, OIL AND GAS

### CHAPTER 2

#### OIL AND GAS

#### *Decommissioning: charging*

### **299 Charges in connection with abandonment of offshore installations**

(1) In the Petroleum Act 1998, after section 38B insert—

#### **“38C Charges in connection with exercise of functions under Part 4**

- (1) The Secretary of State may by regulations made by statutory instrument provide for payment to the Secretary of State of charges for or in connection with the carrying out by the Secretary of State of the Secretary of State’s functions under this Part.
- (2) Regulations under this section may provide that a charge is to be of an amount—
  - (a) specified in the regulations, or
  - (b) determined by the Secretary of State in accordance with the regulations.
- (3) Regulations under this section may specify matters to which the Secretary of State must have regard when determining the amount of a charge.
- (4) Regulations under this section may specify—
  - (a) how a charge is to be paid;

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*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 299. (See end of Document for details)*

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- (b) when a charge is to be paid;
  - (c) the person by whom a charge is to be paid.
- (5) Provision made by virtue of subsection (4)(c) may confer a discretion on the Secretary of State.
- (6) Regulations under this section may—
- (a) include incidental, supplementary or consequential provision;
  - (b) include transitory or transitional provision or savings;
  - (c) make different provision for different purposes.
- (7) Before making regulations under this section, the Secretary of State must consult organisations in the United Kingdom that appear to the Secretary of State to be representative of persons who are likely to be affected by the regulations.
- (8) The Secretary of State must not make regulations under this section without the consent of the Treasury.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 30 of the Energy Act 2008 (abandonment of installations), in subsection (2) (a), for the words from “the reference” to “Scottish Parliament” substitute “sections 38C(9) and 39(6) of the 1998 Act are to be read as if each of those sections imposed a requirement that regulations under the section concerned are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010)”.
- (3) The Petroleum Act 1998 is amended as follows in consequence of subsection (1).
- (4) In section 29 (preparation of programmes), omit subsection (5).
- (5) In section 33(4) (failure to submit programmes), for the words from “any fee” to the end substitute “any charge that would have been payable by those persons in accordance with regulations under section 38C if they had complied with the notice under section 29(1)”.
- (6) In section 34(4) (revision of programmes), omit the words from “and a person” to the end.
- (7) In section 39 (regulations)—
- (a) in subsection (2), omit paragraph (e);
  - (b) in subsection (5), omit the words from “and he” to the end.

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**Commencement Information**

- 11** S. 299 not in force at Royal Assent, see [s. 334\(1\)](#)
- 12** S. 299(1)(2) in force at 11.1.2024 by [S.I. 2024/32](#), [reg. 2\(d\)\(ii\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Section 299.