



Energy Act 2023

2023 CHAPTER 52

PART 1

LICENSING OF CARBON DIOXIDE TRANSPORT AND STORAGE

CHAPTER 4

SPECIAL ADMINISTRATION REGIME

Application and amendment of the Energy Act 2004

44 Application of certain provisions of the Energy Act 2004

- (1) Sections 156 to 167 of, and Schedules 20 and 21 to, the Energy Act 2004 (special administration regime for energy licensees) apply in relation to a T&S administration order as they apply in relation to an energy administration order within the meaning given by section 154(1) of that Act, but with the modifications set out in [subsections \(2\) to \(4\)](#).
- (2) In the application of those provisions generally—
 - (a) for “energy administration”, in each place where it occurs, substitute “transport and storage administration”;
 - (b) for “energy administrator”, in each place where it occurs, substitute “T&S administrator”;
 - (c) for “Great Britain”, in each place it occurs (other than paragraphs 4(2)(e) and 11(4) and (7) of Schedule 21), substitute “Great Britain or a relevant controlled place”;
 - (d) for “a protected energy company”, in each place where it occurs, substitute “a T&S company”.
- (3) In the application of Schedule 20—

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Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 44. (See end of Document for details)

- (a) in paragraph 32(1)(d), for the words from ““energy administration application”” to “Energy Act 2004” substitute ““transport and storage administration application” means an application to the court for a transport and storage administration order under Chapter 3 of Part 3 of the Energy Act 2004, as applied by section 44 of the Energy Act 2023”;
 - (b) in paragraph 32(1)(e), for “section 155 of the Energy Act 2004” substitute “section 43 of the Energy Act 2023”;
 - (c) in paragraph 36, for “section 154(4) of this Act” substitute “section 42(4) of the Energy Act 2023”;
 - (d) in paragraph 43, after “the Energy Act 2004” insert “and section 44 of the Energy Act 2023”;
 - (e) in paragraph 44(5), after “the Energy Act 2004” insert “and section 44 of the Energy Act 2023”;
 - (f) in paragraph 45, after “section 157(1)(e) of this Act” insert “as applied by section 44 of the Energy Act 2023”;
 - (g) omit paragraph 46 (but see section 48 of this Act);
 - (h) in paragraph 47, after “Part 1 of this Schedule” insert “and section 44 of the Energy Act 2023”.
- (4) In the application of Schedule 21—
- (a) for “an energy transfer scheme”, in each place where it occurs, substitute “a T&S transfer scheme”;
 - (b) for “old energy company”, in each place where it occurs, substitute “old T&S company”;
 - (c) for “new energy company”, in each place where it occurs, substitute “new T&S company”;
 - (d) in paragraph 1(b), for “section 155(3)” substitute “section 43(3) of the Energy Act 2023”;
 - (e) in paragraph 3(1), for “an “energy transfer scheme”” substitute “a “T&S transfer scheme””;
 - (f) in paragraphs 3(8) and 9(6), for “GEMA” substitute “—
 - (a) GEMA,
 - (b) the Health and Safety Executive,
 - (c) the Oil and Gas Authority,
 - (d) the appropriate devolved authorities (if any), and
 - (e) such other persons as the Secretary of State considers appropriate.”;
 - (g) in paragraph 5, after sub-paragraph (4) insert—
 - “(5) This paragraph also applies in relation to any licence or permit that the relevant licence mentioned in sub-paragraph (1) requires its holder to hold as it applies in relation to the relevant licence.”;
 - (h) in paragraphs 6(3) and 11(2), for “the energy transfer scheme” substitute “the T&S transfer scheme”;
 - (i) in paragraph 12, for “section 155” substitute “section 43 of the Energy Act 2023”;
 - (j) after paragraph 13 insert—
 - “14 For the purposes of paragraphs 3(8)(e) and 9(6)(e) the “appropriate devolved authorities” are—

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- (a) the Welsh Ministers, if provision making the scheme or (as the case may be) modification would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
 - (b) the Scottish Ministers, if provision making the scheme or (as the case may be) modification would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.”
- (5) Sections 171 and 196 of the Energy Act 2004 (interpretation) apply for the purposes of the application by subsection (1) of the provisions mentioned in that subsection, but with the modifications set out in subsection (6).
- (6) In the application of section 171(1)—
- (a) insert, at the appropriate places, the following definitions—
 - ““objective of the transport and storage administration” is to be construed in accordance with section 43 of the Energy Act 2023;”;
 - ““relevant controlled place” has the meaning given by section 42(5) of the Energy Act 2023;”;
 - ““T&S company” has the meaning given by section 42(2) of the Energy Act 2023;”;
 - ““transport and storage administration order” has the meaning given by section 42(1) of the Energy Act 2023;”;
 - ““transport and storage administration rules” means the rules made under section 411 of the 1986 Act by virtue of section 159(3) of this Act, for the purpose of giving effect to this Chapter as applied by section 44 of the Energy Act 2023;”;
 - (b) for the definition of “energy administrator” substitute—
 - ““T&S administrator” has the meaning given by section 49 of the Energy Act 2023;”;
 - (c) for the definition of “relevant licence” substitute—
 - ““relevant licence” means a licence under section 7 of the Energy Act 2023.”

Commencement Information

II S. 44 in force at 26.12.2023, see s. 334(3)(a)

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