



# Energy Act 2023

## 2023 CHAPTER 52

### PART 1

#### LICENSING OF CARBON DIOXIDE TRANSPORT AND STORAGE

### CHAPTER 1

#### LICENSING OF ACTIVITIES

##### *Licensable activities*

## 5 Exemption from prohibition

- (1) The Secretary of State may by regulations grant exemption from the prohibition under [section 2\(1\)](#).
- (2) An exemption may be granted—
  - (a) to a specified person, or persons of a specified class;
  - (b) generally or to such extent as may be specified;
  - (c) unconditionally or subject to such conditions as may be specified.
- (3) Before making regulations under [subsection \(1\)](#) the Secretary of State must give notice—
  - (a) stating that the Secretary of State proposes to make such regulations and setting out the terms of the proposed regulations,
  - (b) stating the reasons why the Secretary of State proposes to make the regulations in the terms proposed, and
  - (c) specifying the time (which must be not less than 28 days from the date of publication of the notice) within which representations with respect to the proposals may be made,

and must consider any representations which are duly made in respect of the proposals and not withdrawn.

*Status: Point in time view as at 26/12/2023.*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, Section 5. (See end of Document for details)*

- (4) The notice required by [subsection \(3\)](#) must be given—
- (a) by serving a copy of it on the economic regulator and any appropriate devolved authority, and
  - (b) by publishing it in such manner as the Secretary of State considers appropriate for bringing it to the attention of those likely to be affected by the proposed regulations.
- (5) Notice of an exemption granted to a person is to be given—
- (a) by serving a copy of the exemption on the person, and
  - (b) by publishing the exemption in such manner as the Secretary of State considers appropriate for bringing it to the attention of other persons who may be affected by it.
- (6) Notice of an exemption granted to persons of a class must be given by publishing the exemption in such manner as the Secretary of State considers appropriate for bringing it to the attention of—
- (a) persons of that class, and
  - (b) other persons who may be affected by it.
- (7) An exemption may be granted—
- (a) indefinitely, or
  - (b) for a period specified in, or determined by or under, the exemption.
- (8) Conditions subject to which an exemption is granted may (in particular) require any person carrying on any activity in pursuance of the exemption—
- (a) to comply with any direction given by a relevant authority as to such matters as are specified in the exemption or are of a description so specified,
  - (b) to do (or not do) such things as are specified in the exemption or are of a description so specified, except so far as the Secretary of State or a relevant authority consents to the person’s not doing (or doing) them, and
  - (c) to refer for determination by the Secretary of State or a relevant authority such questions arising under the exemption as are specified in the exemption or are of a description so specified.
- (9) For the purposes of this section the “appropriate devolved authorities” are—
- (a) the Scottish Ministers, if the regulations under [subsection \(1\)](#) contain provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
  - (b) the Welsh Ministers, if those regulations contain provision that 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);
  - (c) the Department for the Economy in Northern Ireland, if those regulations contain provision that—
    - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
    - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.

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(10) In [subsection \(8\)](#) “relevant authority” means a person specified in the conditions.

**Commencement Information**

**II** [S. 5](#) in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

**Status:**

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

**Changes to legislation:**

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