



Energy Act 2023

2023 CHAPTER 52

PART 1

LICENSING OF CARBON DIOXIDE TRANSPORT AND STORAGE

CHAPTER 5

TRANSFER SCHEMES

50 Transfer schemes

- (1) This section applies where—
 - (a) a termination event has arisen in relation to a licence, and
 - (b) the economic regulator has complied with its duties under section 17 in relation to the termination event.
- (2) The Secretary of State may make a scheme for the transfer of designated property, rights or liabilities of the licence holder to a person falling within [subsection \(3\)](#), or two or more of those persons, with the objective of—
 - (a) securing that the activities authorised by the licence continue in a manner which—
 - (i) is efficient and economical, and
 - (ii) ensures the safety and security of the transport and storage network, or the part of that network, to which the licence relates, or
 - (b) facilitating the cessation of the transportation and injection of carbon dioxide authorised by the licence and ensuring the safety and security of the transport and storage network, or the part of that network, to which the licence relates.
- (3) The persons to whom a scheme may transfer designated property, rights or liabilities are—
 - (a) the Secretary of State;

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 50. (See end of Document for details)

- (b) any person the Secretary of State considers to be an appropriate person to achieve the objective in [subsection \(2\)\(a\)](#) or (as the case may be) [\(b\)](#).
- (4) In determining whether a person is an appropriate person for the purposes of [subsection \(3\)\(b\)](#), the Secretary of State must take into account whether the person would be able to meet the conditions and requirements of any licence or permit that would be transferred to the person under the proposed scheme.
- (5) The Secretary of State may not make a scheme without the consent of—
 - (a) the licence holder, and
 - (b) where the scheme would transfer designated property, rights and liabilities to a person or persons falling within [subsection \(3\)\(b\)](#), each such person.
- (6) In [this section](#)—
 - “designated”, in relation to a scheme, means specified in or determined in accordance with the scheme;
 - “termination event” has the meaning given by section 17.

Commencement Information

II [S. 50](#) in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

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