



# Energy Act 2023

## 2023 CHAPTER 52

### PART 2

#### CARBON DIOXIDE CAPTURE, STORAGE ETC AND HYDROGEN PRODUCTION, TRANSPORT AND STORAGE

### CHAPTER 1

#### REVENUE SUPPORT CONTRACTS

#### *Hydrogen production*

#### **65 Designation of hydrogen production counterparty**

- (1) The Secretary of State may by notice given to a person designate the person to be a counterparty for hydrogen production revenue support contracts.
- (2) A “hydrogen production revenue support contract” is a contract to which a hydrogen production counterparty is a party and which was entered into by a hydrogen production counterparty in pursuance of a direction given to it under [section 66\(1\)](#) or a notification given to it under [section 75\(1\)](#).
- (3) A person designated under [subsection \(1\)](#) is referred to in this Chapter as a “hydrogen production counterparty”.
- (4) A designation may be made only with the consent of the person designated (except where that person is the Secretary of State).
- (5) The Secretary of State may exercise the power of designation so that more than one designation has effect under [subsection \(1\)](#), but only if the Secretary of State considers it necessary for the purposes of ensuring that—
  - (a) liabilities under a hydrogen production revenue support contract are met,
  - (b) arrangements entered into for purposes connected to a hydrogen production revenue support contract continue to operate, or

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*Changes to legislation: There are currently no known outstanding effects  
for the Energy Act 2023, Section 65. (See end of Document for details)*

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- (c) directions given to a hydrogen production counterparty continue to have effect.
- (6) As soon as reasonably practicable after a designation ceases to have effect, the Secretary of State must make one or more transfer schemes under [section 86](#) to ensure the transfer of all rights and liabilities under any hydrogen production revenue support contract to which the person who has ceased to be a hydrogen production counterparty was a party.
- (7) In this Chapter—
  - “low carbon hydrogen producer” means a person who carries on (or is to carry on) in the United Kingdom activities of producing hydrogen which in the opinion of the Secretary of State will contribute to a reduction in emissions of greenhouse gases;
  - “greenhouse gas” has the meaning given by section 92(1) of the Climate Change Act 2008.
- (8) In [subsection \(7\)](#) the reference to carrying on activities in the United Kingdom includes carrying on activities in, above or below—
  - (a) the territorial sea adjacent to the United Kingdom;
  - (b) waters in a Renewable Energy Zone (within the meaning of Chapter 2 of Part 2 of the Energy Act 2004).

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**Commencement Information**

**II** [S. 65](#) in force at Royal Assent, see [s. 334\(3\)\(a\)\(iii\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Section 65.