



# Energy Act 2023

## 2023 CHAPTER 52

### PART 2

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

### CHAPTER 1

#### REVENUE SUPPORT CONTRACTS

#### *Consultation*

#### **85 Consultation**

- (1) Before making revenue support regulations the Secretary of State must—
  - (a) consult the persons mentioned in [subsection \(2\)](#), and
  - (b) specify a period of not less than 28 days for the purposes of [subsection \(3\)](#).
- (2) The persons to be consulted under [subsection \(1\)](#) are—
  - (a) the Scottish Ministers, if the regulations 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 the 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 the 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

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*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 85. (See end of Document for details)*

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- (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;
  - (d) such other persons as the Secretary of State considers appropriate.
- (3) The Secretary of State must consider any representations that are—
- (a) duly made within the period specified under subsection (1)(b) by persons consulted under [subsection \(1\)](#), and
  - (b) not withdrawn.
- (4) Before making regulations under [section 73\(1\)](#) (power to appoint allocation bodies) the Secretary of State must consult—
- (a) the Scottish Ministers, if the regulations 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 the 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 the 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,
 and the Secretary of State must consider any representations duly made by persons consulted under this subsection and not withdrawn.
- (5) Before publishing standard terms under [section 74](#) the Secretary of State must—
- (a) consult the persons mentioned in [subsection \(6\)](#), and
  - (b) specify a period of not less than 28 days for the purposes of subsection (7).
- (6) The persons to be consulted under subsection (5) are—
- (a) the Scottish Ministers, if the standard terms 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 the standard terms 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 the standard terms 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;
  - (d) such other persons as the Secretary of State considers appropriate.

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- (7) The Secretary of State must consider any representations that are—
- (a) duly made within the period specified under subsection (5)(b) by persons consulted under subsection (5), and
  - (b) not withdrawn.
- (8) A requirement under this section to consult may be satisfied by consultation before, as well as consultation after, the passing of this Act.

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**Commencement Information**

- I1** S. 85 in force at Royal Assent for specified purposes, see s. 334(2)(a)(vi)
- I2** S. 85 in force at 26.12.2023 in so far as not already in force, see s. 334(3)(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Section 85.