



# Energy Act 2004

## 2004 CHAPTER 20

### PART 4

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Imposition of charges*

#### **188 Power to impose charges to fund energy functions**

- (1) The Secretary of State may by regulations make provision requiring the payment to him of charges in respect of any of the following—
  - (a) services or facilities provided or made available by him in the carrying out of his relevant energy functions;
  - (b) the consideration or supervision by him, for purposes connected with the carrying out of any of those functions, of any matter;
  - (c) the issue by him, in the carrying out of those functions, of a licence;
  - (d) the doing of anything else which is done by him—
    - (i) in the carrying out of any of those functions; or
    - (ii) for purposes which are incidental to, or otherwise connected with, the carrying out of any of those functions.
- (2) The matters in respect of which charges may be imposed under this section include—
  - (a) the performance of a duty imposed on the Secretary of State; and
  - (b) things done in relation to, or to activities carried on in, the territorial sea adjacent to the United Kingdom or an area designated under section 1(7) of the Continental Shelf Act 1964 (c. 29).
- (3) The persons who may be made liable for charges imposed by regulations under this section are—
  - (a) any of the persons to whom, or on whose application, the service or facility in question is provided or made available;
  - (b) any of the persons on whose application the matter in question is considered, or to whom that matter relates;

*Status: Point in time view as at 05/10/2004.*

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- (c) any of the persons whose activities are supervised;
  - (d) any of the persons to whom, or on whose application, the licence in question is issued;
  - (e) any of the persons on whose application the other thing is done.
- (4) In exercising his powers under this section to fix the amount of the charge to be paid by a person of a particular description, the Secretary of State may fix any amount that appears to him to be appropriate having regard to the costs that the Secretary of State is likely to incur in the carrying out—
- (a) in relation to persons of that description, or
  - (b) in a manner that benefits persons of that description,
- of the relevant energy functions in respect of which the charge is imposed.
- (5) The provision that may be made by regulations under this section includes—
- (a) provision specifying the times at which charges imposed under such regulations become due;
  - (b) provision specifying the manner in which they are to be paid; and
  - (c) provision for charges that must be paid periodically in respect of any matter.
- (6) Regulations under this section are subject to the negative resolution procedure.
- (7) The references in this section to the Secretary of State’s relevant energy functions are references to the powers and duties of the Secretary of State by or under any of the following—
- (a) the Pipe-lines Act 1962 (c. 58);
  - (b) so much of the Prevention of Oil Pollution Act 1971 (c. 60) as has effect in connection with anything specified in subsection (8);
  - (c) the Energy Act 1976 (c. 76);
  - (d) so much of Part 2 of the Food and Environment Protection Act 1985 (c. 48) as has effect in connection with anything specified in subsection (8);
  - (e) the Gas Act 1986 (c. 44);
  - (f) the 1989 Act;
  - (g) the Gas Act 1995 (c. 45);
  - (h) the Petroleum Act 1998 (c. 17);
  - (i) so much of the Pollution Prevention and Control Act 1999 (c. 24) as has effect in connection with anything specified in subsection (8);
  - (j) Chapters 2 and 3 of Part 2 of this Act;
  - (k) Chapters 2 to 4 of Part 3 of this Act;
  - (l) so much of any Community instrument as has effect in connection with anything specified in subsection (8).
- (8) The matters mentioned in subsection (7) are—
- (a) the carrying out of exploration for petroleum;
  - (b) the winning or production of petroleum;
  - (c) the generation, transmission, distribution or supply of electricity;
  - (d) the conveyance, supply, storage or processing of gas;
  - (e) pipelines for the conveyance of petroleum that are situated in Great Britain;
  - (f) offshore installations and submarine pipelines;
  - (g) Renewable Energy Zones and renewable energy installations;

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- (h) the protection of the environment from activities carried on in connection with anything mentioned in the preceding paragraphs.
- (9) In this section—
- “application” includes a requirement, and cognate expressions are to be construed accordingly;
  - “gas” has the same meaning as in the Gas Act 1986 (c. 44);
  - “issue”, in relation to a licence, includes grant and serve, and also refuse, modify, revoke and renew, and cognate expressions are to be construed accordingly;
  - “licence” includes an authorisation, consent, approval, exemption, certificate or notice;
  - “offshore installation” has the same meaning as in Part 4 of the Petroleum Act 1998 (c. 17);
  - “petroleum” has the same meaning as in Part 1 of that Act;
  - “pipeline” means a pipeline within the meaning of Part 3 of that Act or a pipe-line within the meaning of the Pipe-lines Act 1962 (c. 58);
  - “Renewable Energy Zone” and “renewable energy installation” have the same meanings as in Chapter 2 of Part 2 of this Act;
  - “supervision”, in relation to activities, includes the carrying out of an inspection of any premises or thing used or apparently used in connection with those activities.
- (10) The power to make regulations under this section—
- (a) is in addition to every other power to impose charges in connection with the carrying out by the Secretary of State of his relevant energy functions; and
  - (b) is to be disregarded in construing those other powers.
- (11) The Secretary of State must pay sums received by him by virtue of regulations under this section into the Consolidated Fund.

**Commencement Information**

**II** S. 188 in force at 5.10.2004 by [S.I. 2004/2575](#), art. 2(1), [Sch. 1](#)

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