



# Energy Act 2004

## 2004 CHAPTER 20

### PART 2

#### SUSTAINABILITY AND RENEWABLE ENERGY SOURCES

### CHAPTER 3

#### DECOMMISSIONING OF OFFSHORE INSTALLATIONS

##### *Decommissioning programmes*

#### **107 Failure to submit or rejection of decommissioning programmes**

- (1) Where—
  - (a) a notice given under section 105 is not complied with, or
  - (b) the Secretary of State rejects a programme submitted to him,the Secretary of State may himself prepare a decommissioning programme in relation to the relevant object in question.
- (2) Before himself preparing a decommissioning programme relating to a relevant object which is to be or is, wholly or partly—
  - (a) in an area of Scottish waters, or
  - (b) in an area of waters in a Scottish part of a Renewable Energy Zone,the Secretary of State must consult the Scottish Ministers.
- (3) Where the Secretary of State prepares a decommissioning programme under this section—
  - (a) he must give notice informing the recipient of the notice given under section 105 that he has done so; and
  - (b) this Chapter shall have effect subsequently as if the Secretary of State's programme were a programme submitted to him by the person informed and

*Status: Point in time view as at 06/04/2009. This version of this provision has been superseded.*

*Changes to legislation: Energy Act 2004, Section 107 is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

had been approved by the Secretary of State subject to the conditions specified by the Secretary of State.

(4) Where the Secretary of State informs a person under subsection (3) that he has prepared his own decommissioning programme, he may by notice to that person require him—

- (a) to provide such security in relation to the carrying out of the programme, and for his compliance with its conditions (if any), as may be specified by the Secretary of State; and
- (b) to provide it at such time, and in accordance with such requirements, as may be specified by the Secretary of State;

and a requirement under this subsection has effect as if it were a condition of the deemed approval of the programme.

<sup>F1</sup>(5) .....

<sup>F1</sup>(6) .....

<sup>F1</sup>(7) .....

(8) The power of the Secretary of State to impose requirements under this section includes power, where there is more than one person on whom he may impose them, to impose different requirements in relation to different persons.

(9) Where, having given a notice under section 105, the Secretary of State prepares his own decommissioning programme, he may recover expenditure incurred by him in, or in connection with, the exercise of his powers under this section from the recipient of the notice.

(10) A person liable to pay a sum to the Secretary of State by virtue of subsection (9) must also pay interest on that sum for the period which—

- (a) begins with the day on which the Secretary of State notified him of the sum payable; and
- (b) ends with the date of payment.

(11) The rate of interest shall be a rate determined by the Secretary of State to be comparable with commercial rates.

<b>Textual Amendments</b>	
<b>F1</b>	S. 107(5)-(7) repealed (6.4.2009) by <a href="#">Energy Act 2008 (c. 32)</a> , s. 110(2), Sch. 5 para. 18, <b>Sch. 6</b> ; S.I. 2009/45, art. 4(d)(i)(ii)(ee)
<b>Commencement Information</b>	
<b>I1</b>	S. 107 in force at 1.10.2005 by <a href="#">S.I. 2005/877</a> , art. 2(2), <b>Sch. 2</b>

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