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# Energy Act 2008

## CHAPTER 32

### ENERGY ACT 2008

#### PART 1

##### GAS IMPORTATION AND STORAGE

#### CHAPTER 1

##### GAS IMPORTATION AND STORAGE ZONES

- 1 Exploitation of areas outside the territorial sea for gas importation and storage

#### CHAPTER 2

##### IMPORTATION AND STORAGE OF COMBUSTIBLE GAS

###### *Activities requiring a licence*

- 2 Prohibition on unlicensed activities
- 3 Exception for activities carried on partly on land etc
- 3A Exception for unloading to an installation in certain circumstances

###### *Licensing*

- 4 Licences
- 5 Applications
- 6 Terms and conditions
- 7 Model clauses

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### *Enforcement*

- 8 Offence to carry on unlicensed activities
- 9 Offences relating to licences
- 10 Secretary of State's power of direction
- 11 Failure to comply with a direction under section 10
- 12 Injunctions restraining breaches of section 2(1)
- 13 Inspectors
- 14 Criminal proceedings

### *Supplementary*

- 15 Interaction with the petroleum licensing requirements

### *Interpretation*

- 16 Chapter 2: interpretation

## **CHAPTER 3**

### STORAGE OF CARBON DIOXIDE

#### *Activities requiring a licence*

- 17 Prohibition on unlicensed activities

#### *Licensing*

- 18 Licences
- 19 Requirements relating to grant of licences
- 20 Terms and conditions
- 21 Content of licences: regulations

#### *Enforcement*

- 22 Offence to carry on unlicensed activities
- 23 Offences relating to licences
- 24 Licensing authority's power of direction
- 25 Failure to comply with a direction under section 24
- 26 Injunctions restraining breaches of section 17(1)
- 27 Inspectors
- 28 Criminal proceedings

#### *Registration*

- 29 Requirement for public register

#### *Abandonment of offshore infrastructure*

- 30 Abandonment of installations
- 30A Installations converted for CCS demonstration projects
- 30B Submarine pipelines converted for CCS demonstration projects

#### *Termination of the licence*

- 31 Termination of licence: regulations

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### *Miscellaneous*

- 32 Safety zones
- 33 Enhanced petroleum recovery: power to make orders
- 34 Power of Secretary of State etc to transfer functions

### *Interpretation*

- 35 Chapter 3: interpretation

## **CHAPTER 4**

### GENERAL PROVISIONS ABOUT GAS IMPORTATION AND STORAGE

- 36 Chapters 2 and 3: consequential amendments

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- 38 Section 37: supplemental provision
- 39 Existing savings relating to section 32 of the Electricity Act 1989
- 40 The Northern Ireland renewables obligation

##### *Feed-in tariffs for small-scale generation of electricity*

- 41 Power to amend licence conditions etc: feed-in tariffs
- 42 Power to amend licence conditions etc: procedure
- 43 Feed-in tariffs: supplemental

##### *Offshore electricity transmission*

- 44 Offshore electricity transmission

### **PART 3**

#### DECOMMISSIONING OF ENERGY INSTALLATIONS

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#### NUCLEAR SITES: DECOMMISSIONING AND CLEAN-UP

##### *Funded decommissioning programmes*

- 45 Duty to submit a funded decommissioning programme
- 45A Costs incurred in considering proposed programmes
- 46 Approval of a programme
- 47 Prohibition on use of site in absence of approved programme

##### *Modification of approved programmes*

- 48 Modification of approved programme
- 49 Procedure for modifying approved programme
- 50 Power to disapply section 49
- 51 Time when modification takes effect

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### *Information*

- 52 Provision of information and documents
- 53 Power to review operation of programme

### *Regulations and guidance*

- 54 Nuclear decommissioning: regulations and guidance
- 55 Funded decommissioning programmes: verification of financial matters

### *Protection of decommissioning funds*

- 56 Protection of security under approved programme

### *Enforcement*

- 57 Offence to fail to comply with approved programme
- 58 Secretary of State's power of direction
- 59 Offence of further disclosure of information
- 60 Offence of supplying false information
- 61 Restriction on prosecutions under this Chapter

### *Miscellaneous*

- 62 Power to apply this Chapter to other nuclear installations
- 63 Co-operation with other public bodies
- 64 Continuity of obligations
- 65 Amendment of Nuclear Installations Act 1965
- 66 Disposal of hazardous material

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- 67 Meaning of “associated”
- 68 Interpretation

## **CHAPTER 2**

### **OFFSHORE RENEWABLES INSTALLATIONS**

- 69 Decommissioning notices relating to offshore renewable energy installations
- 70 Security for decommissioning obligations
- 71 Provision of information to Secretary of State

## **CHAPTER 3**

### **OIL AND GAS INSTALLATIONS**

- 72 Persons who may be required to submit abandonment programmes
- 73 Financial resources etc
- 74 Protection of abandonment funds from creditors

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## CHAPTER 4

### WELLS

- 75 Information about decommissioning of wells

#### PART 4

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##### *Petroleum licences*

- 76 Transfers without the consent of the Secretary of State  
77 Model clauses of petroleum licences

##### *Third party access*

- 78 Third party access to infrastructure  
79 Modification of pipelines  
80 Third party access to oil processing facilities  
81 Directions under section 80: supplemental  
82 Meaning of “associate”

#### PART 4A

#### WORKS DETRIMENTAL TO NAVIGATION

##### *Consent required for carrying out of certain operations*

- 82A Restriction of works detrimental to navigation  
82B Applications for consent under section 82A  
82C Determination of applications for consent under section 82A  
82D Authorised exploration or exploitation operations: consent conditions

##### *Directions by the Secretary of State*

- 82E Secretary of State's power of direction

##### *Emergency safety requirements*

- 82F Damage to, or changes in, the works: emergency safety notices  
82G Emergency safety notices: supplementary provisions  
82H Failure to comply with condition: immediate action notice

##### *Enforcement*

- 82I Carrying out operation without consent etc  
82J Offences relating to consents  
82K Failure to comply with direction under section 82E  
82L Failure to comply with notice under section 82F or 82H  
82M Injunctions restraining breaches of section 82A(1)  
82N Inspectors  
82O Criminal proceedings

##### *Supplementary provisions*

- 82P Power to extend the application of this Part  
82Q Interpretation of this Part

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## **PART 5**

### MISCELLANEOUS

#### *Duties of Gas and Electricity Markets Authority*

- 83 Duties of the Gas and Electricity Markets Authority

#### *Transmission systems*

- 84 Power to amend licence conditions etc: transmission systems  
85 Section 84: procedure  
86 Section 84: supplemental

#### *Energy reports*

- 87 Energy reports

#### *Smart meters*

- 88 Power to amend licence conditions etc: smart meters  
89 Power to amend licence conditions etc: procedure  
90 Smart meters: supplemental  
91 Licensing of activities relating to smart meters

#### *Gas meters*

- 92 Gas meters  
93 Section 92: consequential amendments  
94 Power to amend licence conditions: gas

#### *Electricity meters*

- 95 Electricity meters  
96 Section 95: consequential amendments  
97 Power to amend licence conditions: electricity

#### *Connection offer expenses*

- 98 Costs connected with making an offer of connection

#### *Electricity safety*

- 99 Electricity safety

#### *Renewable heat incentives*

- 100 Renewable heat incentives

#### *Nuclear information*

- 101 Security of sensitive nuclear information

#### *Application of general duties*

- 102 Application of general duties to functions relating to licences

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## PART 6

### GENERAL

- 103 Offences by bodies corporate etc
- 104 Subordinate legislation
- 105 Parliamentary control of subordinate legislation
- 106 Interpretation
- 107 Minor and consequential amendments
- 108 Repeals
- 109 Transitional provision etc
- 110 Commencement
- 111 Financial provisions
- 112 Extent
- 113 Short title

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### SCHEDULES

#### SCHEDULE 1 — Amendments relating to Chapters 2 and 3 of Part 1

##### *Food and Environment Protection Act 1985 (c. 48)*

- 1 The Food and Environment Protection Act 1985 is amended as...
- 2 In section 7A (regulation of deposits made in the sea:...
- 3 In section 24 (interpretation)— (a) in subsection (1), after the...

##### *Petroleum Act 1987 (c. 12)*

- 4 (1) Section 21 of the Petroleum Act 1987 (automatic establishment...

##### *Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I.2))*

- 5 In Article 3(1) of the Gas (Northern Ireland) Order 1996...

##### *Petroleum Act 1998 (c. 17)*

- 6 The Petroleum Act 1998 is amended as follows.
- 7 In section 11 (application of civil law)—
- 8 In section 13 (interpretation of Part 2), after the existing...
- 9 In section 28 (interpretation of Part 3), in the definition...
- 10 In section 30 (persons who may be required to submit...
- 11 In section 44 (offshore installations)— (a) in subsection (3), after...
- 12 In section 47A (factors for the Secretary of State to...

##### *Energy Act 2004 (c. 20)*

- 13 In section 188 of the Energy Act 2004 (power to...

#### SCHEDULE 2 — Property schemes

#### SCHEDULE 3 — Petroleum licences: amendments to model clauses

##### Part 1 — PETROLEUM (PRODUCTION) (LANDWARD AREAS) REGULATIONS 1995

- 1 (1) Schedule 3 to the Petroleum (Production) (Landward Areas)  
Regulations...

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Part 2 — PETROLEUM (CURRENT MODEL CLAUSES) ORDER 1999

- 2 This Part of this Schedule contains amendments to the Petroleum...
- 3 (1) Part 2 of Schedule 2 (seaward production licences) is...
- 4 (1) Part 2 of Schedule 3 (landward production licences) is...
- 5 (1) Part 2 of Schedule 4 (landward production licences) is...
- 6 (1) Part 2 of Schedule 5 (seaward production licences) is...
- 7 (1) Part 2 of Schedule 6 (seaward production licences) is...
- 8 (1) Part 2 of Schedule 8 (landward development licences) is...
- 9 (1) Part 2 of Schedule 9 (seaward production licences) is...
- 10 (1) Part 2 of Schedule 10 (seaward production licences) is...
- 11 (1) Part 2 of Schedule 11 (seaward exploration licences) is...
- 12 (1) Part 2 of Schedule 12 (landward exploration licences) is...
- 13 (1) Part 2 of Schedule 13 (landward appraisal licences) is...
- 14 (1) Part 2 of Schedule 14 (landward development licences) is...

Part 3 — PETROLEUM LICENSING (EXPLORATION AND PRODUCTION)  
(SEAWARD AND LANDWARD AREAS) REGULATIONS 2004

- 15 This Part of this Schedule amends the Petroleum Licensing  
(Exploration...
- 16 (1) Schedule 1 (exploration licences) is amended as follows.
- 17 (1) Schedule 2 (frontier areas: production licences without break  
clause)...
- 18 (1) Schedule 3 (frontier areas: production licences with break clause)...
- 19 (1) Schedule 4 (production licences for areas other than frontier...
- 20 (1) Schedule 6 (exploration and development licences) is amended as...

SCHEDULE 4 — Smart meters: licensable activities

Part 1 — GAS

- 1 After section 41H of the Gas Act 1986 (c. 44),...

Part 2 — ELECTRICITY

- 2 After section 56F of the Electricity Act 1989 (c. 29)...

SCHEDULE 5 — Minor and consequential amendments

*Pipe-lines Act 1962 (c. 58)*

- 1 In section 54 of the Pipe-lines Act 1962 (offences by...

*Gas Act 1986 (c. 44)*

- 2 In section 64(2) of the Gas Act 1986 (orders) after...

*Electricity Act 1989 (c. 29)*

- 3 In section 25 of the Electricity Act 1989 (orders for...
- 4 In section 47 of that Act (general functions of the...
- 5 In section 106 of that Act (regulations and orders), after...
- 6 In section 106(2)(b) of that Act (regulations and orders) for...

*Petroleum Act 1998 (c. 17)*

- 7 The Petroleum Act 1998 is amended as follows.
- 8 In section 5(9) (alteration of licences) for “an instrument under...
- 9 In section 31(1) (notices: supplementary provision) omit “(d) or”.
- 10 In section 34 (revision of programmes)— (a) in subsection (2)(a),...
- 11 In section 45 (interpretation), in the definition of “submarine pipeline”...



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*Utilities Act 2000 (c. 27)*

- 12 The Utilities Act 2000 is amended as follows.
- 13 In section 33 (standard conditions of electricity licences), in subsection...
- 14 In section 81 (standard conditions of gas licences), in subsection...
- 15 In section 105 (general restrictions on disclosure of information)—

*Energy Act 2004 (c. 20)*

- 16 The Energy Act 2004 is amended as follows.
- 17 Omit section 105(9) (power to require provision of information in...
- 18 Omit section 107(5) to (7) (power to require provision of...
- 19 In section 132 (interpretation of Chapter 5 of Part 2),...
- 20 In section 185 (adjustment of transmission charges), in subsection (14),...
- 21 In Schedule 13 (directions given to the Civil Nuclear Police...

SCHEDULE 6 — Repeals

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