



# Energy Act 2023

## 2023 CHAPTER 52

### PART 2

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

### CHAPTER 1

#### REVENUE SUPPORT CONTRACTS

VALID FROM 26/12/2023

*Carbon dioxide capture, storage etc and hydrogen production, transport and storage*

#### **59 Designation of carbon dioxide transport and storage counterparty**

- (1) The Secretary of State may by notice given to a person designate the person to be a counterparty for carbon dioxide transport and storage revenue support contracts.
- (2) A “carbon dioxide transport and storage revenue support contract” is a contract in relation to which both the following paragraphs apply—
  - (a) the contract is between a carbon dioxide transport and storage counterparty and the holder of a licence under [section 7](#);
  - (b) the contract was entered into by a carbon dioxide transport and storage counterparty in pursuance of a direction given to it under [section 60\(1\)](#).
- (3) A person designated under [subsection \(1\)](#) is referred to in this Chapter as a “carbon dioxide transport and storage counterparty”.
- (4) A designation may be made only with the consent of the person designated (except where that person is the Secretary of State).

*Status: Point in time view as at 26/10/2023. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Cross Heading: Carbon dioxide capture, storage etc and hydrogen production, transport and storage. (See end of Document for details)*

- (5) The Secretary of State may exercise the power to designate 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 carbon dioxide transport and storage revenue support contract are met,
  - (b) arrangements entered into for purposes connected to a carbon dioxide transport and storage revenue support contract continue to operate, or
  - (c) directions given to a carbon dioxide transport and storage 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 carbon dioxide transport and storage revenue support contract to which the person who has ceased to be a carbon dioxide transport and storage counterparty was a party.

**Commencement Information**

**I1** S. 59 in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

**60 Direction to offer to contract with licence holder**

- (1) The Secretary of State may, in accordance with any provision made by revenue support regulations, direct a carbon dioxide transport and storage counterparty to offer to contract with an eligible person specified in the direction, on terms specified in the direction.
- (2) The following are “eligible” persons for the purposes of [this section](#)—
- (a) the holder of a licence under [section 7](#), or
  - (b) a person who is to be granted a licence under [section 7](#) (and has been notified of that by the Secretary of State or the GEMA).
- (3) Revenue support regulations may make further provision about a direction under this section and in particular about—
- (a) the circumstances in which a direction may or must be given;
  - (b) the terms that may or must be specified in a direction.

**Commencement Information**

**I2** S. 60 in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

**Status:**

Point in time view as at 26/10/2023. This version of this cross heading contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Cross Heading: Carbon dioxide capture, storage etc and hydrogen production, transport and storage.