



# Energy Act 2023

## 2023 CHAPTER 52

### PART 3

#### LICENSING OF HYDROGEN PIPELINE PROJECTS

##### *Grant etc of gas transporter licence*

#### **135 Applications for grant etc of gas transporter licence**

- (1) The Secretary of State may by regulations make provision about the making, consideration and determination of relevant applications, including provision—
- (a) about the person to whom a relevant application must be made;
  - (b) about the form and manner in which a relevant application must be made;
  - (c) imposing timing requirements in relation to the making of a relevant application;
  - (d) requiring a relevant application to be accompanied by such information and documents as may be specified in the regulations;
  - (e) requiring a relevant application to be accompanied by such fee (if any) as may be—
    - (i) specified in the regulations, or
    - (ii) determined, by the person to whom the application is made, in accordance with the regulations;
  - (f) about the matters to be taken into account in determining a relevant application;
  - (g) requiring a determination to be accompanied by reasons;
  - (h) requiring determinations to be published;
  - (i) conferring functions on the Secretary of State or the GEMA (including functions involving the exercise of a discretion);
  - (j) for anything falling to be determined under the regulations to be determined—
    - (i) by the Secretary of State, the GEMA or another person specified in the regulations, and

*Status: Point in time view as at 11/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 135. (See end of Document for details)*

- (ii) in accordance with such procedure and by reference to such matters and to the opinion of such persons as may be so specified.
- (2) “Relevant application” means an application within any of the following paragraphs (whether made to the Secretary of State or the GEMA)—
- (a) an application by a designated person for the grant of a gas transporter licence that authorises the conveyance of hydrogen through pipes for the purposes of the person’s designated project;
  - (b) an application by a designated person for the extension of a gas transporter licence held by the person so that it authorises the conveyance of hydrogen through pipes for the purposes of the person’s designated project;
  - (c) an application by a person who is or has been designated for the restriction of a gas transporter licence held by the person, in connection with the person’s designation in relation to a hydrogen pipeline project ceasing to have effect.
- (3) Provision made by virtue of subsection (1)(j)(ii) may in particular be made by reference to a document as amended from time to time.
- (4) Regulations under this section—
- (a) may provide for cases in which an application is not required;
  - (b) may provide for a relevant application that has been rejected by one person to be dealt with afresh by another person.
- (5) Before making regulations under this section, the Secretary of State must consult the GEMA.
- (6) Section 7B(1) to (2A) of the Gas Act 1986 does not apply to an application for the grant, extension or restriction of a gas transporter licence so far as the application is one to which regulations under this section apply.
- (7) Any sums received by the Secretary of State or the GEMA by virtue of this section are to be paid into the Consolidated Fund.
- (8) Regulations under this section are subject to the negative procedure.
- (9) For the purposes of section 5A(1) to (10) of the Utilities Act 2000 (duty of the GEMA to carry out impact assessment), a function exercisable by the GEMA by virtue of regulations under this section is to be treated as if it were a function exercisable by it under or by virtue of Part 1 of the Gas Act 1986.

**Commencement Information**

**II** S. 135 in force at 26.12.2023, see s. 334(3)(c)

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