



# Energy Act 2023

## 2023 CHAPTER 52

### PART 2

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

### CHAPTER 1

#### REVENUE SUPPORT CONTRACTS

##### *Duties of revenue support counterparty*

#### **58 Duties of revenue support counterparty**

- (1) A revenue support counterparty must act in accordance with—
  - (a) any direction given by the Secretary of State by virtue of this Chapter;
  - (b) any provision included in revenue support regulations.
- (2) Revenue support regulations may make provision—
  - (a) to require a revenue support counterparty to enter into arrangements or to offer to contract for purposes connected to a revenue support contract;
  - (b) specifying things that a revenue support counterparty may or must do, or things that a revenue support counterparty may not do;
  - (c) conferring on the Secretary of State further powers to direct a revenue support counterparty to do, or not to do, things specified in the regulations or the direction.
- (3) The provision that may be made by virtue of [subsection \(2\)\(b\)](#) or [\(c\)](#) includes provision requiring consultation with, or the consent of, the Secretary of State in relation to—
  - (a) the determination of an application for a modification agreement under [section 78](#);
  - (b) the enforcement of obligations under a revenue support contract;

*Status: Point in time view as at 26/12/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 58. (See end of Document for details)*

- (c) a variation or termination of a revenue support contract;
  - (d) the settlement or compromise of a claim under a revenue support contract;
  - (e) the conduct of legal proceedings relating to a revenue support contract;
  - (f) the exercise of rights under a revenue support contract.
- (4) A revenue support counterparty must exercise the functions conferred by or by virtue of this Chapter so as to ensure that it can meet its liabilities under any revenue support contract to which it is a party.
- (5) Revenue support regulations must include such provision as the Secretary of State considers necessary so as to ensure that a carbon dioxide transport and storage counterparty, hydrogen transport counterparty, hydrogen storage counterparty, hydrogen production counterparty or carbon capture counterparty can meet its liabilities under any carbon dioxide transport and storage revenue support contract, hydrogen transport revenue support contract, hydrogen storage revenue support contract, hydrogen production revenue support contract or (as the case may be) carbon capture revenue support contract to which it is a party.
- (6) In this Chapter “revenue support counterparty” means—
- (a) a carbon dioxide transport and storage counterparty (see [section 59\(3\)](#)),
  - (b) a hydrogen transport counterparty (see [section 61\(3\)](#)),
  - (c) a hydrogen storage counterparty (see [section 63\(3\)](#)),
  - (d) a hydrogen production counterparty (see [section 65\(3\)](#)), or
  - (e) a carbon capture counterparty (see [section 67\(3\)](#)).

#### **Commencement Information**

- 11** [S. 58](#) in force at Royal Assent for specified purposes, see [s. 334\(2\)\(a\)\(ii\)](#)
- 12** [S. 58](#) in force at 26.12.2023 in so far as not already in force, see [s. 334\(3\)\(b\)](#)

**Status:**

Point in time view as at 26/12/2023.

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Section 58.