



Energy Act 2023

2023 CHAPTER 52

PART 2

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

CHAPTER 1

REVENUE SUPPORT CONTRACTS

Hydrogen levy

72 Functions of hydrogen levy administrator

- (1) Revenue support regulations may make provision—
 - (a) specifying things that a hydrogen levy administrator may or must do, or things that a hydrogen levy administrator may not do;
 - (b) conferring on the Secretary of State powers to direct a hydrogen levy administrator to do, or not to do, things specified in the regulations or the direction.
- (2) The following provisions of this section are without prejudice to the generality of [subsection \(1\)\(a\)](#).
- (3) Revenue support regulations may make provision—
 - (a) for a hydrogen levy administrator to calculate or determine, in accordance with such criteria as may be provided for by or under the regulations, amounts that are owed by a relevant market participant or are to be provided as financial collateral by a relevant market participant;
 - (b) for the issuing of notices by a hydrogen levy administrator to require the payment or provision of such amounts;

Status: This is the original version (as it was originally enacted).

- (c) for the provision of copies of such notices to persons specified in the regulations or the publication of such notices;
 - (d) for the enforcement of obligations imposed by or under the regulations (including provision about interest on late payments and imposing financial penalties);
 - (e) about the resolution of disputes, including provision about arbitration or appeals (which may in particular include provision for the person conducting an arbitration or determining an appeal to order the payment of costs or expenses or compensation);
 - (f) for a hydrogen levy administrator to determine the form and terms of any financial collateral;
 - (g) for a hydrogen levy administrator to hold sums in reserve.
- (4) Provision made by virtue of [subsection \(3\)\(a\)](#) or [section 70\(3\)](#) or [\(9\)](#) or [71\(2\)](#) or [\(3\)](#) may provide for anything that is to be calculated or determined under the regulations to be calculated or determined—
- (a) by such persons,
 - (b) in accordance with such procedure, and
 - (c) by reference to such matters and to the opinion of such persons,
- as may be specified in the regulations.
- (5) Provision made by virtue of [subsection \(3\)\(d\)](#) for the imposition of a financial penalty must include provision for a right of appeal against the imposition of the penalty.
- (6) Any sum that—
- (a) a relevant market participant is required by virtue of revenue support regulations to pay to a hydrogen levy administrator, and
 - (b) has not been paid by the date on which it is required by virtue of revenue support regulations to be paid,
- may be recovered from the relevant market participant by the hydrogen levy administrator as a civil debt due to it.
- (7) Revenue support regulations may make provision about the application of sums held by a hydrogen levy administrator.
- (8) The provision that may be made by virtue of [subsection \(7\)](#) includes provision that sums are to be paid, or not to be paid, into the Consolidated Fund.