



Energy Act 2023

2023 CHAPTER 52

PART 2

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

CHAPTER 2

DECOMMISSIONING OF CARBON STORAGE INSTALLATIONS

Financing of costs of decommissioning etc

94 Regulations under [section 92\(1\)](#): procedure with devolved authorities

- (1) Before making regulations under [section 92\(1\)](#) that contain provision within devolved competence, the Secretary of State must give notice to each relevant devolved authority—
 - (a) stating that the Secretary of State proposes to make regulations under [section 92\(1\)](#), and
 - (b) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to the provision within the relevant devolved competence,and must consider any representations duly made and not withdrawn.
- (2) In this section, “relevant devolved authority”, in relation to regulations, means—
 - (a) the Scottish Ministers, if the regulations contain provision within Scottish devolved competence;
 - (b) the Welsh Ministers, if the regulations contain provision within Welsh devolved competence;
 - (c) the Department for the Economy in Northern Ireland, if the regulations contain provision within Northern Ireland devolved competence;

Status: Point in time view as at 31/01/2024.

*Changes to legislation: There are currently no known outstanding effects
for the Energy Act 2023, Section 94. (See end of Document for details)*

and “the relevant devolved competence”, in relation to a relevant devolved authority, is to be construed accordingly.

- (3) For the purposes of this section, provision—
- (a) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (b) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
 - (c) is within Northern Ireland devolved competence if it—
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998;

and references to provision being within devolved competence are to provision that is within Scottish, Welsh or Northern Ireland devolved competence.

Commencement Information

II S. 94 in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

Status:

Point in time view as at 31/01/2024.

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Section 94.