



# Energy Act 2023

## 2023 CHAPTER 52

### PART 2

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

### CHAPTER 4

#### CARBON DIOXIDE STORAGE LICENCES

#### 103 Specified provisions in carbon dioxide storage licences

- (1) [Schedule 6](#) amends Schedule 1 to the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010 ([S.I. 2010/2221](#)) (“the 2010 Regulations”).
- (2) Subsections (3) to (5) apply in relation to a licence granted (or having effect as if granted) by the Oil and Gas Authority under section 18(1) of the Energy Act 2008 which is in force immediately before the commencement of [Schedule 6](#).
- (3) The licence has effect with the addition of provision having the same legal effect as paragraph 6 of Schedule 1 to the 2010 Regulations (as inserted by [Schedule 6](#) to this Act).
- (4) If the licence confers power on the Oil and Gas Authority to revoke a licence in connection with a change in control of a licence holder which is a company, the licence has effect—
  - (a) with the omission of such provision, and
  - (b) with the replacement of such provision by provision having the same legal effect as paragraph 7 of Schedule 1 to the 2010 Regulations (as inserted by [Schedule 6](#) to this Act).
- (5) If the licence confers power on the Oil and Gas Authority to partially revoke a licence in connection with a change in control of a licence holder which is a company, the licence has effect—

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- (a) with the omission of such provision, and
  - (b) with the replacement of such provision by provision having the same legal effect as paragraph 8 of Schedule 1 to the 2010 Regulations (as inserted by [Schedule 6](#) to this Act).
- (6) A reference in any document to provisions of a licence which are to have effect with amendments as provided for by [Schedule 6](#) is to be construed, unless the nature of the document or the context otherwise requires, as a reference to those provisions as amended.
- (7) A provision inserted in a licence by virtue of [Schedule 6](#) may be altered or deleted by deed executed by the Secretary of State and the licence holder or, as respects Scotland, by an instrument subscribed or authenticated by the Secretary of State and the licence holder in accordance with the Requirements of Writing (Scotland) Act 1995.

#### Commencement Information

- I1** S. 103 not in force at Royal Assent, see [s. 334\(1\)](#)  
**I2** S. 103 in force at 11.1.2024 by [S.I. 2024/32, reg. 2\(a\)\(i\)](#)

## 104 Content of storage permits under carbon dioxide storage licences

- (1) In the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010 ([S.I. 2010/2221](#)) (“the 2010 Regulations”), regulation 8 (content of storage permits) is amended as follows—
- (a) after paragraph (1) insert—
    - “(1A) If the operator is a company, a storage permit must also include the provisions contained in paragraph 6(2) to (11) of Schedule 1, read as if—
    - (a) any reference to a company were to the operator,
    - (b) the reference in paragraph 6(8)(b) to the licence were to the storage permit, and
    - (c) paragraph 6(10)(c) were omitted.”;
  - (b) in paragraph (2), for “In this” substitute “In paragraph (1) of this”.
- (2) Subsection (4) applies in relation to a storage permit granted under an existing licence.
- (3) “Existing licence” means a licence granted (or having effect as if granted) by the Oil and Gas Authority under section 18(1) of the Energy Act 2008 which is in force immediately before the commencement of subsection (1).
- (4) The storage permit has effect with the addition of provision having the same legal effect as provision required to be included in the permit by reason of paragraph (1A) of regulation 8 of the 2010 Regulations (as inserted by subsection (1)(a)).

#### Commencement Information

- I3** S. 104 not in force at Royal Assent, see [s. 334\(1\)](#)  
**I4** S. 104 in force at 11.1.2024 by [S.I. 2024/32, reg. 2\(a\)\(ii\)](#)

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## 105 Offences relating to carbon dioxide storage licences

In section 23 of the Energy Act 2008 (offences relating to carbon dioxide storage licences), after subsection (1) insert—

- “(1A) But a licence holder does not commit an offence under subsection (1)(a) or (b) if—
- (a) the licence holder is a company, or, where there are joint licence holders, any of them is a company, and
  - (b) the thing mentioned in subsection (1)(a) or (b) is a change in the control of the company.”

### Commencement Information

- I5** S. 105 not in force at Royal Assent, see [s. 334\(1\)](#)  
**I6** S. 105 in force at 11.1.2024 by [S.I. 2024/32, reg. 2\(a\)\(iii\)](#)

## 106 Power of OGA to require information about change in control of licence holder

After section 29 of the Energy Act 2008 insert—

*“Information about change in control of licence holder*

### **29A OGA’s power to require information about change in control of licence holder**

- (1) This section applies in relation to a licence granted (or having effect as if granted) by the OGA which includes provisions prohibiting a change in control of a licence holder which is a company without the OGA’s consent.
- (2) The OGA may by notice in writing require a person within subsection (3) to provide the OGA with any information that it requires for the purpose of exercising its functions in relation to a change or potential change in control of a licence holder which is a company.
- (3) The persons within this subsection are—
  - (a) the company;
  - (b) the person who (if consent were granted) would take control of the company;
  - (c) if the company is a joint licence holder with another person or other persons, that other person or those other persons;
  - (d) any person not within any of paragraphs (a) to (c) who appears to the OGA to have information that it requires as mentioned in subsection (2).
- (4) The power conferred by this section does not include power to require the provision of any information that would be protected from disclosure or production in legal proceedings on grounds of legal professional privilege or, in Scotland, confidentiality of communications.
- (5) Nothing in this section limits any power of the OGA to require information under—

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- (a) regulations under this Chapter,
- (b) the terms of a licence, or
- (c) the terms of a permit granted under a licence.”

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**Commencement Information**

- I7** S. 106 not in force at Royal Assent, see [s. 334\(1\)](#)
- I8** S. 106 in force at 11.1.2024 by [S.I. 2024/32](#), [reg. 2\(a\)\(iv\)](#)

**Changes to legislation:**

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