



# Energy Act 2023

## 2023 CHAPTER 52

### PART 4

#### NEW TECHNOLOGY

### CHAPTER 3

#### MISCELLANEOUS

#### *Hydrogen*

#### **155 Power to modify Gas Act 1986 in relation to hydrogen**

- (1) The Secretary of State may by regulations provide for any provision of the Gas Act 1986—
  - (a) not to apply, or
  - (b) to apply with modifications specified in the regulations, in relation to the production, transportation, storage or use of hydrogen.
- (2) The power under [subsection \(1\)](#) may be exercised by amending the Gas Act 1986.
- (3) The power under [subsection \(1\)](#) may be exercised only for the purpose of facilitating or promoting the production, transportation, storage or use of hydrogen.
- (4) Before exercising the power under [subsection \(1\)](#), the Secretary of State must consult—
  - (a) the GEMA, and
  - (b) such other persons as the Secretary of State considers appropriate.
- (5) Regulations under [subsection \(1\)](#) are subject to the affirmative procedure.

*Fusion energy*

**156 Fusion energy facilities: nuclear site licence not required**

(1) Section 1 of the Nuclear Installations Act 1965 (restriction of certain nuclear installations to licensed sites) is amended as follows.

(2) After subsection (2) insert—

“(2A) Subsection (1) does not apply to a fusion energy facility.

(2B) In subsection (2A), “fusion energy facility” means a site that is—

- (a) used for the purpose of installing or operating any plant designed or adapted for the production of electrical energy or heat by fusion, and
- (b) not also used for the purpose of installing or operating a nuclear reactor.”

*Renewable and sustainable fuel*

**157 Treatment of recycled carbon fuel and nuclear-derived fuel as renewable transport fuel**

After section 131C of the Energy Act 2004 insert—

**“131D Recycled carbon fuel and nuclear-derived fuel**

(1) An RTF order may—

- (a) designate as recycled carbon fuel a description of liquid or gaseous fuel which is produced wholly from waste derived from a fossil source of energy;
- (b) designate as nuclear-derived fuel a description of liquid or gaseous fuel which is produced wholly using, or by a process powered wholly by, nuclear fuel.

(2) Where a designation under subsection (1) is in force, the recycled carbon fuel or nuclear-derived fuel is to be treated for the purposes of this Chapter and any RTF order as renewable transport fuel.”

**158 Revenue certainty scheme for sustainable aviation fuel producers: consultation and report**

(1) The Secretary of State must carry out a public consultation on the options for designing and implementing a sustainable aviation fuel revenue certainty scheme.

(2) A “sustainable aviation fuel revenue certainty scheme” is a scheme whose purpose is to give producers of sustainable aviation fuel greater certainty than they otherwise would have about the revenue that they will earn from sustainable aviation fuel that they produce.

(3) The Secretary of State must open the consultation within the period of 6 months beginning with the day on which this Act is passed.

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

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- (4) The Secretary of State must bring the consultation to the attention of, in particular, such of each of the following as the Secretary of State considers appropriate—
- (a) producers of sustainable aviation fuel;
  - (b) suppliers of sustainable aviation fuel;
  - (c) airlines.
- (5) The Secretary of State must, within the period of 18 months beginning with the day on which this Act is passed, lay before Parliament a report on progress made towards the development of a sustainable aviation fuel revenue certainty scheme.
- (6) In this section, “sustainable aviation fuel” means aviation turbine fuel whose use (as compared with the use of other aviation turbine fuel) will, in the opinion of the Secretary of State, contribute to a reduction in emissions of greenhouse gases; and for this purpose—
- “aviation turbine fuel” has the meaning given by article 3(1B) of the Renewable Transport Fuel Obligations Order 2007 (S.I. 2007/3072);
  - “greenhouse gas” has the meaning given by section 92(1) of the Climate Change Act 2008.

## **159 Renewable liquid heating fuel obligations**

- (1) The Secretary of State may by regulations subject off-grid heating fuel suppliers (or off-grid heating fuel suppliers of a particular description) to an obligation in respect of renewable liquid heating fuel that corresponds to or is similar to the obligation mentioned in section 124(2) of the Energy Act 2004 (renewable transport fuel obligation).
- (2) The regulations may, for any purpose connected with that obligation, make provision corresponding to or similar to any provision made by, or that may be made under, Chapter 5 of Part 2 of the Energy Act 2004 (powers etc relating to renewable transport fuel obligation).
- (3) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) Regulations under this section are subject to the affirmative procedure.
- (5) In this section—
- “off-grid heating fuel supplier” means a person who, in the course of business, supplies any—
    - (a) renewable liquid heating fuel,
    - (b) fossil fuel, or
    - (c) other fuel, apart from solid fuel,at or for delivery to places in Great Britain with a view to its being used wholly or mainly for the purpose of heating buildings to which there is no mains gas supply;
  - “renewable liquid heating fuel” means fuel that is typically supplied or stored in a liquid state and that is—
    - (a) biofuel or blended biofuel, or
    - (b) fuel (other than fossil fuel or nuclear fuel) produced—
      - (i) wholly by energy from a renewable source, or

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(ii) wholly by a process powered wholly by such energy;  
and “biofuel”, “blended biofuel”, “fossil fuel” and “renewable source” have the meanings given in section 132 of the Energy Act 2004.

*Removals of greenhouse gases*

**160 Climate Change Act 2008: meaning of “UK removals”**

In section 29(1)(b) of the Climate Change Act 2008 (UK emissions and removals of greenhouse gases), for “land use, land-use change or forestry” substitute “processes, mechanisms or”.