



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

Change of use relief

96 Change of use relief: installations

- (1) Section 30A of the Energy Act 2008 (installations converted for CCS demonstration projects) is amended as follows.
- (2) For the heading substitute “Change of use relief for certain installations”.
- (3) In subsection (1), for “by order” insert “, on an application made by a relevant person, by notice”.
- (4) Omit subsections (2) and (3).
- (5) Before subsection (4) insert—
 - “(3A) The Secretary of State must consult the Oil and Gas Authority before deciding—
 - (a) whether to designate an installation under subsection (1);
 - (b) whether to make a certification under subsection (5)(b).”
- (6) For subsection (4) substitute—
 - “(4) An eligible CCS installation qualifies for change of use relief if—

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 96. (See end of Document for details)

- (a) the Secretary of State has given a CCS-related abandonment programme notice to a person in relation to the abandonment of the installation, and
 - (b) the trigger event has occurred in relation to the installation.
- (4A) In subsection (4) “CCS-related abandonment programme notice” means an abandonment programme notice given under section 29 of the 1998 Act in that section’s application in relation to carbon storage installations (by virtue of section 30 of this Act).”
- (7) For subsection (5) substitute—
- “(5) The trigger event occurs in relation to an eligible CCS installation when—
- (a) a decommissioning fund (as defined in section 92(7) of the Energy Act 2023) has been established for providing security for the discharge of liabilities in respect of decommissioning costs in relation to the installation, and
 - (b) the Secretary of State certifies by notice in writing (an “approval notice”) that one or more relevant persons have paid into the fund an amount or amounts the total of which is not less than the required amount.
- (5A) In [subsection \(5\)](#)—
- (a) “relevant person” means a person of a description specified in regulations made by the Secretary of State;
 - (b) “the required amount” means an amount determined by the Secretary of State in accordance with regulations made by the Secretary of State.
- (5B) Where the Secretary of State gives an approval notice in relation to an eligible CCS installation the Secretary of State must—
- (a) give a copy of the approval notice to every person to whom a notice has been given under section 29(1) of the 1998 Act in relation to the installation, and
 - (b) publish a notice that—
 - (i) specifies the installation, and
 - (ii) states that the Secretary of State has given an approval notice under subsection (5)(b) in relation to it.”
- (8) In subsection (11), for “an order made” substitute “a notice given”.
- (9) After subsection (11) insert—
- “(11A) The Secretary of State must publish a notice given under subsection (1).”
- (10) In subsection (12)—
- (a) for ““CCS demonstration project” and “commercial electricity generation” have the same meanings” substitute “has the same meaning”;
 - (b) omit the definition of “carbon storage facility”;
 - (c) at the appropriate places insert—
 - ““decommissioning costs” has the meaning given by [section 92](#) of the Energy Act 2023;”;

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 96. (See end of Document for details)

““““relevant person” means a person to whom a notice may be given under section 29(1) of the 1998 Act in relation to an offshore installation (within the meaning given by section 44 of the 1998 Act);”.

Commencement Information

II S. 96 in force at 26.12.2023, see s. 334(3)(b)

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Section 96.