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Committee Stage: Thursday 29 June 2023

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## Energy Bill [HL] (Amendment Paper)

This document lists all amendments tabled to the Energy Bill [HL]. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

[R] indicates that a member has declared a relevant interest.

This document should be read alongside the Chair's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

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Olivia Blake

NC86

To move the following Clause—

**“Investment protection agreements and climate change targets**

Within six months of the day on which this Act is passed, the Secretary of State must—

- (a) initiate procedures for the United Kingdom to withdraw from the Energy Charter Treaty;
- (b) lay before Parliament a report setting out—
  - (i) the list of investment protection agreements to which the UK is a party which offer protections to the energy sector, and
  - (ii) an assessment of the risks they pose to the Secretary of State fulfilling duties in this Act with regard to the achievement of targets set by the Climate Change Act 2008.”

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Olivia Blake [R]

NC87

To move the following Clause—

**“Government support for community energy**

- (1) Within three months of the passage of this Act, the Secretary of State must publish and lay before Parliament a report setting out the financial, policy and other support that the Secretary of State plans to make available to widen the

ownership of low carbon and renewable energy schemes and increase the number of such schemes owned, or part owned, by community organisations.

- (2) The report must set out—
  - (a) all policies, programmes or other initiatives with which the Secretary of State plans to support the development and construction of new low carbon community energy schemes;
  - (b) the level of financial support which will be made available for—
    - (i) the Rural Community Energy Fund,
    - (ii) the Urban Renewable Energy Fund, and
    - (iii) any other fund or support package designed to support the development of new low carbon community energy schemes;
  - (c) all policies, programmes or other initiatives the Secretary of State intends will increase community ownership of local low carbon energy schemes through shared ownership schemes;
  - (d) the steps the Secretary of State is taking to develop new market rules to make it easier for low carbon community energy schemes to sell the energy they generate;
  - (e) the number and the capacity of the new community energy schemes the Secretary of State expects to be constructed as a result of the measures set out in the report.
- (3) Not less than twelve months after the publication of the report, and not later than the end of each subsequent period of twelve months, ending five years after the publication of the report, the Secretary of State must lay before Parliament and publish an assessment of the progress made by the policies, programmes and other initiatives set out in the report.
- (4) The assessment must set out—
  - (a) the total amount of financial support provided by the policies in the report;
  - (b) the number and capacity of low carbon community energy schemes —
    - (i) completed, and
    - (ii) in development;
  - (c) the number and capacity of new shared ownership schemes;
  - (d) any changes the Secretary of State proposes to make to the policies, programmes and other initiatives included in the original report.”

#### **Member's explanatory statement**

This new clause is intended to replace clauses 272 and 273, if those clauses are removed as indicated by Government Amendments 15 and 16. It would require the Government to report annually for 5 years on the support it is providing to Community Energy schemes and the number and capacity of such schemes that are delivered.

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Dr Alan Whitehead

NC88

Kerry McCarthy

To move the following Clause—

**“Extension of domestic gas and electricity tariff cap**

- (1) The Domestic Gas and Electricity (Tariff Cap) Act 2018 is amended as follows.
- (2) Before section 8 (termination of tariff cap conditions) insert—

**“7A Review of competition for domestic supply contracts**

- (1) The Authority must carry out a review into whether conditions are in place for effective competition for domestic supply contracts.
- (2) Such a review must, among other things, consider the extent to which progress has been made in installing smart meters for use by domestic customers.
- (3) Such a review must be carried out—
  - (a) if the tariff cap conditions are extended under 15 section 8A(2)(a) to have effect for the year 2024, in that year,
  - (b) if the tariff cap conditions are extended under section 8A(2)(b) to have effect for 2024 and 2025, in 2025, and
  - (c) if, in any year after 2023, the tariff cap conditions are extended under section 8A(4) to have effect—
    - (i) for a particular year, in that year;
    - (ii) for two years, in the second of those years.
- (4) As soon as practicable after carrying out the review, and in any event on or before 30 April in the year in question, the Authority must—
  - (a) produce a report on the outcome, which must include a recommendation as to whether or not the Authority considers that the tariff cap conditions should be extended under section 8A, and
  - (b) publish the report and send a copy to the Secretary of State.”
- (3) At the end of section 8(3)(b) (extension and termination of tariff cap conditions), insert “unless extended under section 8A(2)”.
- (4) After section 8 insert—

**“8A Extension of tariff cap conditions beyond 2023**

- (1) This section applies—
  - (a) in 2023, if the tariff cap conditions have effect for that year (see subsection (2));
  - (b) in any year after 2023 until the end of which the tariff cap conditions—
    - (i) are extended under subsection (2), or
    - (ii) are extended or further extended under subsection (4).

- (2) If, after considering the report produced by the Authority under section 7(4) in the year 2023, the Secretary of State determines that the conditions are not yet in place for effective competition for domestic supply contracts, the Secretary of State must by regulations extend the tariff cap conditions to have effect—
  - (a) for the year 2024, if the Secretary of State considers that there is a significant prospect of the conditions for effective competition for domestic supply contracts being in place before the end of that year;
  - (b) otherwise, for the years 2024 and 2025.
- (3) If the tariff cap conditions are extended under subsection (2), they cease to have effect—
  - (a) in a case within subsection (2)(a), at the end of 2024, or
  - (b) in a case within subsection (2)(b), at the end of 2025, unless extended under subsection (4).
- (4) If, after considering the report produced by the Authority under section 7A(4) in a review year, the Secretary of State determines that the conditions are not yet in place for effective competition for domestic supply contracts, the Secretary of State must by regulations extend the tariff cap conditions to have effect—
  - (a) for the year after the review year, where the Secretary of State considers that there is a significant prospect of the conditions for effective competition for domestic supply contracts being in place before the end of the year after the review year;
  - (b) otherwise, for the two years after the review year.
- (5) “Review year” means any year after 2023 in which the Authority is required to carry out a review under section 7A.
- (6) If the tariff cap conditions are extended under subsection (4), they cease to have effect—
  - (a) in a case within subsection (4)(a), at the end of the year after 30 the review year, or
  - (b) in a case within subsection (4)(b), at the end of the second year after the review year, unless further extended under subsection (4).
- (7) On the tariff cap conditions ceasing to have effect as provided by this section, the functions of the Authority under section 1 cease to be exercisable.
- (8) Regulations under this section are to be made by statutory instrument.
- (9) A statutory instrument containing regulations under this section must be laid before Parliament not later than—
  - (a) in the case of regulations under subsection (2), 1 July 2023;
  - (b) in the case of regulations under subsection (4), 1 July in the review year in question.

- (10) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament."
- (5) In section 9(1) (protection for domestic customers after termination tariff cap conditions), after "section 8" insert "or section 8A".
- (6) In section 10(1) (consequential modification of standard supply licence conditions), after "section 8" insert "or section 8A"."

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**Dr Alan Whitehead**

**NC89**

Kerry McCarthy

To move the following Clause—

**"Regional Independent System Operators**

- (1) The Secretary of State may by regulations establish Regional Independent System Operators (RISOPs) in each of the regions covered by the operation of Distributed Network Operators (DNOs).
- (2) The Secretary of State must within six months of the passing of this Act produce and lay before Parliament a report on the advisability of establishing RISOPs in order to meet the functions of the ISOP (see section 119).
- (3) The report should include consideration of the applicability of transfer arrangements for the ISOP as provided for by Schedule 7 as they may apply to the establishment of RISOPs."

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**Alan Brown**

**NC90**

To move the following Clause—

**"Objections by planning authorities to applications for consent under section 36 or 37 of the Electricity Act 1989**

- (1) Schedule 8 to the Electricity Act 1989 is amended as follows.
- (2) Omit paragraph 2.
- (3) In the cross-heading before paragraph 3, omit "by other persons".
- (4) In paragraph 3, omit sub-sub-paragraph (2)(a)."

**Member's explanatory statement**

This new clause would remove the ability of a local planning authority automatically to cause a public inquiry to be held by objecting to an application to the Secretary of State for consent under section 36 or 37 of the Electricity Act 1989, instead leaving Ministers to decide whether a public inquiry should be held.

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Alan Brown

NC91

To move the following Clause—

**“Variations of consents under section 37 of the Electricity Act 1989**

- (1) The Electricity Act 1989 is amended as follows.
- (2) After section 37, insert—

**“37A Variation of consents under section 37**

- (1) The person for the time being entitled to the benefit of a section 37 consent may make an application to the Secretary of State for the consent to be varied.
- (2) Regulations made by the Secretary of State may make provision about the variation of a section 37 consent, including in particular provision about—
  - (a) the making and withdrawal of applications;
  - (b) fees;
  - (c) publicity and consultation requirements;
  - (d) rights to make representations;
  - (e) public inquiries;
  - (f) consideration of applications.
- (3) Regulations under subsection (2) may provide for any statutory provision applicable to the grant of a section 37 consent to apply with specified modifications to the variation of a section 37 consent.
- (4) On an application for a section 37 consent to be varied, the appropriate authority may make such variations to the consent as appear to the authority to be appropriate, having regard (in particular) to—
  - (a) the applicant's reasons for seeking the variation;
  - (b) the variations proposed;
  - (c) any objections made to the proposed variations, the views of consultees and the outcome of any public inquiry.
- (5) Regulations may make provision treating, for prescribed purposes, a section 37 consent varied under this section as granted in its varied form when the original consent was granted (rather than when the variation was made).
- (7) In this section—
  - “section 37 consent” means a consent granted under section 37 (consent required for overhead lines), whenever granted;
  - “statutory provision” means a provision of or made under an Act, whenever passed or made; and for this purpose “Act” includes an Act of the Scottish Parliament and an Act of the Assembly.”

**Member's explanatory statement**

This new clause would introduce into the Electricity Act 1989 provision for applications to vary consents under section 37 (consent required for overhead power lines), which currently, unlike consents under section 36 (construction, extension or operation of generating station), require a new application to be made for consent.

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**Andrew Bowie**

**Gov NS1**

To move the following Schedule—

**"SCHEDULE**

*Section (Prohibition on disclosure)*

**PERMITTED DISCLOSURES OF MATERIAL OBTAINED BY OGA**

*Disclosure by OGA to specified persons*

- 1 (1) Section (*Prohibition on disclosure*) does not prohibit a disclosure of protected material by the OGA which—
- (a) is made to a person mentioned in column 1 of the table below,
  - (b) is made for the purpose of facilitating the carrying out of that person's functions, and
  - (c) is a disclosure of protected material obtained by the OGA under a provision mentioned in the corresponding entry of column 2 of the table.

<b>Column 1</b>	<b>Column 2</b>
A Minister of the Crown	Section ( <i>Power of OGA to require information and samples</i> ) or ( <i>Sanctions: information powers</i> )
His Majesty's Revenue and Customs	Section ( <i>Power of OGA to require information and samples</i> ) or ( <i>Sanctions: information powers</i> )
The Competition and Markets Authority	Section ( <i>Power of OGA to require information and samples</i> ) or ( <i>Sanctions: information powers</i> )
The Scottish Ministers	Section ( <i>Power of OGA to require information and samples</i> )
The Welsh Ministers	Section ( <i>Power of OGA to require information and samples</i> )
A Northern Ireland Department	Section ( <i>Power of OGA to require information and samples</i> )
The Office for Budget Responsibility	Section ( <i>Power of OGA to require information and samples</i> )

<b>Column 1</b>	<b>Column 2</b>
An enforcing authority	Section ( <i>Power of OGA to require information and samples</i> ) or ( <i>Sanctions: information powers</i> )
The Statistics Board	Section ( <i>Power of OGA to require information and samples</i> ) or ( <i>Sanctions: information powers</i> )
The GEMA	Section ( <i>Power of OGA to require information and samples</i> ) or ( <i>Sanctions: information powers</i> )
The Crown Estate	Section ( <i>Power of OGA to require information and samples</i> )
A manager of the Crown Estate in Scotland	Section ( <i>Power of OGA to require information and samples</i> )

- (2) In the table—
- “enforcing authority” has the same meaning as in Part 1 of the Health and Safety at Work etc Act 1974 (see section 18(7)(a) of that Act);
  - “manager of the Crown Estate in Scotland” means a person who for the time being is discharging functions in relation to the management of any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies;
  - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.
- (3) Section (*Prohibition on disclosure*) does not prohibit a disclosure of protected material by the OGA which—
- (a) is a disclosure of protected material obtained by it under section (*Power of OGA to require information and samples*),
  - (b) is made to the Natural Environment Research Council, or any other similar body carrying on geological activities, and
  - (c) is made for the purpose of enabling the body to prepare and publish reports and surveys of a general nature using information derived from the protected material.
- (4) A person to whom protected material is disclosed by virtue of sub-paragraph (1) or (3) may use the protected material only for the purpose mentioned in sub-paragraph (1)(b) or (3)(c) (as the case may be).
- (5) Section (*Prohibition on disclosure*) does not prohibit a person mentioned in sub-paragraph (4) from disclosing the protected material so far as necessary for the purpose mentioned in that sub-paragraph.
- (6) The Secretary of State may by regulations amend the table in sub-paragraph (1)—
- (a) to remove a person from column 1,
  - (b) to add to column 1 a person to whom sub-paragraph (7) applies, or



- (c) to add, remove or change entries in column 2.
- (7) This sub-paragraph applies to—
  - (a) persons holding office under the Crown;
  - (b) persons in the service or employment of the Crown;
  - (c) persons acting on behalf of the Crown;
  - (d) government departments;
  - (e) publicly owned companies as defined in section 6 of the Freedom of Information Act 2000.
- (8) Regulations under sub-paragraph (6) are subject to the affirmative procedure.

*Disclosure required for returns and reports prepared by OGA*

- 2 (1) Section (*Prohibition on disclosure*) does not prohibit the OGA from using protected material obtained by the OGA under section (*Power of OGA to require information and samples*) for the purpose of—
  - (a) preparing such returns and reports as may be required under obligations imposed by or under any Act;
  - (b) preparing and publishing reports and surveys of a general nature using information derived from the protected material.
- (2) Section (*Prohibition on disclosure*) does not prohibit the OGA from disclosing protected material so far as necessary for those purposes.

*Disclosure in exercise of certain OGA powers*

- 3 Section (*Prohibition on disclosure*) does not prohibit a disclosure of protected material if it is made in the exercise of the OGA's powers under section (*Publication of details of sanctions*) (publication of details of sanctions).

*Disclosure after specified period*

- 4 (1) Section (*Prohibition on disclosure*) does not prohibit protected material obtained by the OGA under section (*Power of OGA to require information and samples*) from being—
  - (a) published, or
  - (b) made available to the public (where the protected material includes samples),by the OGA or a subsequent holder at such time as may be specified in regulations made by the Secretary of State.
- (2) Regulations under sub-paragraph (1) may include provision permitting protected material to be published, or made available to the public, immediately after it is provided to a person.
- (3) Before making regulations under sub-paragraph (1), the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) Sub-paragraph (3) does not apply if the Secretary of State is satisfied that consultation is unnecessary having regard to consultation carried out by the OGA in relation to what time should be specified in regulations under sub-paragraph (1).

- (5) Regulations under sub-paragraph (1) are subject to the affirmative procedure.
- (6) In determining the time to be specified in respect of protected material in regulations under sub-paragraph (1), the Secretary of State must have regard to the following factors—
  - (a) whether the specified time will allow owners of protected material a reasonable period of time to satisfy the main purpose for which they acquired or created the material;
  - (b) any potential benefits to the [carbon storage] industry of protected material being published or made available at the specified time;
  - (c) any potential risk that the specified time may discourage persons from acquiring or creating carbon storage information or carbon storage samples;
  - (d) any other factors the Secretary of State considers relevant.
- (7) In balancing the factors mentioned in sub-paragraph (6)(a) to (d), the Secretary of State must take into account the principal objectives of the Secretary of State set out in section 1(1).
- (8) For the purposes of sub-paragraph (6)(a), the owner of protected material is the person by whom, or on whose behalf, the protected material was provided to the OGA under section (*Power of OGA to require information and samples*).

*Disclosure with appropriate consent*

- 5 (1) Section (*Prohibition on disclosure*) does not prohibit a disclosure of protected material if it is made with the appropriate consent.
- (2) For this purpose a disclosure is made with the appropriate consent if—
  - (a) in the case of disclosure by the OGA, the original owner consents to the disclosure;
  - (b) in the case of disclosure by a subsequent holder—
    - (i) the OGA consents to the disclosure, and
    - (ii) where the protected material in question was provided to the OGA under section (*Power of OGA to require information and samples*), the OGA confirms that the original owner of the material also consents to the disclosure.
- (3) For the purposes of sub-paragraph (2), the original owner of protected material provided to the OGA is the person by whom, or on whose behalf, the protected material was so provided.

*Disclosure required by legislation*

- 6 Section (*Prohibition on disclosure*) does not prohibit a disclosure of protected material required by virtue of an obligation imposed by or under this or any other Act.

*Disclosure for purpose of proceedings*

- 7 (1) Section (*Prohibition on disclosure*) does not prohibit a disclosure of protected material by the OGA for the purposes of, or in connection with—
- (a) civil proceedings, or
  - (b) arbitration proceedings.
- (2) Section (*Prohibition on disclosure*) does not prohibit a disclosure of protected material by the OGA for the purposes of, or in connection with—
- (a) the investigation or prosecution of criminal offences, or
  - (b) the prevention of criminal activity.”

**Member's explanatory statement**

This new schedule contains provision about permitted disclosures of material obtained by the OGA for the purposes of NC14.

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**Andrew Bowie**

**Gov NS2**

To move the following Schedule—

“SCHEDULE

Section (Appeals)

CARBON STORAGE INFORMATION AND SAMPLES: APPEALS

**PART 1**

APPEALS AGAINST DECISIONS RELATING TO INFORMATION AND SAMPLES

*Appeals in relation to information and samples plans*

- 1 (1) A person affected by any decision of the OGA to which effect is given by the preparation of an information and samples plan may appeal against it to the Tribunal—
- (a) on the ground that the decision was not within the powers of the OGA, or
  - (b) on the ground that the plan is unreasonable.
- (2) On an appeal under this paragraph the Tribunal may—
- (a) affirm, vary or quash the decision under appeal,
  - (b) remit the decision under appeal to the OGA for reconsideration with such directions (if any) as the Tribunal considers appropriate, or
  - (c) substitute its own decision for the decision under appeal.

*Appeals against notices requiring provision of information or samples*

- 2 (1) A person affected by any decision of the OGA to which effect is given by the giving of a notice requiring the provision of information or samples under section (*Power of OGA to require information and samples*) may appeal against it to the Tribunal—

- (a) on the ground that the decision was not within the powers of the OGA, or
  - (b) on the ground that the length of time given to comply with the notice is unreasonable.
- (2) On an appeal under this paragraph the Tribunal may—
- (a) affirm, vary or quash the decision under appeal,
  - (b) remit the decision under appeal to the OGA for reconsideration with such directions (if any) as the Tribunal considers appropriate, or
  - (c) substitute its own decision for the decision under appeal.

## PART 2

### APPEALS RELATING TO ENFORCEMENT OF SANCTIONABLE REQUIREMENTS

#### *Appeals in relation to sanction notices*

- 3 (1) Where a sanction notice is given under section (*Power of OGA to give sanction notices*) in respect of a failure to comply with a sanctionable requirement, an appeal may be made—
- (a) under paragraph 4 (on the ground that there was no such failure to comply);
  - (b) under paragraph 5 (against the sanction imposed by the notice).
- (2) Where an appeal is made in relation to a sanction notice, the notice ceases to have effect until a decision is made by the Tribunal to confirm, vary or cancel the notice.
- (3) Where, on an appeal made in relation to a sanction notice—
- (a) the Tribunal makes a decision to confirm or vary the notice, and
  - (b) an appeal is or may be made in relation to that decision,
- the Tribunal, or the Upper Tribunal, may further suspend the effect of the notice pending a decision which disposes of proceedings on such an appeal.

#### *Appeals against finding of failure to comply*

- 4 (1) An appeal may be made to the Tribunal by the person, or by any of the persons, to whom a sanction notice is given in respect of a failure to comply with a sanctionable requirement, on the grounds that the person, or persons, did not fail to comply with the requirement.
- (2) On an appeal under this paragraph, the Tribunal may confirm or cancel the sanction notice.
- (3) Where sanction notices are given on more than one occasion in respect of the same failure to comply with a sanctionable requirement—
- (a) an appeal under this paragraph may be made only in relation to the sanction notice, or any of the sanction notices, given on the first of those occasions, and
  - (b) appeals in relation to sanction notices given on subsequent occasions in respect of that failure to comply may be made only under paragraph 5.

*Appeals against sanction imposed*

- 5 (1) Where a sanction notice is given in respect of a failure to comply with a sanctionable requirement, a person mentioned in sub-paragraph (2) may appeal to the Tribunal against any of the decisions of the OGA mentioned in sub-paragraph (3) (as to the sanction imposed by the notice) on the grounds mentioned in sub-paragraph (4).
- (2) The persons who may appeal are—
- (a) the person, or any of the persons, to whom the notice was given, and
  - (b) in the case of an operator removal notice under section (*Operator removal notices*), the licensee under whose carbon storage licence the exploration operator operates.
- (3) The decisions against which an appeal may be made are—
- (a) where an enforcement notice has been given, the decision as to—
    - (i) the measures that are required to be taken for the purposes of compliance with the sanctionable requirement, or
    - (ii) the period for compliance with the sanctionable requirement;
  - (b) where a financial penalty notice has been given, the decision—
    - (i) to impose a financial penalty, or
    - (ii) as to the amount of the financial penalty imposed;
  - (c) where a revocation notice has been given, the decision to revoke the storage permit;
  - (d) where an operator removal notice has been given, the decision to require the removal of the exploration operator.
- (4) The grounds on which an appeal may be made are that the decision of the OGA—
- (a) was unreasonable, or
  - (b) was not within the powers of the OGA.
- (5) On an appeal under this paragraph against a decision made in relation to an enforcement notice, the Tribunal may—
- (a) confirm or quash the decision, in the case of a decision mentioned in sub-paragraph (3)(a)(i) (remedial action), or
  - (b) confirm or vary the decision, in the case of a decision mentioned in sub-paragraph (3)(a)(ii) (period for compliance),
- and confirm, vary or cancel the enforcement notice accordingly.
- (6) On an appeal under this paragraph against a decision made in relation to a financial penalty notice, the Tribunal may—
- (a) confirm or quash the decision, in the case of a decision mentioned in sub-paragraph (3)(b)(i) (imposition of penalty), or
  - (b) confirm or vary the decision, in the case of a decision mentioned in sub-paragraph (3)(b)(ii) (amount of penalty),
- and confirm, vary or cancel the financial penalty notice accordingly.
- (7) The Tribunal must have regard to any guidance issued by the OGA under section (*Financial penalty notices*)(6)(a) when deciding whether to confirm

or vary a decision as to the amount of a financial penalty under sub-paragraph (6)(b).

- (8) On an appeal under this paragraph against a decision to revoke a storage permit or to require the removal of an exploration operator the Tribunal may—
- (a) confirm the decision,
  - (b) vary the decision by changing the revocation date or the removal date, as the case may be, or
  - (c) quash the decision,
- and confirm, vary or cancel the sanction notice in question accordingly.
- (9) Where a decision is quashed under sub-paragraph (5)(a), (6)(a) or (8), the Tribunal may remit the decision to the OGA for reconsideration with such directions (if any) as the Tribunal considers appropriate.

#### *Appeals against information requirements*

- 6 (1) A person to whom a notice is given under section (*Sanctions: information powers*) may appeal against it to the Tribunal on the grounds that—
- (a) the giving of the notice is not within the powers of the OGA, or
  - (b) the length of time given to comply with the notice is unreasonable.
- (2) On an appeal under this paragraph the Tribunal may—
- (a) confirm, vary or cancel the notice, or
  - (b) remit the matter under appeal to the OGA for reconsideration with such directions (if any) as the Tribunal considers appropriate."

#### **Member's explanatory statement**

This new schedule contains provision about appeals in connection with the new Chapter intended to be formed by NC8 to NC28 (see the explanatory statement for NC8).

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**Andrew Bowie**

**Gov 19**

Clause 275, page 241, line 35, after "State" insert ", the Treasury"

#### **Member's explanatory statement**

This amendment provides for regulations made by the Treasury to be made by statutory instrument. This will affect regulations under paragraph 9 of Schedule 7.

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**Alan Brown**

**114**

Brendan O'Hara

Clause 275, page 242, line 31, at end insert—

- "(10A) The Secretary of State may not make regulations under this Act which would affect any matter within the competence of the Scottish Parliament unless the Secretary of State has first—

- (a) consulted the Scottish Ministers on a draft of the regulations; and
- (b) obtained the consent of the Scottish Parliament to the regulations."

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**Andrew Bowie**

**Gov 168**

Clause 277, page 243, line 6, at end insert "*, except section (Power to modify Gas Act 1986 in relation to hydrogen)*"

**Member's explanatory statement**

This amendment is consequential on Amendment 170.

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**Andrew Bowie**

**Gov 169**

Clause 277, page 243, line 16, at end insert—

"(aa) sections (*Key definitions for Part*), (*Designation*), (*Designation: procedure*), (*Revocation of designation*), (*Grant, extension or restriction of gas transporter licence by Secretary of State*), (*Applications for grant etc of gas transporter licence*), (*Modification of gas transporter licence by Secretary of State*), (*Scope of modification powers under section (Modification of gas transporter licence by Secretary of State)*), (*Procedure etc relating to modifications under section (Modification of gas transporter licence by Secretary of State)*), (*Information and advice*), (*Conditions of gas transporter licences for conveyance of hydrogen*), (*Secretary of State directions to the GEMA*) and (*Repeal of Part*);"

**Member's explanatory statement**

This amendment provides for the new clauses that are intended to form a new Part inserted after Part 2 to extend to England and Wales and Scotland.

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**Andrew Bowie**

**Gov 170**

Clause 277, page 243, line 17, at end insert—

"(ba) section (*Power to modify Gas Act 1986 in relation to hydrogen*);"

**Member's explanatory statement**

This amendment provides for NC72 to extend to England and Wales and Scotland.

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**Andrew Bowie**

**Gov 174**

Clause 277, page 243, line 22, at end insert—

"(h) sections (*Great British Nuclear*), (*Crown status*), (*Great British Nuclear's objects*), (*Financial assistance*), (*Secretary of State directions and guidance*), (*Annual report*), (*Annual accounts*), (*Transfer schemes*),

*(Transfer schemes: compensation), (Transfer schemes: taxation), (Transfer schemes: provision of information or assistance), (Reimbursement and compensation in connection with designation) and (Pension arrangements in connection with Great British Nuclear);"*

**Member's explanatory statement**

This amendment means that the new clauses relating to Great British Nuclear extend to England and Wales and Scotland.

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**Andrew Bowie**

**Gov 171**

Clause 278, page 244, line 7, at end insert—

*"(ba) sections (Key definitions for Part), (Designation), (Designation: procedure), (Revocation of designation), (Grant, extension or restriction of gas transporter licence by Secretary of State), (Applications for grant etc of gas transporter licence), (Modification of gas transporter licence by Secretary of State), (Scope of modification powers under section (Modification of gas transporter licence by Secretary of State)), (Procedure etc relating to modifications under section (Modification of gas transporter licence by Secretary of State)), (Information and advice), (Conditions of gas transporter licences for conveyance of hydrogen), (Secretary of State directions to the GEMA) and (Repeal of Part);"*

**Member's explanatory statement**

This amendment provides for the new clauses that are intended to form a new Part, to be inserted after Part 2, to come into force two months after Royal Assent.

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**Andrew Bowie**

**Gov 172**

Clause 278, page 244, line 9, at end insert—

*"(ea) section (Power to modify Gas Act 1986 in relation to hydrogen);"*

**Member's explanatory statement**

This amendment provides for NC72 to come into force two months after Royal Assent.

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**Andrew Bowie**

**Gov 123**

Clause 278, page 244, line 10, at end insert—

*"(ea) section (Principal objectives of Secretary of State and GEMA);"*

**Member's explanatory statement**

This amendment provides for NC52 to come into force two months after Royal Assent.



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**Andrew Bowie**

**Gov 133**

Clause 278, page 244, line 12, at end insert—

“(ga) sections (*Electricity support payments for energy-intensive industries*) and (*Levy to fund electricity support payments*);”

**Member's explanatory statement**

This amendment provides for NC53 and NC54 to come into force two months after Royal Assent.

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**Andrew Bowie**

**Gov 131**

Clause 278, page 244, line 16, at end insert—

“(l) section (*Convention on Supplementary Compensation for Nuclear Damage: implementation power*).”

**Member's explanatory statement**

This amendment provides for NC55 to come into force 2 months after Royal Assent.

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**Andrew Bowie**

**Gov 175**

Clause 278, page 244, line 16, at end insert—

“(l) sections (*Great British Nuclear*), (*Crown status*), (*Great British Nuclear's objects*), (*Financial assistance*), (*Secretary of State directions and guidance*), (*Annual report*), (*Annual accounts*), (*Transfer schemes*), (*Transfer schemes: compensation*), (*Transfer schemes: taxation*), (*Transfer schemes: provision of information or assistance*), (*Reimbursement and compensation in connection with designation*) and (*Pension arrangements in connection with Great British Nuclear*);”

**Member's explanatory statement**

This amendment means that the new clauses relating to Great British Nuclear come into force 2 months after Royal Assent.

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**Andrew Bowie**

**Gov 17**

Clause 279, page 244, line 29, leave out subsection (2)

**Member's explanatory statement**

This amendment removes the privilege amendment inserted by the Lords.

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**Andrew Bowie**

**Gov 11**

Title, line 3, leave out “industrial”

**Member's explanatory statement**

This amendment is consequential on Amendment 10.

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**Andrew Bowie****Gov 173**

Title, line 4, after "production" insert "and transportation"

**Member's explanatory statement**

This amendment makes a change to the long title to reflect NC59, NC60, NC61, NC62, NC63, NC64, NC65, NC66, NC67, NC68, NC70 and NC71 (*which are intended to form a new Part to be inserted after Part 2*).

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**Andrew Bowie****Gov 134**

Title, line 7, after "codes;" insert "about financial support for persons carrying on energy-intensive activities;"

**Member's explanatory statement**

This amendment is consequential on NC53 and NC54. It reflects those new clauses in the Bill's long title.

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## Order of the House

[9 May 2023]

That the following provisions shall apply to the Energy Bill [Lords]:

**Committal**

1. The Bill shall be committed to a Public Bill Committee.

**Proceedings in Public Bill Committee**

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 29 June 2023.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Consideration and Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

#### **Other proceedings**

7. Any other proceedings on the Bill may be programmed.

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## Order of the Committee

[23 May 2023, as amended 25 May and 8 June 2023]

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 23 May) meet—
    - (a) at 2.00 pm on Tuesday 23 May;
    - (b) at 11.30 am on Thursday 25 May;
    - (c) at 9.25 am and 2.00 pm on Tuesday 6 June;
    - (d) at 11.30 am and 2.00 pm on Thursday 8 June;
    - (e) at 9.25 am and 2.00 pm on Tuesday 13 June;
    - (f) at 11.30 am and 2.00 pm on Thursday 15 June;
    - (g) at 9.25 am and 2.00 pm on Tuesday 20 June;
    - (h) at 11.30 am and 2.00 pm on Thursday 22 June;
    - (i) at 9.25 am and 2.00 pm on Tuesday 27 June;
    - (j) at 11.30 am and 2.00 pm on Thursday 29 June;
  2. the proceedings shall be taken in the following order: Clauses 1 to 16; Schedule 1; Clauses 17 to 21; Schedule 2; Clauses 22 to 32; Schedule 3; Clauses 33 to 52; Schedule 4; Clauses 53 and 54; Schedule 5; Clauses 55 to 98; Schedule 6; Clauses 99 to 131; Clauses 140 to 158; Schedule 10; Schedule 11; Clause 159; Schedule 12; Clause 160; Schedule 13; Clause 161; Schedule 14; Clauses 162 to 167; Schedule 15; Clauses 168 to 174; Schedule 16; Clauses 175 to 203; Schedule 17; Clauses 204 to 239; Schedule 18; Clauses 240 to 254; Schedule 19; Clauses 255 to 259; Schedule 20; Clauses 260 to 273; Clause 132; Schedule 7; Clause 133; Schedule 8; Clauses 134 to 137; Schedule 9; Clauses 138 and 139; new Clauses; new Schedules; Clauses 274 to 279; remaining proceedings on the Bill;
  3. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 29 June.
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## Withdrawn Amendments

The following amendments were withdrawn on 25 May 2023:

85 and 92

The following amendments were withdrawn on 7 June 2023:

93 and 94

The following amendments were withdrawn on 12 June 2023:

NC50 and NC57