
Committee Stage: Monday 22 May 2023

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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

New Amendments: 104 to 113

Andrew Bowie

To move, That the Bill be considered in the following order, namely, 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 132; Schedule 7, Clause 133, Schedule 8; Clauses 134 to 137, Schedule 9, Clauses 138 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, new Clauses, new Schedules, Clauses 274 to 279, remaining proceedings on the Bill.

Andrew Bowie

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

David Duguid

104

★ Clause 1, page 2, line 20, at end insert—

“(d) enabling the Secretary of State to meet the targets set under Part 1 of the Climate Change Act 2008 (UK net zero emissions target and budgeting).”

Member's explanatory statement

This amendment places a duty on the Gas and Electricity Markets Authority to have regard to meeting the UK's net zero emissions target. This would enable Ofgem to better justify and evidence decisions enabling strategic anticipatory investment. This amendment is consistent with amendment no. 133 on the Electricity Act (1989) and Gas Act (1986) passed by the House of Lords. This amendment is required because amendment no.133 from the House of Lords does not cover CO₂ networks.

David Duguid

105

- ★ Clause 1, page 3, line 10, after "site" insert "(including interim processing of and temporary storage of carbon dioxide)"

Member's explanatory statement

This amendment allows flexibility for interim services of a carbon dioxide hub (which would be needed for certain forms of non-pipeline transportation) to be a separate part of a chain of transportation and storage activities. In other words, the liquification, regassification and any interim storage would be a discrete part of the chain, whilst the transportation and storage is carried out by a separate entity. This therefore allows flexibility for a stand-alone CO₂ hub provider to slot into the Transport and Storage chain.

Dr Alan Whitehead

75

Kerry McCarthy

- Clause 1, page 3, line 11, at end insert "or who seeks to be a party to arrangements for the use of sequestered and transported carbon dioxide"

Member's explanatory statement

This amendment seeks to refer specifically to the "use" of carbon dioxide, as well as arrangements for transport for the purpose of disposal.

David Duguid

106

- ★ Clause 1, page 3, line 17, at end insert "or—

- (c) the processing of and temporary storage of carbon dioxide between the capture of such carbon dioxide, the transportation of such carbon dioxide and/or its disposal by way of geological storage."

Member's explanatory statement

This amendment allows flexibility for interim services of a carbon dioxide hub (which would be needed for certain forms of non-pipeline transportation) to be a separate part of a chain of transportation and storage activities. In other words, the liquification, regassification and any interim storage would be a discrete part of the chain, whilst the transportation and storage is carried out by a separate entity. This therefore allows flexibility for a stand-alone CO₂ hub provider to slot into the Transport and Storage chain.

David Duguid

107

- ★ Clause 2, page 3, line 30, leave out “a licence” and insert “an economic or other competent authority licence”

Member's explanatory statement

The Energy Bill refers to the “economic regulator” granting and regulating licences issued under section 2 and therefore the term “economic regulator” is used throughout the Energy Bill. This amendment ensures consistency with the existing regulatory regime, namely the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010, which provides for the granting of geological storage licenses from the NSTA in line with the Energy Act 2010. It is also possible that some parts of the non-pipeline transportation chain (e.g. a CO₂ Hub) would not require economic regulation in the same way as the T&S licence. This amendment would enable private operators to develop competitive merchant models to transport and store carbon dioxide in the longer-term. This will also enable cross-border transport and geological storage of carbon dioxide to develop in time, without having to rely on exemptions being granted to allow private networks to develop.

David Duguid

108

- ★ Clause 2, page 3, line 34, leave out “a service” and insert “a monopoly service to multiple users”

Member's explanatory statement

This amendment excludes from the requirement to have an economic license, all forms of transportation where competitive markets are more likely to develop than monopolies e.g. shipping, rail or road. It will also enable investment in private spur connections to the regulated CO₂ network.

Dr Alan Whitehead

76

Kerry McCarthy

Clause 2, page 3, line 35, at end insert—

“(c) the use of sequestered and transported carbon dioxide.”

Member's explanatory statement

This amendment seeks to provide an additional area of activity prohibited on an unlicensed basis.

David Duguid

109

- ★ Clause 2, page 3, line 35, at end insert—

“(c) providing a service of processing carbon dioxide and temporary storage of carbon dioxide between the capture of such carbon dioxide, the transportation of such carbon dioxide or its disposal by way of geological storage.”

Member's explanatory statement

This amendment allows flexibility for interim services of a carbon dioxide hub (which would be needed for certain forms of non-pipeline transportation) to be part of the value chain. We also note

that non-pipeline transport providers may also provide CO₂ hub services as well as storage services or, for some clusters, the CO₂ hub services, and transportation and storage may need to be separated. These changes provide flexibility for the future, enabling markets to develop in the most economically efficient and competitive way.

Dr Alan Whitehead

77

Kerry McCarthy

Clause 9, page 10, line 6, after “the Secretary of State” insert “must ensure that licences are only granted to fit and proper persons, and”

Member's explanatory statement

The aim of this amendment is to put the onus on the Secretary of State to personally deem the individual as “fit and proper”.

Andrew Bowie

Gov 1

Clause 9, page 10, line 15, leave out subsection (10) and insert—

“(10) Section 10(6) (meaning of “appropriate devolved authorities”) applies for the purposes of subsection (3) of this section as it applies for the purposes of section 10(3).”

Member's explanatory statement

This amendment corrects a drafting error in the definition of “appropriate devolved authorities”.

Andrew Bowie

Gov 2

Schedule 1, page 245, line 31, leave out from beginning to second “the” in line 32 and insert—

“(d) after subsection (10) insert—

“(10A) For the purposes of subsection (5)”

Member's explanatory statement

This amendment corrects a cross-reference and renumbers a subsection.

Dr Alan Whitehead

78

Kerry McCarthy

Clause 18, page 19, line 33, at end insert—

“(c) may only be transferred to a person the Secretary of State considers to be a fit and proper person for this purpose.”

Member's explanatory statement

The aim of this amendment is to put the onus on the Secretary of State to personally deem the individual as "fit and proper".

David Duguid

110

★ Clause 26, page 26, line 7, at end insert—

"(4A) If a licence holder represents to the economic regulator that particular information should not be disclosed under subsection (3), or further disclosed under subsection (1) to any of the persons within subsection (2) because it is commercially sensitive, the economic regulator may determine that such information should be excepted from the duty to disclose information under this section."

Member's explanatory statement

This amendment is required in order to establish a framework for the licence holder to seek to protect its commercially sensitive information which the economic regulator may request or obtain in the course of exercising its duties. It is important to include opportunities for licence holders to raise concerns regarding the sharing of some information with others (and particularly the unspecified group under section 2(m)).

Dr Alan Whitehead

79

Kerry McCarthy

Clause 43, page 39, line 16, at end insert "provided that the transferee is considered by the Secretary of State to be a fit and proper person for this purpose"

Member's explanatory statement

The aim of this amendment is to put the onus on the Secretary of State to personally deem the individual as "fit and proper".

Dr Alan Whitehead

80

Kerry McCarthy

Clause 50, page 45, line 35, after "any" insert "fit and proper"

Member's explanatory statement

The aim of this amendment is to put the onus on the Secretary of State to personally deem the individual as "fit and proper".

Andrew Bowie

Gov 23

Clause 56, page 50, line 15, at end insert—

““carbon dioxide transport and storage counterparty” has the meaning given by section 59(3);

“carbon dioxide transport and storage revenue support contract” has the meaning given by section section 59(2);”

Member's explanatory statement

This amendment and Amendment 28 substitute new labels for existing labels and are consequential on NC29 and NC31.

Andrew Bowie

Gov 25

Clause 56, page 50, line 21, for “63(3)” substitute “64(4)”

Member's explanatory statement

This amendment is consequential on Amendment 58.

Andrew Bowie

Gov 24

Clause 56, page 50, line 21, at end insert—

““eligible hydrogen storage provider” is to be interpreted in accordance with section (*Direction to offer to contract with eligible hydrogen storage provider*)(4);

“eligible hydrogen transport provider” is to be interpreted in accordance with section (*Direction to offer to contract with eligible hydrogen transport provider*)(4)”

Member's explanatory statement

This amendment adds definitions to the list in clause 56 in consequence of NC29 and NC31.

Andrew Bowie

Gov 26

Clause 56, page 50, line 23, for “61(3)” substitute “62(4)”

Member's explanatory statement

This amendment is consequential on Amendment 55.

Andrew Bowie

Gov 27

Clause 56, page 50, line 36, at end insert—

““hydrogen storage counterparty” has the meaning given by section (*Designation of hydrogen storage counterparty*)(3);

“hydrogen storage provider” has the meaning given by section (*Designation of hydrogen storage counterparty*)(7);

“hydrogen storage revenue support contract” has the meaning given by section (*Designation of hydrogen storage counterparty*)(2);

“hydrogen transport counterparty” has the meaning given by section (*Designation of hydrogen transport counterparty*)(3);

“hydrogen transport provider” has the meaning given by section (*Designation of hydrogen transport counterparty*)(7);

“hydrogen transport revenue support contract” has the meaning given by section (*Designation of hydrogen transport counterparty*)(2);”

Member's explanatory statement

This amendment is supplementary to NC29 and NC31.

Andrew Bowie

Gov 28

Clause 56, page 51, leave out lines 3 to 6

Member's explanatory statement

See the explanatory note relating to Amendment 23.

Andrew Bowie

Gov 29

Clause 57, page 51, line 16, after “a” insert “carbon dioxide”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 30

Clause 57, page 51, line 16, at end insert—

() a hydrogen transport revenue support contract (see section (*Designation of hydrogen transport counterparty*)(2)),

() a hydrogen storage revenue support contract see section ((*Designation of hydrogen storage counterparty*)(2)),”

Member's explanatory statement

This amendment adds hydrogen transport revenue support contracts (see NC29) and hydrogen storage revenue support contracts (see NC31) to the definition of “revenue support contract”.

Dr Alan Whitehead

81

Kerry McCarthy

Clause 57, page 51, line 19, at end insert—

“(d) a carbon capture use revenue support contract.”

Member's explanatory statement

This makes explicit the case of a contract for the use of carbon capture.

Andrew Bowie

Gov 31

Clause 57, page 52, line 5, after “60(3),” insert “(Direction to offer to contract with eligible hydrogen transport provider)(2) or (4), (Direction to offer to contract with eligible hydrogen storage provider)(2) or (4),”

Member's explanatory statement

This amendment provides for regulations under the specified powers to be subject to affirmative procedure.

Andrew Bowie

Gov 32

Clause 57, page 52, line 5, leave out “61(3)”

Member's explanatory statement

This amendment is consequential on Amendment 53.

Andrew Bowie

Gov 33

Clause 57, page 52, line 6, after “62(2)” insert “or (4)”

Member's explanatory statement

This amendment is consequential on Amendment 53.

Andrew Bowie

Gov 34

Clause 57, page 52, line 6, leave out “63(3)”

Member's explanatory statement

This amendment is consequential on Amendment 56.

Andrew Bowie

Gov 35

Clause 57, page 52, line 6, after "64(2)" insert "or (4)"

Member's explanatory statement

This amendment is consequential on Amendment 56.

Andrew Bowie

Gov 36

Clause 58, page 53, line 2, after "a" insert "carbon dioxide"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 37

Clause 58, page 53, line 3, after "counterparty," insert "hydrogen transport counterparty, hydrogen storage counterparty,"

Member's explanatory statement

This amendment and Amendment 39 make provision for ensuring that hydrogen transport counterparties and hydrogen storage counterparties can meet their liabilities under revenue support contracts.

Andrew Bowie

Gov 38

Clause 58, page 53, line 4, after "any" insert "carbon dioxide"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 39

Clause 58, page 53, line 5, after second "contract," insert "hydrogen transport revenue support contract, hydrogen storage revenue support contract,"

Member's explanatory statement

See the explanatory statement for Amendment 23.

Andrew Bowie

Gov 40

Clause 58, page 53, line 8, after "a" insert "carbon dioxide"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 41

Clause 58, page 53, line 8, at end insert—

- “(aa) a hydrogen transport counterparty (see section (*Designation of hydrogen transport counterparty*)(3));
- “(ab) a hydrogen storage counterparty (see section (*Designation of hydrogen storage counterparty*)(3));”

Member's explanatory statement

This amendment adds hydrogen transport counterparties and hydrogen storage counterparties to the definition of “revenue support counterparty”.

Andrew Bowie

Gov 42

Clause 59, page 53, line 14, after “for” insert “carbon dioxide”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 43

Clause 59, page 53, line 15, leave out “transport” and insert “carbon dioxide transport”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 44

Clause 59, page 53, line 17, after “a” insert “carbon dioxide”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 45

Clause 59, page 53, line 19, after “a” insert “carbon dioxide”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 46

Clause 59, page 53, line 22, leave out “transport” and insert “carbon dioxide transport”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 47

Clause 59, page 53, line 28, after “a” insert “carbon dioxide”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 48

Clause 59, page 53, line 30, after “a” insert “carbon dioxide”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 49

Clause 59, page 53, line 32, after “a” insert “carbon dioxide”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 50

Clause 59, page 53, line 36, after “any” insert “carbon dioxide”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 51

Clause 59, page 53, line 38, after first “a” insert “carbon dioxide”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 52

Clause 60, page 54, line 3, after "a" insert "carbon dioxide"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Dr Alan Whitehead

82

Kerry McCarthy

Clause 61, page 54, line 16, after "given to a" insert "fit and proper"

Member's explanatory statement

The aim of this amendment is to put the onus on the Secretary of State to personally deem the individual as "fit and proper".

Andrew Bowie

Gov 53

Clause 61, page 54, line 18, leave out from second "contract" to "was" in line 22 and insert "to which a hydrogen production counterparty is a party and which"

Member's explanatory statement

This amendment modifies the definition of "hydrogen production revenue support contract".

Andrew Bowie

Gov 54

Clause 61, page 54, line 25, leave out subsection (3)

Member's explanatory statement

This amendment is consequential on Amendment 53.

Dr Alan Whitehead

83

Kerry McCarthy

Clause 61, page 55, line 5, at end insert "provided that the transferee is considered by the Secretary of State to be a fit and proper person for this purpose"

Member's explanatory statement

This amendment refers specifically to the need for the hydrogen counter party to be a fit and proper person. The aim of this amendment is to put the onus on the Secretary of State to personally deem the individual as "fit and proper".

David Duguid

111

★ Clause 61, page 55, line 6, leave out subsection (8)

Member's explanatory statement

Whether or not a producer is an eligible low carbon hydrogen producer should be determined solely by the revenue support regulations, which should reference, among other things, the Low Carbon Hydrogen Standard. If the producer meets the objective criteria to be set out in the regulations, it should not be open to the Secretary of State to determine that that producer will not contribute to a reduction in emissions.

Andrew Bowie

Gov 3

Clause 61, page 55, line 8, after "on)" insert "in the United Kingdom"

Member's explanatory statement

This amendment and Amendment 4 provide that activities by virtue of which a person qualifies as a "low carbon hydrogen producer" must be carried on in the United Kingdom (including the specified offshore areas).

Andrew Bowie

Gov 4

Clause 61, page 55, line 12, at end insert—

- "(9) In subsection (8) the reference to carrying on activities in the United Kingdom includes carrying on activities in, above or below—
- (a) the territorial sea adjacent to the United Kingdom;
 - (b) waters in a Renewable Energy Zone (within the meaning of Chapter 2 of Part 2 of the Energy Act 2004)."

Member's explanatory statement

See the explanatory statement relating to Amendment 3.

Andrew Bowie

Gov 55

Clause 62, page 55, line 28, leave out subsection (4) and insert—

- "(4) Revenue support regulations must make provision for determining the meaning of "eligible" in relation to a low carbon hydrogen producer."

Member's explanatory statement

This amendment is consequential on Amendment 53.

David Duguid

112

★ Clause 62, page 55, line 28, leave out subsection (4)

Member's explanatory statement

Whether or not a producer is an eligible low carbon hydrogen producer should be determined solely by the revenue support regulations, which should reference, among other things, the Low Carbon Hydrogen Standard. If the producer meets the objective criteria to be set out in the regulations, it should not be open to the Secretary of State to determine that that producer will not contribute to a reduction in emissions.

Andrew Bowie**Gov 7**

Clause 63, page 55, line 33, after "be" insert "(a)"

Member's explanatory statement

This amendment is supplementary to Amendment 9.

Andrew Bowie**Gov 8**

Clause 63, page 55, line 33, at end insert—

"(b) a counterparty for any one or more descriptions of carbon capture revenue support contract."

Member's explanatory statement

This amendment enables the Minister to designate a person to be a counterparty for particular descriptions of carbon capture revenue support contracts.

Andrew Bowie**Gov 56**

Clause 63, page 55, line 34, leave out from second "contract" to "was" in line 1 on page 56 and insert "to which a carbon capture counterparty is a party and which"

Member's explanatory statement

This amendment modifies the definition of "carbon capture revenue support contract".

Andrew Bowie**Gov 57**

Clause 63, page 56, line 4, leave out subsection (3)

Member's explanatory statement

This amendment is consequential on Amendment 56.

Andrew Bowie

Gov 9

Clause 63, page 56, line 10, leave out from “may” to end of line 17 and insert—

- “(a) exercise the power under paragraph (a) of subsection (1) so that more than one designation has effect under that paragraph;
- (b) exercise the power under paragraph (b) of that subsection so that more than one designation has effect in respect of any description of carbon capture revenue support contract.”

Member's explanatory statement

This amendment removes limitations on the Minister’s ability to designate more than one counterparty for carbon capture revenue support contracts, and supplements Amendment 8 by confirming that there may be, at the same time, more than one counterparty for a particular description of carbon capture revenue support contract.

Andrew Bowie

Gov 5

Clause 63, page 56, line 25, after “on)” insert “in the United Kingdom”

Member's explanatory statement

This amendment and Amendment 6 provide that activities by virtue of which a person qualifies as a “carbon capture entity” must be carried on in the United Kingdom (including the specified offshore areas).

Andrew Bowie

Gov 10

Clause 63, page 56, line 25, leave out from “on)” to end of line 27 and insert “, with a view to the storage of carbon dioxide, activities of capturing carbon dioxide (or any substance consisting primarily of carbon dioxide) that—

- (i) has been produced by commercial or industrial activities,
- (ii) is in the atmosphere, or
- (iii) has dissolved in sea water.”

Member's explanatory statement

This amendment widens the definition of “carbon capture entity” to bring within it capturing carbon dioxide from the atmosphere or from sea water.

Dr Alan Whitehead

84

Kerry McCarthy

Clause 63, page 56, line 26, leave out “that has been produced by commercial or industrial activities”

Member's explanatory statement

This amendment seeks to ensure that Direct Air Capture technologies and other engineered greenhouse gas removals are not excluded from these measures so that we leave open the option to include these technologies in revenue support contracts in the future.

Andrew Bowie**Gov 6**

Clause 63, page 56, line 29, at end insert—

- “(9) In subsection (8) the reference to carrying on activities in the United Kingdom includes carrying on activities in, above or below—
- (a) the territorial sea adjacent to the United Kingdom;
 - (b) waters in a Gas Importation and Storage Zone (within the meaning given by section 1 of the Energy Act 2008).”

Member's explanatory statement

See the explanatory statement relating to Amendment 5.

Andrew Bowie**Gov 58**

Clause 64, page 57, line 5, leave out subsection (4) and insert—

- “(4) Revenue support regulations must make provision for determining the meaning of “eligible” in relation to a carbon capture entity.”

Member's explanatory statement

This amendment is consequential on Amendment 56.

Andrew Bowie**Gov 12**

Clause 66, page 57, line 25, leave out “the Consolidated Fund or gas shippers” and insert “relevant market participants (see subsection (8))”

Member's explanatory statement

This amendment reverses the amendment to clause 66 made at Report stage in the Lords, so that a levy may be imposed on gas suppliers or electricity suppliers as well as on gas shippers.

Andrew Bowie**Gov 59**

Clause 66, page 57, line 27, at end insert—

- “(za) a hydrogen transport counterparty to make payments under a hydrogen transport revenue support contract or in respect of liabilities incurred in connection with hydrogen transport revenue support contracts;

- (zb) a hydrogen storage counterparty to make payments under a hydrogen storage revenue support contract or in respect of liabilities incurred in connection with hydrogen storage revenue support contracts;"

Member's explanatory statement

This amendment enables regulations to require levy payments to be made to fund hydrogen transport revenue support contracts and hydrogen storage revenue support contracts.

Andrew Bowie

Gov 60

Clause 66, page 57, line 31, after second "a" insert "carbon dioxide"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Dr Alan Whitehead

85

Kerry McCarthy

Clause 66, page 58, line 26, leave out from "regulations" to end of line 30

Member's explanatory statement

This amendment seeks to define relevant market participants on a wider basis than gas suppliers, electricity suppliers and gas shippers.

Andrew Bowie

Gov 61

Clause 67, page 58, line 38, leave out "hydrogen production" and insert "relevant"

Member's explanatory statement

This amendment and Amendments 62, 63, 64, 65, 66, 67, 68 and 69 are consequential on NC29 and NC31.

Andrew Bowie

Gov 62

Clause 67, page 59, line 6, leave out "hydrogen production" and insert "relevant"

Member's explanatory statement

See the explanatory statement for Amendment 61.

Andrew Bowie

Gov 63

Clause 67, page 59, line 7, leave out "hydrogen production" and insert "relevant"

Member's explanatory statement

See the explanatory statement for Amendment 61.

Andrew Bowie**Gov 64**

Clause 67, page 59, line 10, leave out "hydrogen production" and insert "relevant"

Member's explanatory statement

See the explanatory statement for Amendment 61.

Andrew Bowie**Gov 65**

Clause 67, page 59, line 13, leave out "hydrogen production" and insert "relevant"

Member's explanatory statement

See the explanatory statement for Amendment 61.

Andrew Bowie**Gov 66**

Clause 67, page 59, line 16, leave out "hydrogen production" and insert "relevant"

Member's explanatory statement

See the explanatory statement for Amendment 61.

Andrew Bowie**Gov 67**

Clause 67, page 59, line 18, leave out "hydrogen production" and insert "relevant"

Member's explanatory statement

See the explanatory statement for Amendment 61.

Andrew Bowie**Gov 68**

Clause 67, page 59, line 25, leave out "hydrogen production" and insert "relevant"

Member's explanatory statement

See the explanatory statement for Amendment 61.

Andrew Bowie

Gov 69

Clause 67, page 59, line 28, at end insert—

- “(4) In this section “relevant counterparty” means any of the following—
- (a) a hydrogen transport counterparty;
 - (b) a hydrogen storage counterparty;
 - (c) a hydrogen production counterparty.”

Member's explanatory statement

See the explanatory statement for Amendment 61.

David Duguid

113

★ Clause 71, page 62, line 16, after “that” insert “eligible”

Member's explanatory statement

This amendment clarifies that the low carbon hydrogen producer must be eligible to receive support, which other amendments ensure means that they are compliant with the Low Carbon Hydrogen Standard.

Andrew Bowie

Gov 70

Clause 77, page 66, line 35, after “59,” insert “(Designation of hydrogen transport counterparty), (Designation of hydrogen storage counterparty),”

Member's explanatory statement

This amendment together with Amendments 71, 72 and 74 make supplemental provision about designations under NC29 and NC31.

Andrew Bowie

Gov 71

Clause 77, page 67, line 3, after “59,” insert “(Designation of hydrogen transport counterparty), (Designation of hydrogen storage counterparty),”

Member's explanatory statement

See the explanatory statement for Amendment 70.

Andrew Bowie

Gov 72

Clause 77, page 67, line 9, after “59(1),” insert “(Designation of hydrogen transport counterparty)(1), (Designation of hydrogen storage counterparty)(1),”

Member's explanatory statement

See the explanatory statement for Amendment 70.

Andrew Bowie

Gov 73

Clause 77, page 67, line 12, after "a" insert "carbon dioxide"

Member's explanatory statement

This amendment is consequential on Amendment 23.

Andrew Bowie

Gov 74

Clause 77, page 67, line 12, after "counterparty," insert "hydrogen transport counterparty, hydrogen storage counterparty,"

Member's explanatory statement

See the explanatory statement for Amendment 70.

Dr Alan Whitehead

86

Kerry McCarthy

Clause 78, page 67, line 31, at end insert—

"(4A) Revenue support regulations may make provisions for the return of sums held by a revenue support counterparty that have been secured from gas shippers over and above necessary reserve levels to energy supply customers."

Member's explanatory statement

This amendment would guarantee that, where shippers have above what is in reserve provision, the difference would be restored directly to customers from the shippers (in contrast to the way the LCCC works with retailers/customers now).

Dr Alan Whitehead

87

Kerry McCarthy

Clause 82, page 71, line 42, at end insert—

"(I) for the certification by the Secretary of State that the transferee is a fit and proper person."

Member's explanatory statement

If the Secretary of State needs to find a new counterparty this amendment obligates that they must ensure they are a fit and proper person.

Dr Alan Whitehead

88

Kerry McCarthy

Clause 88, page 79, line 4, at end insert—

“(9A) Guidance by virtue of this section shall have regard to the circumstances under which a prospectively decommissioned carbon capture and storage facility came to be established and what relation that point of establishment had with provisions under part 4 of the Petroleum Act 1989.”

Member's explanatory statement

This amendment seeks to clarify the position of decommissioned oil and gas plants that are not fully decommissioned before they are transitioned to a carbon capture usage and storage plant, and where financial responsibility then lies at the end of the CCUS lifecycle when it is due to be decommissioned. This amendment says that the Secretary of State must have regard for this complexity and assess where the responsibility lies.

Andrew Bowie

Gov 21

Clause 103, page 97, line 19, leave out “, out of money provided by Parliament,”

Member's explanatory statement

This amendment leaves out words that are not considered necessary. Leaving out the words also ensures consistency with the approach taken by clause 134 in relation to the power under that clause to provide financial assistance.

Dr Alan Whitehead

89

Kerry McCarthy

Clause 104, page 98, line 35, at end insert “which must include provision for—

- (a) a ban on the installation of unabated gas boilers in new properties from March 2025; and
- (b) a ban on the sale and installation of unabated gas boilers in all properties after March 2035.”

Member's explanatory statement

This amendment would mean that any scheme the Secretary of State wanted to bring in would have to be based on the above timescales for banning the use of gas boilers by 2025/2035.

Dr Alan Whitehead

90

Kerry McCarthy

Clause 104, page 98, line 35, at end insert—

“(1A) In making provision for the establishment of one or more schemes under subsection (1), the Secretary of State must produce a plan for low carbon heating in homes in which it is uneconomic or impractical to install heat pumps.”

Member's explanatory statement

This amendment ensures that, when the Secretary of State is making a low carbon heat scheme, they have to provide a plan for low carbon heating in homes in which it is uneconomic/unfeasible to have a heat pump (large, rural, off-grid homes etc).

Dr Alan Whitehead

91

Kerry McCarthy

Clause 106, page 100, line 23, at end insert “provided that targets to be set for a scheme must include—

- (i) the sale and installation of at least 600,000 heat pumps per annum by 2025;
- (ii) the sale and installation of at least 900,000 heat pumps per annum by 2028; and
- (iii) at least 25% of the output of scheme participant manufacturers must be heat pumps by 2028.”

Member's explanatory statement

Paragraph (i) seeks to include the Government’s own figures for heat pumps in the Bill. Paragraph (ii) seeks to include the number of heat pumps set out in the latest figures on recommendations from the Climate Change Committee. Paragraph (iii) seeks to obligate manufacturers producing gas boilers to turn to minimum 25% production of heat pumps by 2028 to facilitate the clean heat transition.

Dr Alan Whitehead

92

Kerry McCarthy

Clause 115, page 106, line 23, at end insert—

“(4A) Provision under subsection (4) must include guaranteed installation of other forms of low carbon heating by the gas transporter where a household does not wish to take part in the hydrogen grid conversion trial.”

Member's explanatory statement

This amendment seeks to ensure that no household will be forced to take part in the trial and will be given an alternative heating solution by the gas transporter (the DNO).

Dr Alan Whitehead

93

Kerry McCarthy

Clause 116, page 107, leave out line 28

Member's explanatory statement

There is already provision for disapplication of the need for a nuclear site licence in previous legislation so there is no need for provision to be made in this Bill.

Dr Alan Whitehead

94

Kerry McCarthy

Clause 116, page 107, line 34, at end insert—

“(3) The Secretary of State must consult on and establish a revised nuclear site licence regime for fusion energy which will not be subject to the full range of safeguards associated with the use of fissionable materials but must have regard to the residual radioactivity of the proceeds of fission activity.”

Member's explanatory statement

This amendment would mean that the Secretary of State has to define and consult on a new nuclear site license scheme which would not be subject to safeguards associated with fissionable materials, as fusion energy is not totally radioactivity free, merely at a low level.

Dr Alan Whitehead

95

Kerry McCarthy

Clause 119, page 108, line 34, at end insert “including the oversight of efficiency and loss reduction in cabling”

Member's explanatory statement

This amendment would give the Independent System Operator oversight of cabling efficiency and loss reduction in cabling.

Dr Alan Whitehead

96

Kerry McCarthy

Clause 119, page 109, line 3, at end insert “and of distribution systems in conjunction with licenced distribution system operators”

Member's explanatory statement

This amendment would include certain distribution systems in the functions of the ISOP.

Dr Alan Whitehead

97

Kerry McCarthy

Clause 119, page 109, line 5, at end insert “and of distribution systems in conjunction with licensed distribution system operators”

Member's explanatory statement

This amendment would include certain distribution systems in the functions of the ISOP.

Andrew Bowie

Gov 20

Schedule 7, page 282, line 7, at end insert—

“(3A) A statutory instrument containing regulations under this paragraph is subject to annulment in pursuance of a resolution of the House of Commons.”

Member's explanatory statement

This amendment provides for a statutory instrument containing regulations made by the Treasury under paragraph 9 of Schedule 7 to be subject to annulment in pursuance of a resolution of the House of Commons.

Andrew Bowie

Gov 18

Clause 139, page 122, line 32, at end insert—

“(2) Subsection (1) does not apply to regulations under paragraph 9 of Schedule 7.”

Member's explanatory statement

This amendment excludes regulations made by the Treasury under paragraph 9 of Schedule 7 from the provision about negative procedure in Parliament made by clause 139. This is consequential on Amendment 20.

Dr Alan Whitehead

98

Kerry McCarthy

Clause 156, page 135, line 26, after “section” insert “146 and”

Member's explanatory statement

The section presently is all under negative SI formation, with the exception of clause 149, which is positive. However, other sections in the part, including section 146, look as if they should have affirmative treatment because of the Secretary of State powers in respect of those sections. As such, this amendment seeks to include it as an affirmative exemption from the rest of the part.

Dr Alan Whitehead

99

Kerry McCarthy

Clause 160, page 136, line 20, at end insert—

“(2) Strategic transmission network projects that are—
 (a) identified in the Electricity Networks Strategic framework,

- (b) built ahead of need whilst long term good value for money, and
 - (c) in the opinion of the Secretary of State essential to support renewable and energy security objectives,
- are not subject to Schedule 13 of this Act.”

Member's explanatory statement

This amendment seeks explicitly to exempt certain strategic transmission network projects from the provisions of Schedule 13.

Dr Alan Whitehead

100

Kerry McCarthy

Clause 170, page 146, line 7, at end insert—

- “(5) Within six months of the date of this section coming into force, the Secretary of State must produce and lay before Parliament a report setting out options for securing a guaranteed roll-out of smart meters to at least 70% of premises in all regions and nations of the United Kingdom by 2025.
- (6) The report under subsection (5) must consider, among other options—
- (a) obligatory smart meter installation,
 - (b) transfer of responsibility for smart meter roll-out to Distribution Network Operators, and
 - (c) time limits for phasing out meters which are not smart meters.”

Member's explanatory statement

The purpose of a report under this amendment is to emphasise that the Government should be aiming for at least 70% coverage in all regions and nations of the UK by 2025.

Dr Alan Whitehead

101

Kerry McCarthy

Schedule 16, page 335, line 37, at end insert—

- “(aa) their interests in systems that deliver heat efficiently;”

Member's explanatory statement

This amendment defines consumers' interests expressly to include efficient heat delivery in order to ensure that regulation covers systems that are operational but are operating inefficiently to the detriment of customers.

Dr Alan Whitehead

102

Kerry McCarthy

Clause 181, page 152, line 27, after “the Secretary of State” insert “or the Gas and Electricity Markets Authority”

Member's explanatory statement

This amendment is to ensure that the Gas and Electricity Markets Authority may be designated as the regulator for heat network zones.

Andrew Bowie

Gov 13

Page 172, line 14, leave out Clause 204

Member's explanatory statement

This amendment removes clause 204 (national warmer homes and businesses action plan), which was inserted at Report stage in the Lords.

Andrew Bowie

Gov 22

Clause 242, page 203, line 35, leave out from beginning to “financial” in line 1 on page 204 and insert “The Secretary of State may, with the consent of the Treasury, provide”

Member's explanatory statement

This amendment ensures consistency with the approach taken in clauses 103 and 134 in relation to powers to provide financial assistance. It does not alter the substantive effect of clause 242(1).

Dr Alan Whitehead

103

Kerry McCarthy

Clause 264, page 234, line 31, at end insert “, or on benefits in deferment or pensions in payment;”

Member's explanatory statement

This amendment means that the Secretary of State may not put a cap on revaluation of benefits in deferment or pensions in payment.

Andrew Bowie

Gov 14

Page 238, line 5, leave out Clause 270

Member's explanatory statement

This amendment removes clause 270 (prohibition of new coal mines), which was inserted at Report stage in the Lords.

Andrew Bowie

Gov 15

Page 238, line 23, leave out Clause 272

Member's explanatory statement

This amendment removes clause 272 (community and smaller-scale electricity export guarantee scheme), which was inserted at Report stage in the Lords.

Andrew Bowie

Gov 16

Page 240, line 6, leave out Clause 273

Member's explanatory statement

This amendment removes clause 273 (community and smaller-scale electricity supplier services scheme), which was inserted at Report stage in the Lords.

Andrew Bowie

Gov NC8

To move the following Clause—

“Key definitions

- (1) This section applies for the purposes of this Chapter.
- (2) “Carbon storage licence” means a licence granted, or having effect as if granted, by the OGA under section 18(1) of the Energy Act 2008 (and references to a “licensee” are to a person who holds such a licence).
- (3) “Exploration operator”, in relation to a carbon storage licence, means a person who is responsible for organising or supervising—
 - (a) the carrying on of exploration, within the area within which activities are authorised under the licence, with a view to, or in connection with, the carrying on of activities within section 17(2)(a) or (b) of the Energy Act 2008, or
 - (b) the establishment or maintenance in a controlled place (as defined in section 17 of the Energy Act 2008) of an installation for the purposes of such exploration.
- (4) “Carbon storage information” means information acquired or created by or on behalf of a licensee in the course of carrying out activities under the licensee’s carbon storage licence.
- (5) “Carbon storage samples” means samples of substances acquired by or on behalf of a licensee in the course of carrying out activities under the licensee’s carbon storage licence.
- (6) “Sanctionable requirement” means a requirement imposed on a person by or under a provision of this Chapter which, by virtue of the provision, is sanctionable in accordance with this Chapter.”

Member's explanatory statement

NC8 to NC28 and NS1 and NS2 make provision about carbon storage information and samples, and the powers of the OGA, corresponding to the provision made by Chapters 3, 5 and 6 of Part 2 of the Energy Act 2016 in respect of offshore petroleum. They are intended to form new Chapter 4A in Part 2. This new clause defines key terms for the purposes of the intended new Chapter.

Andrew Bowie

Gov NC9

To move the following Clause—

“Retention of information and samples

- (1) Regulations made by the Secretary of State may require—
 - (a) specified licensees to retain specified carbon storage information;
 - (b) specified licensees to retain specified carbon storage samples.
- (2) “Specified” means specified, or of a description specified, in regulations under this section.
- (3) Regulations under this section may include provision about—
 - (a) the form or manner in which information or samples are to be retained;
 - (b) the period for which information or samples are to be retained;
 - (c) the event that triggers the commencement of that period.
- (4) Regulations under this section may provide for requirements imposed by the regulations to continue following a termination of rights under the licensee’s carbon storage licence (whether by transfer, surrender, expiry or revocation and whether in relation to all or only part of the licence).
- (5) Regulations under this section may not impose requirements which have effect in relation to particular carbon storage information or particular carbon storage samples at any time when an information and samples plan dealing with the information or samples has effect.
- (6) Requirements imposed by regulations under this section are sanctionable in accordance with this Chapter.
- (7) Before making regulations under this section, the Secretary of State must consult each licensing authority that may under section 18(1) of the Energy Act 2008 grant a licence in respect of the carrying on, in a place to which the regulations would apply, of activities within section 17(2) of that Act.
- (8) Regulations under this section are subject to the negative procedure.”

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), enables the Secretary of State to make regulations about the retention of information acquired or created, or samples acquired, by or on behalf of the holder of a carbon storage licence.

Andrew Bowie

Gov NC10

To move the following Clause—

“Preparation and agreement of information and samples plans

- (1) The responsible person must prepare an information and samples plan in connection with any of the following (each “a licence event”)—
 - (a) where a licensee is a company, a change in control of the company within the meaning of paragraph 6 of Schedule 1 to the Carbon Dioxide (Licensing etc.) Regulations 2010 (S.I. 2010/2221) (inserted by Schedule 6 to this Act);
 - (b) a change in the identity of—
 - (i) the exploration operator under a carbon storage licence, or
 - (ii) where a storage permit has been granted under a carbon storage licence, the operator in relation to the storage permit (within the meaning of regulation 1(3) of the Carbon Dioxide (Licensing etc.) Regulations 2010);
 - (c) a transfer of rights under a carbon storage licence, whether in relation to all or part of the area in respect of which the licence was granted;
 - (d) a surrender of rights under a carbon storage licence in relation to all of the area in respect of which the licence was granted, or in relation to so much of that area in respect of which the licence continues to have effect;
 - (e) the expiry of a carbon storage licence;
 - (f) the termination of a carbon storage licence;
 - (g) the revocation of a storage permit.
- (2) “Responsible person”, in relation to a licence event, means the person who is or was, or the persons who are or were, the licensee in respect of the relevant licence immediately before the licence event.
- (3) “Relevant licence”, in relation to a licence event, means the carbon storage licence in respect of which the licence event occurs.
- (4) “Information and samples plan”, in relation to a licence event, means a plan dealing with what is to happen, following the event, to—
 - (a) carbon storage information held by the responsible person before the event, and
 - (b) carbon storage samples held by that person before the event.
- (5) The responsible person must agree the information and samples plan with the OGA—
 - (a) in the case of a licence event mentioned in subsection (1)(a), (b), (c), (d) or (e), before the licence event takes place, or
 - (b) in the case of a licence event mentioned in subsection (1)(f) or (g), within a reasonable period after the termination of the carbon storage licence or revocation of the storage permit.
- (6) An information and samples plan has effect once it is agreed with the OGA.

- (7) If an information and samples plan is not agreed with the OGA as mentioned in subsection (5)(a) or (b), the OGA—
 - (a) may itself prepare an information and samples plan in connection with the licence event, and
 - (b) may require the responsible person to provide it with such information as the OGA may require to enable it to do so.
- (8) The OGA must inform the responsible person of the terms of any information and samples plan it prepares in connection with a licence event.
- (9) Where the OGA—
 - (a) prepares an information and samples plan in connection with a licence event, and
 - (b) informs the responsible person of the terms of the plan, the plan has effect as if it had been prepared by the responsible person and agreed with the OGA.
- (10) Where an information and samples plan has effect in connection with a licence event, the responsible person must comply with the plan.
- (11) The requirements imposed by subsection (5) and (10), or under subsection (7)(b), are sanctionable in accordance with this Chapter.”

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision about the preparation and agreement of plans dealing with what is to happen to carbon storage information and samples following certain events.

Andrew Bowie

Gov NC11

To move the following Clause—

“Information and samples plans: supplementary

- (1) Where an information and samples plan has effect in relation to a licence event, the OGA and the responsible person may agree changes to the plan.
- (2) Once changes are agreed, the plan has effect subject to those changes.
- (3) Where—
 - (a) two or more persons are the responsible person in relation to a licence event, and
 - (b) those persons include a company that has, since the licence event, been dissolved,
 the reference to the responsible person in subsection (1) does not include that company.
- (4) An information and samples plan, in relation to a licence event, may provide as appropriate for—

- (a) the retention, by the responsible person, of any carbon storage information or carbon storage samples held by or on behalf of that person before the licence event,
 - (b) the transfer of any such information or samples to a new licensee, or
 - (c) appropriate storage of such information or samples.
- (5) Where an information and samples plan makes provision under subsection (4) for a person, other than the responsible person, to hold information or samples in accordance with the plan—
 - (a) the plan may, with the consent of that other person, impose requirements on that person in connection with the information and samples, and
 - (b) any such requirements are sanctionable in accordance with this Chapter.
- (6) An information and samples plan prepared by the OGA under section (*Preparation and agreement of information and samples plans*) may not include provision under subsection (4)(b) for the transfer of information or samples to another person without the consent of the responsible person.
- (7) An information and samples plan may provide for the storage of information or samples as mentioned in subsection (4)(c) to be the responsibility of the OGA.
- (8) Where a transfer of rights under a carbon storage licence relates to only part of the area in relation to which the licence was granted, the information and samples plan prepared in connection with the transfer is to relate to all carbon storage information and carbon storage samples held by the responsible person before the licence event, and not only information and samples in respect of that part of the area.
- (9) In this section, “licence event” and “responsible person” have the same meaning as in section (*Preparation and agreement of information and samples plans*).”

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision supplementing the provision about information and samples plans made by NC10.

Andrew Bowie

Gov NC12

To move the following Clause—

“Information and samples coordinators

- (1) A person within subsection (2) (a “relevant person”) must—
 - (a) appoint an individual to act as an information and samples coordinator, and
 - (b) notify the OGA of that individual’s name and contact details.
- (2) The following persons are within this subsection—
 - (a) a licensee, and

- (b) an exploration operator under a carbon storage licence.
- (3) The information and samples coordinator is to be responsible for monitoring the relevant person's compliance with its obligations under this Chapter.
- (4) A relevant person must comply with subsection (1) within a reasonable period after—
 - (a) the date on which this section comes into force, if the person is a relevant person on that date, or
 - (b) becoming a relevant person, in any other case.
- (5) The relevant person must notify the OGA of any change in the identity or contact details of the information and samples coordinator within a reasonable period of the change taking place.
- (6) The requirements imposed by this section are sanctionable in accordance with this Chapter."

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision requiring licensees and exploration operators to appoint an individual (an information and samples coordinator) to be responsible for monitoring their compliance with obligations imposed by or under the intended new Chapter.

Andrew Bowie

Gov NC13

To move the following Clause—

"Power of OGA to require information and samples

- (1) The OGA may by notice in writing, for the purpose of carrying out any of its functions under Chapter 3 of Part 1 of the Energy Act 2008 (storage of carbon dioxide), require—
 - (a) a licensee to provide it with any carbon storage information, or a portion of any carbon storage sample, held by or on behalf of the licensee;
 - (b) a person who holds information or samples in accordance with an information and samples plan to provide it with any such information or a portion of any such sample.
- (2) The notice must specify—
 - (a) the form or manner in which the information or the portion of a sample must be provided;
 - (b) the time at which, or period within which, the information or the portion of a sample must be provided.
- (3) Information requested under subsection (1) may not include items subject to legal privilege.
- (4) Requirements imposed by a notice under this section are sanctionable in accordance with this Chapter.

- (5) Where a person provides information or a portion of a sample to the OGA in accordance with a notice under this section, any requirements imposed on the person in respect of that information or sample by regulations under section (*Retention of information and samples*) are unaffected."

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision about the power of the OGA to require licensees and certain other persons to provide it with any carbon storage information or samples they hold (or that are held on their behalf).

Andrew Bowie

Gov NC14

To move the following Clause—

"Prohibition on disclosure of information or samples by OGA

- (1) Protected material must not be disclosed—
- (a) by the OGA, or
 - (b) by a subsequent holder,
- except in accordance with section (*Power of Secretary of State to require information and samples*) or Schedule (*Permitted disclosures of material obtained by OGA*).
- (2) In this section and in Schedule (*Permitted disclosures of material obtained by OGA*)—
- "protected material" means information or samples which have been obtained by the OGA under section (*Power of OGA to require information and samples*) or (*Sanctions: information powers*);
- "subsequent holder", in relation to protected material, means a person holding protected material who has received it directly or indirectly from the OGA by virtue of a disclosure, or disclosures, in accordance with Schedule (*Permitted disclosures of material obtained by OGA*).
- (3) References to disclosing protected material include references to making the protected material available to other persons (where the protected material includes samples)."

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision prohibiting the disclosure by the OGA of information and samples obtained under NC13 except in accordance with NS1 or with a requirement imposed by the Secretary of State under NC15.

Andrew Bowie

Gov NC15

To move the following Clause—

“Power of Secretary of State to require information and samples

- (1) The Secretary of State may require the OGA to provide the Secretary of State with such information or samples held by or on behalf of the OGA as the Secretary of State may require for the purpose of—
 - (a) carrying out any function conferred by or under any Act,
 - (b) monitoring the OGA's performance of its functions, or
 - (c) any Parliamentary proceedings.
- (2) The Secretary of State may use information or samples acquired under subsection (1) (“acquired material”) only for the purpose for which it is provided.
- (3) Acquired material must not be disclosed—
 - (a) by the Secretary of State, or
 - (b) by a subsequent holder,except in accordance with this section.
- (4) For the purposes of subsection (3)(b), “subsequent holder”, in relation to acquired material, means a person who receives acquired material directly or indirectly from the Secretary of State by virtue of a disclosure, or disclosures, in accordance with this section.
- (5) Subsection (3) does not prohibit the Secretary of State from disclosing acquired material so far as necessary for the purpose for which it was provided.
- (6) Subsection (3) does not prohibit a disclosure of acquired material if—
 - (a) the disclosure is required by virtue of an obligation imposed by or under any Act, or
 - (b) the OGA consents to the disclosure and, where the acquired material in question was provided to the OGA by or on behalf of another person, confirms that that person also consents to the disclosure.
- (7) References in this section to disclosing acquired material include references to making the acquired material available to other persons (where the acquired material includes samples).”

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision, corresponding to the provision made by section 11 of the Energy Act 2016, about the power of the Secretary of State to require the provision of carbon storage information or samples held by or on behalf of the OGA .

Andrew Bowie

Gov NC16

To move the following Clause—

“Power of OGA to give sanction notices

- (1) If the OGA considers that a person has failed to comply with a sanctionable requirement imposed on the person, it may give the person a sanction notice in respect of that failure.
- (2) If the OGA considers that there has been a failure to comply with a sanctionable requirement imposed jointly on two or more persons, it may give a sanction notice in respect of that failure—
 - (a) to one only of those persons (subject to section (*Revocation notices*)(2)),
 - (b) jointly to two or more of them, or
 - (c) jointly to all of them,but it may not give separate sanction notices to each of them in respect of the failure.
- (3) In this Chapter “sanction notice” means—
 - (a) an enforcement notice (see section (*Enforcement notices*)),
 - (b) a financial penalty notice (see section (*Financial penalty notices*)),
 - (c) a revocation notice (see section (*Revocation notices*)), or
 - (d) an operator removal notice (see section (*Operator removal notices*)).
- (4) Sanction notices, other than enforcement notices, may be given in respect of a failure to comply with a sanctionable requirement even if, at the time the notice is given, the failure to comply has already been remedied.
- (5) Where the OGA gives a sanction notice to a person in respect of a particular failure to comply with a sanctionable requirement—
 - (a) it may, at the same time, give another type of sanction notice to the person in respect of that failure to comply;
 - (b) it may give subsequent sanction notices in respect of that failure only in accordance with section (*Subsequent sanction notices*) (subsequent sanction notices).
- (6) The OGA’s power to give sanction notices under this section is subject to section (*Duty of OGA to give sanction warning notices*) (duty of OGA to give sanction warning notices).
- (7) Where the OGA gives a sanction notice to a licensee in respect of a failure to comply with a sanctionable requirement—
 - (a) the matter is to be dealt with in accordance with this Chapter, and
 - (b) any requirement under the licensee’s carbon storage licence to deal with the matter in a certain way (including by arbitration) does not apply in respect of that failure to comply.”

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision about the power of the OGA to give sanction notices to persons

who have failed to comply with requirements imposed on them by or under the intended new Chapter.

Andrew Bowie

Gov NC17

To move the following Clause—

“Enforcement notices

- (1) An enforcement notice is a notice which—
 - (a) specifies the sanctionable requirement in question,
 - (b) gives details of the failure to comply with the requirement, and
 - (c) informs the person or persons to whom the notice is given that the person or persons must comply with—
 - (i) the sanctionable requirement, and
 - (ii) any directions included in the notice as mentioned in subsection (2),before the end of the period specified in the notice.
- (2) The notice may include directions as to the measures to be taken for the purposes of compliance with the sanctionable requirement.
- (3) Requirements imposed by directions included in an enforcement notice as mentioned in subsection (2) are sanctionable in accordance with this Chapter.”

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision about enforcement notices (notices requiring a person to take measures for the purposes of complying with a requirement imposed by or under the new Chapter), which may be given by the OGA under NC16.

Andrew Bowie

Gov NC18

To move the following Clause—

“Financial penalty notices

- (1) A financial penalty notice is a notice which—
 - (a) specifies the sanctionable requirement in question,
 - (b) gives details of the failure to comply with the requirement, and
 - (c) informs the person or persons to whom the notice is given that the person or persons must—
 - (i) comply with the sanctionable requirement before the end of a period specified in the notice, where it is appropriate to require such compliance and the failure to comply with the requirement has not already been remedied at the time the notice is given, and
 - (ii) pay the OGA a financial penalty of the amount specified in the notice before the end of a period specified in the notice.

- (2) The period specified under subsection (1)(c)(ii) must not end earlier than the end of the period of 28 days beginning with the day on which the financial penalty notice is given.
- (3) The financial penalty payable under a financial penalty notice in respect of a failure to comply with a sanctionable requirement (whether payable by one person, or jointly by two or more persons) must not exceed £1 million.
- (4) If a financial penalty notice is given jointly to two or more persons, those persons are jointly and severally liable to pay the financial penalty under it.
- (5) A financial penalty payable under a financial penalty notice is to be recoverable as a civil debt if it is not paid before the end of the period specified under subsection (1)(c)(ii).
- (6) The OGA must—
 - (a) issue guidance as to the matters to which it will have regard when determining the amount of the financial penalty to be imposed by a financial penalty notice, and
 - (b) have regard to the guidance when determining the amount of the penalty in any particular case.
- (7) The OGA may from time to time review guidance issued under subsection (6)(a) and, if it considers appropriate, revise it.
- (8) Before issuing or revising guidance under this section, the OGA must consult such persons as it considers appropriate.
- (9) The OGA must—
 - (a) lay any guidance issued under this section, and any revision of it, before each House of Parliament;
 - (b) publish any guidance issued under this section, and any revision of it, in such manner as the OGA considers appropriate.
- (10) The Secretary of State may by regulations subject to the affirmative procedure amend subsection (3) to change the amount specified to an amount not exceeding £5 million.
- (11) Money received by the OGA under a financial penalty notice must be paid into the Consolidated Fund.”

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision about financial penalty notices (notices requiring a person to pay a financial penalty for failure to comply with a requirement imposed by or under the intended new Chapter), which may be given by the OGA under NC16.

Andrew Bowie

Gov NC19

To move the following Clause—

“Revocation notices

- (1) A revocation notice may be given only in respect of a failure to comply with a sanctionable requirement imposed on a licensee in that capacity.
- (2) Where two or more persons are the licensee in respect of a carbon storage licence, the revocation notice must be given jointly to all of those persons.
- (3) A revocation notice is a notice which—
 - (a) specifies the sanctionable requirement in question,
 - (b) gives details of the failure to comply with the requirement,
 - (c) informs the person or persons to whom the notice is given that—
 - (i) where no storage permit has been granted under the carbon storage licence, the licence is to be terminated, or
 - (ii) where a storage permit has been granted under the carbon storage licence, the permit is to be revoked,on the date specified in the notice (“the revocation date”).
- (4) The revocation date must not be earlier than the end of the period of 28 days beginning with the day on which the revocation notice is given.
- (5) A revocation notice may not be given in circumstances where the carbon storage licence to be terminated, or the storage permit to be revoked, in accordance with the notice is one which, on the date the notice is given, the OGA would not have the power to grant.
- (6) Where a carbon storage licence is terminated in accordance with a revocation notice—
 - (a) the rights granted to the licensee by the licence cease on the revocation date;
 - (b) the revocation does not affect any obligation or liability imposed on or incurred by the licensee under the terms and conditions of the licence;
 - (c) the terms and conditions of the licence apply as if the licence had been terminated in accordance with those terms and conditions, subject to section (*Power of OGA to give sanction notices*)(7)(b).
- (7) Where a storage permit is revoked in accordance with a revocation notice—
 - (a) the authorisation granted by the storage permit ceases on the revocation date;
 - (b) the revocation does not affect any obligation or liability imposed or incurred under the terms and conditions of the storage permit;
 - (c) the terms and conditions of the carbon storage licence apply as if the storage permit had been revoked in accordance with those terms and conditions, subject to section (*Power of OGA to give sanction notices*)(7)(b).”

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision about revocation notices (notices terminating a carbon storage licence, or a storage permit, where a licensee has failed to comply with a requirement imposed by or under the intended new Chapter), which may be given by the OGA under NC16.

Andrew Bowie

Gov NC20

To move the following Clause—

“Operator removal notices

- (1) An operator removal notice may be given only in respect of a failure to comply with a sanctionable requirement imposed on an exploration operator under a carbon storage licence in that capacity.
- (2) An operator removal notice is a notice which—
 - (a) specifies the sanctionable requirement,
 - (b) gives details of the failure to comply with the requirement, and
 - (c) informs the exploration operator to whom it is given that, with effect from a date specified in the notice (“the removal date”), the licensee under whose carbon storage licence the exploration operator operates (“the relevant licensee”) is to be required to remove the exploration operator (see subsection (4)).
- (3) The OGA must—
 - (a) give a copy of the operator removal notice to the relevant licensee, and
 - (b) require the relevant licensee to remove the exploration operator with effect from the removal date.
- (4) Where a licensee is required to remove an exploration operator from a specified date, the licensee must ensure that, with effect from that date, the exploration operator does not exercise any function of organising or supervising any of the activities referred to in paragraphs (a) and (b) of section (*Key definitions*)(3).
- (5) The removal date must not be earlier than the end of the period of 28 days beginning with the day on which the operator removal notice is given.
- (6) An operator removal notice may not be given in circumstances where the carbon storage licence under which the exploration operator operates is one which, on the date the notice is given, the OGA would not have the power to grant.
- (7) A requirement imposed on a licensee under subsection (3)(b) is sanctionable in accordance with this Chapter.”

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision about operator removal notices (notices requiring a licensee to remove an exploration operator who has failed to comply with a requirement imposed by or under the intended new Chapter), which may be given by the OGA under NC16.

Andrew Bowie

Gov NC21

To move the following Clause—

“Duty of OGA to give sanction warning notices

- (1) This section applies where the OGA proposes to give a sanction notice in respect of a failure to comply with a sanctionable requirement.
- (2) The OGA must give a sanction warning notice in respect of the sanctionable requirement to—
 - (a) the person or persons to whom it proposes to give a sanction notice, and
 - (b) where it proposes to give an operator removal notice, the relevant licensee (see section (*Operator removal notices*)(2)(c)).
- (3) A sanction warning notice, in respect of a sanctionable requirement, is a notice which—
 - (a) specifies the sanctionable requirement,
 - (b) informs the person or persons to whom it is given that the OGA proposes to give a sanction notice in respect of a failure to comply with the requirement,
 - (c) gives details of the failure to comply with the sanctionable requirement, and
 - (d) informs the person or persons to whom it is given that the person or persons may, within the period specified in the notice (“the representations period”), make representations to the OGA in relation to the matters dealt with in the notice.
- (4) The representations period must be such period as the OGA considers appropriate in the circumstances.
- (5) Subsections (6) and (7) apply where the OGA gives a sanction warning notice to a person or persons in respect of a sanctionable requirement.
- (6) The OGA must not give a sanction notice to the person or persons in respect of a failure to comply with the requirement until after the end of the representations period specified in the sanction warning notice.
- (7) Having regard to representations made during the representations period specified in the sanction warning notice, the OGA may decide—
 - (a) to give the person or persons a sanction notice in respect of the failure to comply with the requirement detailed in the sanction warning notice under subsection (3)(c),
 - (b) to give the person or persons a sanction notice in respect of a failure to comply with the requirement which differs from the failure detailed in the sanction warning notice under subsection (3)(c), or
 - (c) not to give the person or persons a sanction notice in respect of a failure to comply with the requirement.”

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision about the duty of the OGA to give a sanction warning notice where it proposes to give a sanction notice under NC16.

Andrew Bowie

Gov NC22

To move the following Clause—

"Publication of details of sanctions

- (1) The OGA may publish details of any sanction notice given in accordance with this Chapter.
- (2) But the OGA may not publish anything that, in its opinion—
 - (a) is commercially sensitive,
 - (b) is not in the public interest to publish, or
 - (c) is otherwise not appropriate for publication.
- (3) If, after details of a sanction notice are published by the OGA, the sanction notice is—
 - (a) cancelled on appeal, or
 - (b) withdrawn under section (*Withdrawal of sanction notices*),the OGA must publish details of the cancellation or withdrawal."

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision about the publication by the OGA of details of sanctions notices given under NC16.

Andrew Bowie

Gov NC23

To move the following Clause—

"Subsequent sanction notices

- (1) This section applies where the OGA gives a sanction notice in respect of a particular failure to comply with a sanctionable requirement (whether the notice is given alone or at the same time as another type of sanction notice).
- (2) If the sanction notice given is a revocation notice or an operator removal notice, no further sanction notices may be given in respect of the failure to comply.
- (3) If the sanction notice given is a financial penalty notice which does not require compliance with the sanctionable requirement, no further sanction notices may be given in respect of the failure to comply.
- (4) Subsection (5) applies if the sanction notice given is—
 - (a) an enforcement notice, or

- (b) a financial penalty notice which requires compliance with the sanctionable requirement.
- (5) No further sanction notices may be given in respect of the failure to comply before the end of the period specified under section (*Enforcement notices*)(1)(c) or (*Financial penalty notices*)(1)(c)(i), as the case may be (period for compliance with sanctionable requirement)."

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision restricting the power of the OGA under NC16 to give more than one sanction notice in respect of the same failure.

Andrew Bowie

Gov NC24

To move the following Clause—

"Withdrawal of sanction notices

- (1) The OGA may, at any time after giving a sanction notice, withdraw the sanction notice.
- (2) If a sanction notice is withdrawn by the OGA—
 - (a) the notice ceases to have effect, and
 - (b) the OGA must notify the following persons of the withdrawal of the notice—
 - (i) the person or persons to whom the notice was given;
 - (ii) in the case of an operator removal notice, the licensee under whose carbon storage licence the exploration operator operates."

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision about the withdrawal of sanction notices given by the OGA under NC16.

Andrew Bowie

Gov NC25

To move the following Clause—

"Sanctions: information powers

- (1) This section applies for the purposes of an investigation which—
 - (a) concerns whether a person has failed to comply with a sanctionable requirement, and
 - (b) is carried out by the OGA for the purpose of enabling it to decide whether to give the person a sanction notice, or on what terms a sanction notice should be given to the person.
- (2) The OGA may by notice in writing, for the purposes of that investigation, require the person to provide specified documents or other information.

- (3) "Specified" means specified, or of a description specified, in a notice under this section.
- (4) A requirement under subsection (2) applies only to the extent—
 - (a) that the documents requested are documents in the person's possession or control, or
 - (b) that the information requested is information in the person's possession or control.
- (5) A requirement imposed by a notice under subsection (2) is sanctionable in accordance with this Chapter.
- (6) The documents or information requested—
 - (a) may include documents or information held in any form (including in electronic form);
 - (b) may include documents or information that may be regarded as commercially sensitive;
 - (c) may not include items that are subject to legal privilege.
- (7) The notice must specify—
 - (a) to whom the information is to be provided;
 - (b) where it is to be provided;
 - (c) when it is to be provided;
 - (d) the form and manner in which it is to be provided."

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision about the power of the OGA to require the provision of information for the purposes of an investigation carried out to enable it to decide whether to give a person a sanction notice under NC16.

Andrew Bowie

Gov NC26

To move the following Clause—

"Appeals in connection with Chapter

In Schedule (*Carbon storage information and samples: appeals*)—

- (a) Part 1 contains provision about appeals against decisions by the OGA relating to the preparation of an information and samples plan and appeals against the giving of a notice under section (*Power of OGA to require information and samples*), and
- (b) Part 2 contains provision about appeals against the imposition of sanction notices and appeals against the giving of a notice under section (*Sanctions: information powers*)."

Member's explanatory statement

This new clause introduces NS2, which contains provision about appeals in connection with the new Chapter intended to be formed by NC8 to NC28 (see the explanatory statement for NC8).

Andrew Bowie

Gov NC27

To move the following Clause—

“Procedure for enforcement decisions

- (1) The OGA—
 - (a) must determine the procedure that it proposes to follow in relation to enforcement decisions, and
 - (b) must issue a statement of its proposals.
- (2) The procedure mentioned in subsection (1)(a) must be designed to secure, among other things, that an enforcement decision is taken—
 - (a) by a person falling within subsection (3), or
 - (b) by two or more persons, each of whom falls within subsection (3).
- (3) A person falls within this subsection if the person was not directly involved in establishing the evidence on which the enforcement decision is based.
- (4) The statement mentioned in subsection (1)(b) must be published in whatever way appears to the OGA to be best calculated to bring the statement to the attention of the public.
- (5) When the OGA takes an enforcement decision, the OGA must follow its stated procedure.
- (6) If the OGA changes its procedure in a material way, it must publish a revised statement.
- (7) A failure of the OGA in a particular case to follow its procedure as set out in the latest published statement does not affect the validity of an enforcement decision taken in that case.
- (8) But subsection (7) does not prevent the Tribunal from taking into account any such failure in considering an appeal under paragraph 4 or 5 of Schedule (*Carbon storage information and samples: appeals*) in relation to a sanction notice.
- (9) In this section, “enforcement decision” means—
 - (a) a decision to give a sanction notice in respect of a failure to comply with a sanctionable requirement, or
 - (b) a decision as to the details of the sanction to be imposed by the notice.”

Member's explanatory statement

This new clause, which is intended to form part of new Chapter 4A in Part 2 (see the explanatory statement for NC8), makes provision about the procedure for the taking of decisions by the OGA in relation to the giving of sanction notices under NC16.

Andrew Bowie

Gov NC28

To move the following Clause—

“Interpretation of Chapter

In this Chapter—

“information and samples plan” has the meaning given in section (*Preparation and agreement of information and samples plans*);

“items subject to legal privilege”—

- (a) in England and Wales, has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 10 of that Act);
- (b) in Scotland, has the meaning given by section 412 of the Proceeds of Crime Act 2002;
- (c) in Northern Ireland, has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (NI 12));

“OGA” means the Oil and Gas Authority;

“protected material” has the meaning given in section (*Prohibition on disclosure of information or samples obtained by OGA*);

“sanction notice” has the meaning given in section (*Power of OGA to give sanction notices*);

“storage permit” has the same meaning as in the Storage of Carbon Dioxide (Licensing etc) Regulations 2010 (S.I. 2010/2221) (see regulation 1(3) of those Regulations);

“subsequent holder” has the meaning given in section (*Prohibition on disclosure of information or samples obtained by OGA*);

“Tribunal” means the First-tier tribunal.”

Member's explanatory statement

This new clause makes provision about the interpretation of the new Chapter intended to be formed by NC8 to NC28 (including NS1 and NS2): see the explanatory statement for NC8.

Andrew Bowie

Gov NC29

To move the following Clause—

“Designation of hydrogen transport counterparty

- (1) The Secretary of State may by notice given to a person designate the person to be a counterparty for hydrogen transport revenue support contracts.
- (2) A “hydrogen transport revenue support contract” is a contract to which a hydrogen transport counterparty is a party and which was entered into by a hydrogen transport counterparty in pursuance of a direction given to it under section (*Direction to offer to contract with eligible hydrogen transport provider*)(1).

- (3) A person designated under subsection (1) is referred to in this Chapter as a “hydrogen transport counterparty”.
- (4) A designation may be made only with the consent of the person designated (except where that person is the Secretary of State).
- (5) The Secretary of State may exercise the power of designation so that more than one designation has effect under subsection (1), but only if the Secretary of State considers it necessary for the purposes of ensuring that—
 - (a) liabilities under a hydrogen transport revenue support contract are met,
 - (b) arrangements entered into for purposes connected to a hydrogen transport revenue support contract continue to operate, or
 - (c) directions given to a hydrogen transport counterparty continue to have effect.
- (6) As soon as reasonably practicable after a designation ceases to have effect, the Secretary of State must make one or more transfer schemes under section 82 to ensure the transfer of all rights and liabilities under any hydrogen transport revenue support contract to which the person who has ceased to be a hydrogen transport counterparty was a party.
- (7) In this Chapter “hydrogen transport provider” means a person who carries on (or is to carry on) in the United Kingdom activities of transporting hydrogen.
- (8) In subsection (7) the reference to carrying on activities in the United Kingdom includes carrying on activities in, above or below—
 - (a) the territorial sea adjacent to the United Kingdom;
 - (b) waters in a Renewable Energy Zone (within the meaning of Chapter 2 of Part 2 of the Energy Act 2004);
 - (c) waters in a Gas Importation and Storage Zone (within the meaning given by section 1 of the Energy Act 2008).
- (9) In subsection (7) “transporting hydrogen” includes transporting a compound, of which hydrogen is an element, which revenue support regulations specify as a qualifying compound for the purposes of this section.”

Member's explanatory statement

This new clause and NC30, NC31 and NC32 (which are intended to be inserted after clause 60) enable the Secretary of State to designate a counterparty and direct it to offer to contract with hydrogen transport providers or (as the case may be) with hydrogen storage providers.

Andrew Bowie

Gov NC30

To move the following Clause—

“Direction to offer to contract with eligible hydrogen transport provider

- (1) The Secretary of State may, in accordance with any provision made by revenue support regulations, direct a hydrogen transport counterparty to offer to contract with an eligible hydrogen transport provider specified in the direction, on terms specified in the direction.

- (2) Revenue support regulations may make further provision about a direction under this section and in particular about—
 - (a) the circumstances in which a direction may or must be given;
 - (b) the terms that may or must be specified in a direction.
- (3) Provision falling within subsection (2) may include provision for calculations or determinations to be made under the regulations, including by such persons, in accordance with such procedure and by reference to such matters and to the opinion of such persons, as may be specified in the regulations.
- (4) Revenue support regulations must make provision for determining the meaning of “eligible” in relation to a hydrogen transport provider.”

Member's explanatory statement

See the explanatory statement for NC29.

Andrew Bowie

Gov NC31

To move the following Clause—

“Designation of hydrogen storage counterparty

- (1) The Secretary of State may by notice given to a person designate the person to be a counterparty for hydrogen storage revenue support contracts.
- (2) A “hydrogen storage revenue support contract” is a contract to which a hydrogen storage counterparty is a party and which was entered into by a hydrogen storage counterparty in pursuance of a direction given to it under section (*Direction to offer to contract with eligible hydrogen storage provider*)(1).
- (3) A person designated under subsection (1) is referred to in this Chapter as a “hydrogen storage counterparty”.
- (4) A designation may be made only with the consent of the person designated (except where that person is the Secretary of State).
- (5) The Secretary of State may exercise the power of designation so that more than one designation has effect under subsection (1), but only if the Secretary of State considers it necessary for the purposes of ensuring that—
 - (a) liabilities under a hydrogen storage revenue support contract are met,
 - (b) arrangements entered into for purposes connected to a hydrogen storage revenue support contract continue to operate, or
 - (c) directions given to a hydrogen storage counterparty continue to have effect.
- (6) As soon as reasonably practicable after a designation ceases to have effect, the Secretary of State must make one or more transfer schemes under section 82 to ensure the transfer of all rights and liabilities under any hydrogen storage revenue support contract to which the person who has ceased to be a hydrogen storage counterparty was a party.

- (7) In this Chapter “hydrogen storage provider” means a person who carries on (or is to carry on) in the United Kingdom activities of storing hydrogen.
- (8) In subsection (7) the reference to carrying on activities in the United Kingdom includes carrying on activities in, above or below—
 - (a) the territorial sea adjacent to the United Kingdom;
 - (b) waters in a Renewable Energy Zone (within the meaning of Chapter 2 of Part 2 of the Energy Act 2004);
 - (c) waters in a Gas Importation and Storage Zone (within the meaning given by section 1 of the Energy Act 2008).
- (9) In subsection (7) “storing hydrogen” includes storing a compound, of which hydrogen is an element, which revenue support regulations specify as a qualifying compound for the purposes of this section.”

Member's explanatory statement

See the explanatory statement for NC29.

Andrew Bowie

Gov NC32

To move the following Clause—

“Direction to offer to contract with eligible hydrogen storage provider

- (1) The Secretary of State may, in accordance with any provision made by revenue support regulations, direct a hydrogen storage counterparty to offer to contract with an eligible hydrogen storage provider specified in the direction, on terms specified in the direction.
- (2) Revenue support regulations may make further provision about a direction under this section and in particular about—
 - (a) the circumstances in which a direction may or must be given;
 - (b) the terms that may or must be specified in a direction.
- (3) Provision falling within subsection (2) may include provision for calculations or determinations to be made under the regulations, including by such persons, in accordance with such procedure and by reference to such matters and to the opinion of such persons, as may be specified in the regulations.
- (4) Revenue support regulations must make provision for determining the meaning of “eligible” in relation to a hydrogen storage provider.”

Member's explanatory statement

See the explanatory statement for NC29.

Anne McLaughlin

NC1

Alan Brown
Stephen Flynn
Mhairi Black
Brendan O'Hara

To move the following Clause—

“Smart meter roll-out for prepayment customers

- (1) The Secretary of State must ensure that all legacy prepayment meters are replaced with smart meters, unless the customer objects in writing, before the end of 2025.
- (2) The Secretary of State must by regulations provide for an end to the practice of self-disconnections, such regulations to come into force within six months of the date on which this Act is passed.
- (3) Regulations under subsection (2) may provide for, but are not limited to—
 - (a) the introduction of a social tariff for prepayment customers,
 - (b) the introduction of mechanisms to apply credit automatically if a prepayment customer runs out of credit, and
 - (c) the introduction of a mechanism to transfer a prepayment customer to credit mode automatically if they run out of credit.”

Anne McLaughlin

NC2

Alan Brown
Stephen Flynn
Mhairi Black
Brendan O'Hara

To move the following Clause—

“Restriction of the use of prepayment meters

- (1) The Secretary of State may by regulations restrict the installation of new prepayment meters for domestic energy use.
- (2) Regulations under subsection (1) may set conditions for energy suppliers in relation to the installation of new prepayment meters, including—
 - (a) ensuring consumers have given full and informed consent to the installation of a prepayment meter after having been offered access to a recognised debt counselling agency;
 - (b) ensuring vulnerable consumers are not required to use prepayment meters;
 - (c) publishing a non-exhaustive list of circumstances in which a consumer is considered vulnerable, including financially vulnerable; and
 - (d) ensuring consumers have a clear, timetabled route back to standard meters once specified conditions are met.
- (3) In this section “installation of new prepayment meters” includes switching existing energy meters to a prepayment mode.”

Member's explanatory statement

This new clause would allow the Secretary of State to restrict the use of prepayment meters, especially in relation to vulnerable consumers or where consumers are not aware they are being moved over to a prepayment mode.

Caroline Lucas

NC3

To move the following Clause—

“Prohibition of new oil and gas field developments and issuing of exploration and production licences

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

- (a) the approval of new oil and gas field developments, and
- (b) the release of new oil and gas exploration and production licences.”

Member's explanatory statement

This new clause would prohibit the approval of new oil and gas field developments and the issuing of new oil and gas exploration and production licenses.

Caroline Lucas

NC4

To move the following Clause—

“Duty to phase down UK petroleum

- (1) Within six months of the day on which this Act is passed, the Secretary of State must make regulations to amend section 9A of the Petroleum Act 1998.
- (2) Regulations under subsection (1) must—
 - (a) remove the “principal objective” of maximising the economic recovery of UK petroleum;
 - (b) define a new “principal objective”.
- (3) The new “principal objective” referred to in paragraph (2)(b) must provide for—
 - (a) delivery of a managed and orderly phase down of UK petroleum;
 - (b) advancement of the UK’s climate change commitments, including—
 - (i) the target for 2050 set out in section 1 of the Climate Change Act 2008, and
 - (ii) the commitment given by the Government of the United Kingdom in the Glasgow Climate Pact to pursue policies to limit global warming to 1.5 degrees Celsius;
 - (c) facilitation of a just transition for oil and gas workers and communities.
- (4) Before making regulations under subsection (1) the Secretary of State must hold a public consultation which must include consultation with—
 - (a) the devolved administrations,
 - (b) relevant trade union and worker representatives,
 - (c) relevant representatives from academia,
 - (d) relevant climate and environmental organisations and representatives,
 - (e) relevant industry representatives of petroleum and renewable energy businesses supporting the transition away from fossil fuels, and

(f) offshore energy training bodies.”

Member's explanatory statement

This new clause would amend the Petroleum Act 1998 to remove the principal objective of maximising the economic recovery of UK petroleum and replace it with a new principal objective to deliver a managed and orderly phase down of UK petroleum, advance the UK's climate targets, and support a just transition for oil and gas workers.

Alan Brown

NC5

Brendan O'Hara

To move the following Clause—

“Net Zero compatibility test

The Secretary of State must by regulations make provision, with effect from the date on which this Act is passed, for all future legislative Impact Assessments to include a “Net Zero compatibility test”.”

Alan Brown

NC6

Brendan O'Hara

To move the following Clause—

“Just Transition Commission

- (1) Within six months of the date on which this Act is passed the Secretary of State must by regulations establish a body to be known as the “Just Transition Commission”.
- (2) Regulations under subsection (1) must provide for the purposes of the Just Transition Commission to include—
 - (a) the provision of scrutiny and advice on the ongoing development of just transition plans;
 - (b) the provision of advice on appropriate approaches to monitoring and evaluation; and
 - (c) consultation with such persons as the Secretary of State shall consider appropriate in relation to the delivery and likely impact of just transition planning.
- (3) The Just Transition Commission must produce and lay before Parliament an annual report of its work.”

Caroline Lucas

NC7

To move the following Clause—

“Requiring installation of solar panels on all new homes

- (1) Within six months of the day on which this Act is passed, the Secretary of State must by regulations require—
 - (a) the installation of solar panels on the roofs of all new homes; and
 - (b) that new housing developments are planned in order to maximise solar gain.
- (2) Regulations under subsection (1) may provide for exemptions in cases where the installation of solar panels on the roof of a new home is not appropriate.”

Member's explanatory statement

This new clause would mandate the installation of solar panels on the roofs of all new homes and require new housing developments to be planned in order to maximise solar gain.

Dr Alan Whitehead

NC33

Kerry McCarthy

To move the following Clause—

“Purposes

- (1) The principal purpose of this Act is to increase the resilience and reliability of energy systems across the UK, support the delivery of the UK's climate change commitments and reform the UK's energy system while minimising costs to consumers and protecting them from unfair pricing.
- (2) In performing functions under this Act, the relevant persons and bodies shall have regard to—
 - (a) the principal purpose set out in subsection (1);
 - (b) the Secretary of State's duties under sections 1 and 4(1)(b) of the Climate Change Act 2008 (carbon targets and budgets) and international obligations contained within Article 2 of the Paris Agreement under the United Nations Framework Convention on Climate Change;
 - (c) the desirability of reducing costs to consumers and alleviating fuel poverty; and
 - (d) the desirability of securing a diverse and viable long-term energy supply.
- (3) In this section “the relevant persons and bodies” means—
 - (a) the Secretary of State;
 - (b) any public authority.”

Member's explanatory statement

This new clause and NC34, NC35 and NC36 are intended as a suite of purpose and strategy clauses for this Bill.

Dr Alan Whitehead

NC34

Kerry McCarthy

To move the following Clause—

“Strategy and policy statement

- (1) The Secretary of State may designate a statement as the strategy and policy statement for the purposes of this Act.
- (2) The strategy and policy statement is a statement prepared by the Secretary of State that sets out—
 - (a) the strategic priorities, and other main considerations, of His Majesty’s Government in formulating its energy policy for Great Britain (“strategic priorities”);
 - (b) the particular outcomes to be achieved as a result of the implementation of that policy (“policy outcomes”); and
 - (c) the roles and responsibilities of persons (whether the Secretary of State, a relevant public authority or other persons) who are involved in implementing that policy or who have other functions that are affected by it.
- (3) The strategy and policy statement must have regard to the considerations listed in subsection (2) of section [*Purposes*].
- (4) The Secretary of State must publish the strategy and policy statement in such manner as the Secretary of State considers appropriate.
- (5) For the purposes of this section, energy policy “for Great Britain” includes such policy for—
 - (a) the territorial sea adjacent to Great Britain, and
 - (b) areas designated under section 1(7) of the Continental Shelf Act 1964.
- (6) A relevant public authority must have regard to the strategic priorities set out in the strategy and policy statement when carrying out regulatory functions.
- (7) The Secretary of State and a relevant public authority must carry out their respective regulatory functions in the manner which the Secretary of State or the relevant public authority (as the case may be) considers is best calculated to further the delivery of the policy outcomes.
- (8) A relevant public authority must give notice to the Secretary of State if at any time the relevant public authority concludes that a policy outcome contained in the strategy and policy statement is not realistically achievable.
- (9) A notice under subsection (8) must include—
 - (a) the grounds on which the conclusion was reached; and
 - (b) what (if anything) the relevant public authority is doing, or proposes to do, for the purpose of furthering the delivery of the outcome so far as reasonably practicable.”

Member's explanatory statement

This new clause and NC33, NC35 and NC36 are intended as a suite of purpose and strategy clauses for this Bill.

Dr Alan Whitehead

NC35

Kerry McCarthy

To move the following Clause—

“Strategy and policy statement review

- (1) The Secretary of State must review the strategy and policy statement if a period of 5 years has elapsed since the relevant time.
- (2) The “relevant time”, in relation to the strategy and policy statement, means—
 - (a) the time when the statement was first designated under section [*Strategy and policy statement*], or
 - (b) if later, the time when a review of the statement under this section last took place.
- (3) A review under subsection (1) must take place as soon as reasonably practicable after the end of the 5 year period.
- (4) The Secretary of State may review the strategy and policy statement at any other time if—
 - (a) a Parliamentary general election has taken place since the relevant time;
 - (b) a relevant public authority has given notice to the Secretary of State under subsection (8) of section [*Strategy and policy statement*] since the relevant time;
 - (c) a significant change in the energy policy of His Majesty’s Government has occurred since the relevant time; or
 - (d) the Parliamentary approval requirement in relation to an amended statement was not met on the last review (see subsection (12)).
- (5) The Secretary of State may determine that a significant change in His Majesty’s Government’s energy policy has occurred for the purposes of subsection (4)(c) only if—
 - (a) the change was not anticipated at the relevant time, and
 - (b) if the change had been so anticipated, it appears to the Secretary of State likely that the statement would have been different in a material way.
- (6) On a review under this section the Secretary of State may—
 - (a) amend the statement (including by replacing the whole or part of the statement with new content),
 - (b) leave the statement as it is, or
 - (c) withdraw the statement’s designation as the strategy and policy statement.

- (7) The amendment of a statement under subsection (6)(a) has effect only if the Secretary of State designates the amended statement as the strategy and policy statement under section [*Strategy and policy statement*].
- (8) For the purposes of this section, corrections of clerical or typographical errors are not to be treated as amendments made to the statement.
- (9) The designation of a statement as the strategy and policy statement ceases to have effect upon a subsequent designation of an amended statement as the strategy and policy statement in accordance with subsection (7).
- (10) The Secretary of State must consult the following persons before proceeding under subsection (6)(b) or (c)—
 - (a) a relevant public authority,
 - (b) the Scottish Ministers,
 - (c) the Welsh Ministers, and
 - (d) such other persons as the Secretary of State considers appropriate.
- (11) For the purposes of subsection (2)(b), a review of a statement takes place—
 - (a) in the case of a decision on the review to amend the statement under subsection (6)(a)—
 - (i) at the time when the amended statement is designated as the strategy and policy statement under the previous section, or
 - (ii) if the amended statement is not so designated, at the time when the amended statement was laid before Parliament for approval under subsection (7) of the next section;
 - (b) in the case of a decision on the review to leave the statement as it is under subsection (6)(b), at the time when that decision is taken.
- (12) For the purposes of subsection (4)(d), the Parliamentary approval requirement in relation to an amended statement was not met on the last review if—
 - (a) on the last review of the strategy and policy statement to be held under this section, an amended statement was laid before Parliament for approval under subsection (7) of section [*Strategy and policy statement: procedural requirements*], but
 - (b) the amended statement was not designated because such approval was not given.”

Member's explanatory statement

This new clause and NC33, NC34 and NC36 are intended as a suite of purpose and strategy clauses for this Bill.

Dr Alan Whitehead

Kerry McCarthy

NC36

To move the following Clause—

“Strategy and policy statement: procedural requirements

- (1) This section sets out the requirements that must be satisfied in relation to a statement before the Secretary of State may designate it as the strategy and policy statement.
- (2) In this section references to a statement include references to a statement as amended following a review under subsection (6)(a) of section [*Strategy and policy statement review*].
- (3) The Secretary of State must first—
 - (a) prepare a draft of the statement, and
 - (b) issue the draft to the required consultees for the purpose of consulting them about it.
- (4) The “required consultees” are—
 - (a) the relevant public authority,
 - (b) the Scottish Ministers, and
 - (c) the Welsh Ministers.
- (5) The Secretary of State must then—
 - (a) make such revisions to the draft as the Secretary of State considers appropriate as a result of responses to the consultation under subsection (3)(b), and
 - (b) issue the revised draft for the purposes of further consultation about it to the required consultees and to such other persons as the Secretary of State considers appropriate.
- (6) The Secretary of State must then—
 - (a) make any further revisions to the draft that the Secretary of State considers appropriate as a result of responses to the consultation under subsection (5)(b), and
 - (b) prepare a report summarising those responses and the changes (if any) that the Secretary of State has made to the draft as a result.
- (7) The Secretary of State must lay before Parliament—
 - (a) the statement as revised under subsection (6)(a), and
 - (b) the report prepared under subsection (6)(b).
- (8) The statement as laid under subsection (7)(a) must have been approved by a resolution of each House of Parliament before the Secretary of State may designate it as the strategy and policy statement.
- (9) The requirement under subsection (3)(a) to prepare a draft of a statement may be satisfied by preparation carried out before, as well as preparation carried out after, the passing of this Act.”

Member's explanatory statement

This new clause and NC33, NC34 and NC35 are intended as a suite of purpose and strategy clauses for this Bill.

Dr Alan Whitehead

NC37

Kerry McCarthy

To move the following Clause—

“Assurance of independence of system and distribution operators

- (1) The Secretary of State must appoint a supervisory and advisory board of at least eight suitably qualified independent energy figures to assist the person designated as the ISOP under section 120.
- (2) The purpose of the board appointed under subsection (1) is to assure the independence of transmission and distribution system operators through independent oversight of and advice to the ISOP.
- (3) Energy UK and the Energy Networks Association must be consulted on the appointment of the board under subsection (1).
- (4) The Secretary of State may make provision of financial assistance to enable the board to carry out its functions.”

Member's explanatory statement

This new clause aims to ensure the independence of system and distribution operators.

Dr Alan Whitehead

NC38

Kerry McCarthy

To move the following Clause—

“Restriction of the use of prepayment meters

- (1) The Secretary of State may by regulations restrict the installation of new prepayment meters for domestic energy use.
- (2) Regulations under subsection (1) may set conditions for energy suppliers in relation to the installation of new prepayment meters, including—
 - (a) ensuring consumers have given full and informed consent to the installation of a prepayment meter;
 - (b) making provision to ensure vulnerable consumers are not put onto prepayment meters.
- (3) In this section “installation of new prepayment meters” includes switching existing energy meters to a prepayment mode.”

Member's explanatory statement

This new clause would allow the Secretary of State to restrict the use of prepayment meters, especially in relation to vulnerable consumers or where consumers are not aware they are being moved over to a prepayment mode.

Dr Alan Whitehead

NC39

Kerry McCarthy

To move the following Clause—

“Guarantee for consumer protection

- (1) Within three months of the day on which this Act is passed, Ofgem must set out a new licence to operate for heat networks that guarantees equivalent protections for heat network customers compared when compared with electricity and gas customers.
- (2) Protections under subsection (1) must include but are not limited to—
 - (a) a price cap for heat network customers;
 - (b) a licence condition to “treat customers fairly”, analogous to Licence Condition 0 of the electricity and gas supplier licences; and
 - (c) a licence condition addressing “ability to pay”, analogous to Licence Condition 27A of the electricity and gas supplier licences.”

Member's explanatory statement

This new clause would guarantee that heat network customers receive equal treatment to electricity and gas customers.

Dr Alan Whitehead

NC40

Kerry McCarthy

To move the following Clause—

“Designated load controller

- (1) The Secretary of State may give a designated load controller direction only if the Secretary of State considers that—
 - (a) the direction is necessary in the interests of national security; and
 - (b) the requirement imposed by the direction are proportionate to what is sought to be achieved by the direction.”

Member's explanatory statement

This new clause ensures that load controllers undergo national security checks to establish the nature of connections to potentially hostile actors and the threats they may pose.

Dr Alan Whitehead

NC41

Kerry McCarthy

To move the following Clause—

“Energy performance regulations relating to existing premises

- (1) Within six months of the date on which this Act is passed the Secretary of State must make regulations—
 - (a) amending the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (S.I. 2015/962) to require that, subject to subsection (2), all tenancies have an energy performance certificate (EPC) of at least Band C by 31 December 2028; and
 - (b) amending the Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019 (S.I. 2019/595) to raise “the cost cap” to £10,000.
- (2) Exemptions to subsection (1) apply where—
 - (a) the occupier of any premises whose permission is needed to carry out works refuses to give such permission;
 - (b) it is not technically feasible to improve the energy performance of the premises to the level of EPC Band C; and
 - (c) another exemption specified in the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 has been registered in the PRS Exemptions Register.
- (3) Within six months of the date on which this Act is passed the Secretary of State must make regulations—
 - (a) amending the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (S.I. 2015/962) to enable Local Authorities to give notice to landlords that they wish to inspect a property, requesting permissions from landlords and any tenants in situ at the time to carry out an inspection at an agreed time;
 - (b) to expand the scope of the current PRS Exemptions Register and redesign it as a property compliance and exemptions database;
 - (c) to require a post-improvement EPC to be undertaken to demonstrate compliance;
 - (d) to require a valid EPC be in place at all times while a property is let; and
 - (e) to raise the maximum total of financial penalties to be imposed by a Local Authority on a landlord of a domestic PRS property in relation to the same breach and for the same property to £30,000 per property and per breach of the PRS Regulations.
- (4) The Secretary of State may make regulations to—
 - (a) enable tenants in the private rented sector to request that energy performance improvements are carried out where a property is in breach of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015; and
 - (b) make provision for a compensation mechanism where a tenant is paying higher energy bills as a result of a property not meeting the required standard.”

Member's explanatory statement

This new clause requires the Secretary of State to strengthen minimum energy efficiency standards in the private rented sector, expands the compliance regime available to local authorities, and gives the Secretary of State the power to create a compensation mechanism for tenants adversely affected by non-compliance. These measures are derived from the government's preferred policy option in the 2020 "Improving the energy performance of privately rented homes" consultation.

Dr Alan Whitehead

NC42

Kerry McCarthy

To move the following Clause—

"Review of the "Improving Energy Performance Certificates: action plan"

- (1) Within 12 months of the date on which this Act is passed, the Secretary of State must conduct a review of the "Improving Energy Performance Certificates: action plan" that sets out how new technologies can improve the energy usage and efficiency of premises.
- (2) Such a review must include analysis of the energy efficiency benefits of energy optimisation technologies and bi-directional charging from vehicles to premises.
- (3) Where any energy efficiency benefits are identified by this review, the Secretary of State must make provision under section 207(1)(b) for recommendations to be made about the improvement of the energy efficiency and usage of new and existing premises."

Member's explanatory statement

This new clause would oblige the Secretary of State to update its review of the EPC rating system; for this review to consider bi-directional charging; and for the Secretary of State to then use the existing power under section 207 to promote these improvements.

Dr Alan Whitehead

NC43

Kerry McCarthy

To move the following Clause—

"North Sea Transition Authority

- (1) Part 1 of the Energy Act 2016 is amended as follows.
- (2) In section 1(1) for "is renamed as the Oil and Gas authority" substitute "is renamed as the North Sea Transition authority".
- (3) In Part 1 for all references to "the OGA" substitute "the North Sea Transition authority".

(4) In section 8(1) after “so far as is relevant” insert—

“Ensuring the Transition to Net zero

The need to ensure an effective transition from high carbon exploration production and exploitation of the North Sea basin to a low carbon exploitation of all North Sea basin resources compatible with the United Kingdom’s net zero commitments.””

Member's explanatory statement

This new clause seeks to place on the face of the Bill the de facto change in name of the Oil and Gas Authority to the North Sea Transition Authority and provides an additional matter for which the authority must have regard in line with its change of name.

Dr Alan Whitehead

NC44

Kerry McCarthy

To move the following Clause—

“Maximum economic recovery in the North Sea

- (1) The Petroleum Act 1998 is amended as follows.
- (2) Omit sections 9A to 9I.”

Member's explanatory statement

This new clause removes reference to Maximum Economic Recovery in the North Sea as placed into the Petroleum Act 1998 by section 41 of the Infrastructure Act 2015.

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.

<i>Column 1</i>	<i>Column 2</i>
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>)
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.

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).

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.

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.

Andrew Bowie

Gov 11

Title, line 3, leave out "industrial"

Member's explanatory statement

This amendment is consequential on Amendment 10.

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.