
Committee Stage: Thursday 29 June 2023

Energy Bill [HL]

(Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage.

A glossary with key terms can be found at the end of this document.

First to Eighteenth Sittings.

First and Second Sittings

Andrew Bowie

Agreed to

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 23 May) meet—
 - (a) at 2.00 pm on Tuesday 23 May;
 - (b) at 11.30 am and 2.00 pm on Thursday 25 May;
 - (c) at 9.25 am and 2.00 pm on Tuesday 6 June;
 - (d) at 11.30 am and 2.00 pm on Thursday 8 June;
 - (e) at 9.25 am and 2.00 pm on Tuesday 13 June;
 - (f) at 11.30 am and 2.00 pm on Thursday 15 June;
 - (g) at 9.25 am and 2.00 pm on Tuesday 20 June;
 - (h) at 11.30 am and 2.00 pm on Thursday 22 June;
 - (i) at 9.25 am and 2.00 pm on Tuesday 27 June;
 - (j) at 11.30 am and 2.00 pm on Thursday 29 June;
2. the proceedings shall be taken in the following order: Clauses 1 to 16; Schedule 1; Clauses 17 to 21; Schedule 2; Clauses 22 to 32; Schedule 3; Clauses 33 to 52; Schedule 4; Clauses 53 and 54; Schedule 5; Clauses 55 to 98; Schedule 6; Clauses

99 to 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;

3. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 29 June.

Andrew Bowie

Agreed to

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

Not selected 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

Not selected 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

Withdrawn after debate 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

Not selected 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.

Clause agreed to

David Duguid

Not selected 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

Not selected 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

Not called 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

Not selected 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.

Clause agreed to.

Clauses 3 to 6 agreed to.

Clause 7 agreed to.

Clause 8 agreed to.

Dr Alan Whitehead

Withdrawn after debate 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

Agreed to 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”.

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11 agreed to.

Clause 12 agreed to.

Clauses 13 to 15 agreed to.

Clause 16 agreed to.

Andrew Bowie

Agreed to 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.

Schedule, as amended, agreed to.

Clause 17 agreed to.

Dr Alan Whitehead
Kerry McCarthy

Not called 78

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”.

Clause agreed to.

Clause 19 agreed to

Clauses 20 and 21, Schedule 2 and Clauses 22 to 25 agreed to.

David Duguid

Not selected 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)).

Clause agreed to.

Clause 27 agreed to

Clauses 28 to 31 agreed to.

Third sitting

Andrew Bowie

Agreed to

That the Order of the Committee of Tuesday 23 May be amended, in paragraph 1(b), by leaving out "and 2.00 pm".

Clause 32, Schedule 3 and Clauses 33 to 42 agreed to.

Dr Alan Whitehead

Not called 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".

Clause agreed to.

Clauses 44 to 49 agreed to.

Dr Alan Whitehead

Not called 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".

Clause agreed to.

Clauses 51 and 52, Schedule 4, Clauses 53 and 54, Schedule 5 and Clauses 55 agreed to.

Fourth and Fifth Sittings

Andrew Bowie

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to Gov 28

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

Member's explanatory statement

See the explanatory note relating to Amendment 23.

Clause, as amended, agreed to.

Andrew Bowie

Agreed to 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

Agreed to 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

Not called 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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.

Clause, as amended, agreed to.

Andrew Bowie

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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”.

Clause, as amended, agreed to.

Andrew Bowie

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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.

Clause, as amended, agreed to.

Andrew Bowie

Agreed to Gov 52

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

Member's explanatory statement

This amendment is consequential on Amendment 23.

Clause, as amended, agreed to.

Dr Alan Whitehead

Not called 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

Agreed to 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

Agreed to 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

Not called 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

Not moved 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

Agreed to 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

Agreed to 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.

Clause, as amended, agreed to.

Andrew Bowie

Agreed to 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

Not moved 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.

Clause, as amended, agreed to.

Andrew Bowie

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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**Agreed to 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**Not called 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**Agreed to 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.

Clause, as amended, agreed to.

Andrew Bowie

Agreed to 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.

Clause, as amended, agreed to.

Clause 65 agreed to.

Andrew Bowie

Agreed to on division 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

Agreed to 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

Agreed to 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

Not called 117

Kerry McCarthy

Clause 66, page 58, line 26, leave out from “regulations,” to end of line 27 and insert “including but not limited to—”

Member's explanatory statement

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

Clause, as amended, agreed to.

Andrew Bowie

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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.

Clause, as amended, agreed to.

Clauses 68 to 70 agreed to.

David Duguid

Not moved 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.

Clause agreed to.

Clauses 72 to 76 agreed to.

Andrew Bowie

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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

Agreed to 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.

Clause, as amended, agreed to.

Dr Alan Whitehead

Withdrawn after debate 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).

Clause agreed to.

Clauses 79 to 81 agreed to.

Dr Alan Whitehead

Not called 87

Kerry McCarthy

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

“(l) 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.

Clause agreed to.

Clauses 83 to 87 agreed to.

Dr Alan Whitehead

Withdrawn after debate 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 1998.”

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.

Clause agreed to.

Clauses 89 to 102 agreed to.

Andrew Bowie

Agreed to 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.

Clause, as amended, agreed to.

Dr Alan Whitehead

Withdrawn after debate 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

Withdrawn after debate 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).

Clause, as amended, agreed to.

Clause 105 agreed to.

Sixth and Seventh Sitings

Andrew Bowie

Agreed to

That paragraph 2 of the Order of the Committee of Tuesday 23 May (as amended on 25 May) be amended—

- (a) by leaving out “132; Schedule 7; Clause 133; Schedule 8; Clauses 134 to 137; Schedule 9; Clauses 138” and inserting “131; Clauses 140”;
- (b) by inserting, after “273;”, “Clause 132; Schedule 7; Clause 133; Schedule 8; Clauses 134 to 137; Schedule 9; Clauses 138 and 139;”.

Dr Alan Whitehead

Not moved 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.

Clause agreed to.

Clauses 107 to 114 agreed to.

Dr Alan Whitehead

Negated on division 118

Kerry McCarthy

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

“(4A) Provision under subsection (4), where a gas transporter is conducting a trial involving a fully alternative grid for the purpose of hydrogen delivery, 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).

Clause agreed to.

Dr Alan Whitehead

Not selected 119

Kerry McCarthy

Page 107, line 24, leave out Clause 116

Clause agreed to.

Clauses 117 and 118 agreed to.

Dr Alan Whitehead

Withdrawn after debate 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

Not called 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

Not called 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.

Dr Alan Whitehead

Not selected 157

Kerry McCarthy

Clause 119, page 109, line 15, at end insert—

- “(4) The Secretary of State may by regulations provide for functions of the ISOP in addition to those relating to the matters mentioned in subsection (3) if the Secretary of State considers that they are necessary to secure the objectives of the ISOP specified in section 121 (1).”

Dr Alan Whitehead

Not selected 158

Kerry McCarthy

Clause 119, page 109, line 15, at end insert—

- “(4) The Secretary of State must within six months of the passage of this Act produce and lay before Parliament a report on any additional functions of the ISOP that may be necessary to secure the adequate development of high level grid structures, both onshore and offshore, necessary to carry out the functions related to the matters mentioned in subsection (3).”

Dr Alan Whitehead

Not selected 159

Kerry McCarthy

Clause 119, page 109, line 15, at end insert—

- “(4) The Secretary of State may by regulations establish Regional Independent System Operators (RISOPs) in each of the regions covered by the operation of Distributed Network Operators.
- (5) The Secretary of State must within six months of the passage of this Act produce and lay before Parliament a report on the advisability of establishing RISOPs in order to fulfil the functions related to the matters mentioned in subsection (3).”

Clause agreed to.

Clauses 120 to 131 agreed to.

Clauses 140 to 155 agreed to.

Dr Alan Whitehead

Withdrawn after debate 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.

Clause agreed to.

Clauses 157 and 158 agreed to.

Schedules 10 and 11 agreed to.

Clause 159 agreed to.

Schedule 12 agreed to.

Dr Alan Whitehead

Withdrawn after debate 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.

Clause agreed to.

Schedule 13 agreed to.

Clause 161 agreed to.

Schedule 14 agreed to.

Clauses 162 to 167 agreed to.

Schedule 15 agreed to.

Clauses 168 and 169 agreed to.

Dr Alan Whitehead

Negatived on division 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.

Clause agreed to.

Eighth and Ninth Sittings

Clauses 171 to 174 agreed to.

Dr Alan Whitehead

Kerry McCarthy

Not called 101

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.

Schedule agreed to.

Clauses 175 to 180 agreed to.

Dr Alan Whitehead

Kerry McCarthy

Withdrawn after debate 102

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.

Dr Alan Whitehead

Kerry McCarthy

Not called 115

Clause 181, page 152, line 30, at end insert—

“(5) The Heat Network Zones Authority shall be responsible to and regulated by the regulator.”

Member's explanatory statement

This amendment makes the regulator responsible for Heat Network Zones.

Clause agreed to.

Clauses 182 to 198 agreed to.

Dr Alan Whitehead

Withdrawn after debate 160

Kerry McCarthy

Clause 199, page 170, line 3, at end insert—

“(f) regulate or prohibit the provision of load control in relation to appliances that are provided by high risk vendors.”

Dr Alan Whitehead

Not called 161

Kerry McCarthy

Clause 199, page 170, line 21, after “section” insert ““high risk vendors” means vendors of appliances that pose potential or actual security and resilience risks to energy networks,”

Clause agreed to.

Clauses 200 to 203 agreed to.

Schedule 17 agreed to.

Andrew Bowie

Not selected 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.

Clause negated on division.

Clauses 205 to 220 agreed to.

Tenth and Eleventh Sittings

Clauses 221 to 223 agreed to.

Dr Alan Whitehead

Negatived on division 116

Kerry McCarthy

Clause 224, page 191, line 17, at end insert—

“(9) The Secretary of State may not issue directions to core fuel sector participants that are in contravention of the Trade Union and Labour Relations (Consolidation) Act 1992.”

Member's explanatory statement

This amendment sets in legislation the need for the Secretary of State to act in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992 when dealing with core fuel sector participants.

Clause agreed to.

Clauses 225 to 239 agreed to.

Schedule 18 agreed to.

Clauses 240 and 241 agreed to.

Andrew Bowie

Agreed to 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).

Clause agreed to.

Clauses 243 and 244 agreed to.

Andrew Bowie

Agreed to Gov 135

Clause 245, page 206, line 13, leave out from “wind” to end of line 18 and insert “activity” means—

- (a) the planning, construction, operation or decommissioning of offshore wind electricity infrastructure, or
- (b) the identification of an area for activity within paragraph (a) (whether or not any particular offshore wind electricity infrastructure is in contemplation).”

Member's explanatory statement

This amendment widens the definition in clause 245 to cover the identification of an area for offshore wind development. The amendment also changes the definition to “relevant offshore wind activity”.

Dr Alan Whitehead

Not called 164

Kerry McCarthy

Clause 245, page 206, line 18, at end insert—

- “(c) any development listed in Section 66 of the Marine and Coastal Access Act 2009 that is connected to the construction, operation, maintenance or decommissioning of a generating station within paragraph (a).”

Member's explanatory statement

This amendment would extend the fast-track consenting process for offshore wind to supporting marine development necessary to support the offshore wind project.

Andrew Bowie

Agreed to Gov 136

Clause 245, page 206, line 18, at end insert—

- “(2) In subsection (1), “offshore wind electricity infrastructure” means—
 - (a) a generating station, in the UK marine area, that generates electricity from wind (an “offshore wind generating station”), or
 - (b) infrastructure, in the UK marine area, used or intended for use in connection with—
 - (i) an offshore wind generating station, or
 - (ii) the conveyance of electricity generated by an offshore wind generating station.”

Member's explanatory statement

This amendment defines "offshore wind electricity infrastructure" for the purposes of Amendment 135. It also makes it clear that offshore infrastructure for the conveyance of electricity generated from offshore wind (for example, a "bootstrap") is within that definition.

Andrew Bowie

Agreed to Gov 137

Clause 245, page 206, line 18, at end insert—

"(3) For the purposes of the reference in subsection (2)(b)(ii) to infrastructure used or intended for use in connection with the conveyance of electricity generated by an offshore wind generating station, it does not matter whether the infrastructure is also used or intended for use in connection with the conveyance of electricity generated from other sources."

Member's explanatory statement

This amendment makes it clear that offshore infrastructure for the conveyance of electricity generated from sources other than wind is covered by new subsection (2)(b)(ii) for clause 245 (see Amendment 136), so long as it is also for the conveyance of electricity generated from offshore wind.

Clause, as amended, agreed to.

Andrew Bowie

Agreed to Gov 138

Clause 246, page 206, line 21, leave out "one or more relevant offshore wind projects" and insert "relevant offshore wind activities"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Andrew Bowie

Agreed to Gov 139

Clause 246, page 206, line 25, leave out "a project" and insert "an activity"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Andrew Bowie

Agreed to Gov 140

Clause 246, page 206, line 28, leave out "a project" and insert "an activity"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Andrew Bowie

Agreed to Gov 141

Clause 246, page 207, line 7, leave out "project or projects" and insert "activities"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Clause, as amended, agreed to.

Andrew Bowie

Agreed to Gov 142

Clause 247, page 207, line 36, leave out "projects" and insert "activities"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Andrew Bowie

Agreed to Gov 143

Clause 247, page 207, line 38, leave out "one or more relevant offshore wind projects" and insert "relevant offshore wind activities"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Andrew Bowie

Agreed to Gov 144

Clause 247, page 208, line 5, leave out "project" and insert "activity"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Andrew Bowie

Agreed to Gov 145

Clause 247, page 208, line 11, leave out "project" and insert "activity"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Alan Brown

Not selected 176

Clause 247, page 208, line 25, leave out "may provide that a function may" and insert "must provide for a function to"

Member's explanatory statement

This amendment, together with Amendments 177 to 180, would require functions relating to the establishment, operation and management of marine recovery funds to be devolved to the appropriate administration.

Alan Brown**Not selected 177**

Clause 247, page 208, line 27, leave out "a Scottish public authority only" and insert "Scottish Ministers, or with the consent of the Scottish Ministers another Scottish public authority,"

Member's explanatory statement

See explanatory statement to Amendment 176.

Alan Brown**Not selected 178**

Clause 247, page 208, line 29, leave out "a Welsh public authority only" and insert "Welsh Ministers, or with the consent of the Welsh Ministers another Welsh public authority,"

Member's explanatory statement

See explanatory statement to Amendment 176.

Alan Brown**Not selected 179**

Clause 247, page 208, line 31, leave out "a Northern Ireland public authority only" and insert "DAERA, or with the consent of DAERA another Northern Ireland public authority"

Member's explanatory statement

See explanatory statement to Amendment 176.

Alan Brown**Not selected 180**

Clause 247, page 208, line 33, leave out subsection (9)

Member's explanatory statement

See explanatory statement to Amendment 176.

Clause, as amended, agreed to.

Andrew Bowie**Agreed to Gov 146**

Clause 248, page 209, line 6, leave out "projects" and insert "activities"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Andrew Bowie

Agreed to Gov 147

Clause 248, page 209, line 9, leave out "a relevant offshore wind project" and insert "relevant offshore wind activities"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Andrew Bowie

Agreed to Gov 148

Clause 248, page 209, line 15, leave out "projects" and insert "activities"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Andrew Bowie

Agreed to Gov 149

Clause 248, page 209, line 18, leave out "projects" and insert "activities"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Andrew Bowie

Agreed to Gov 150

Clause 248, page 209, line 22, leave out "projects" and insert "activities"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Andrew Bowie

Agreed to Gov 151

Clause 248, page 209, line 24, leave out "project" does not include a project" and insert "activity" does not include an activity within section 245(a)"

Member's explanatory statement

This amendment ensures that the Welsh Ministers have the power to make regulations under clause 248 in relation to activity in the Welsh inshore region relating to the identification of an area for offshore wind development.

Andrew Bowie

Agreed to Gov 152

Clause 248, page 210, line 4, leave out “a project” and insert “an activity”

Member's explanatory statement

This amendment is consequential on Amendment 135.

Dr Alan Whitehead

Not called 166

Kerry McCarthy

Clause 248, page 210, line 7, leave out paragraph (i)

Member's explanatory statement

This amendment, together with Amendment 167, would remove the ability to disapply certain environmental protections when making regulations relating to the assessment of the environmental effects etc of relevant offshore wind projects.

Dr Alan Whitehead

Not called 167

Kerry McCarthy

Clause 248, page 210, line 12, leave out subsection (5)

Member's explanatory statement

See explanatory statement to Amendment 166.

Dr Alan Whitehead

Negatived on division 165

Kerry McCarthy

Clause 248, page 211, line 38, at end insert—

- “(10A) When making regulations under this section the appropriate authority must have regard to the particular importance of furthering the conservation and enhancement of biodiversity.
- (10B) The appropriate authority—
- (a) may make regulations under this section only if satisfied that the regulations do not reduce the overall level of environmental protection or the level of protection for individual sites and species, and
 - (b) before making regulations under this section, must publish a statement explaining why it is so satisfied.
- (10C) Before making regulations under this section, the appropriate authority must seek advice from persons who are independent of the authority and have relevant expertise.

- (10D) A statement published under subsection (10B)(b) must include an explanation relating in particular to protection provided by—
- (a) the Marine and Coastal Access Act 2009, the Marine Act (Northern Ireland) 2013 or the Marine (Scotland) Act 2010 (as the case may be),
 - (b) the Conservation of Habitats and Species Regulations 2017,
 - (c) the Conservation (Natural Habitats, &c.) Regulations 1994 or the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as the case may be), and
 - (d) the Conservation of Offshore Marine Habitats and Species Regulations 2017.”

Member's explanatory statement

This amendment would apply certain conditions to the making of regulations relating to the assessment of the environmental effects etc of relevant offshore wind projects.

Andrew Bowie

Agreed to Gov 153

Clause 248, page 212, line 3, leave out “projects” and insert “activities”

Member's explanatory statement

This amendment is consequential on Amendment 135.

Clause, as amended, agreed to.

Andrew Bowie

Agreed to Gov 154

Clause 249, page 212, line 21, leave out “projects” and insert “activities”

Member's explanatory statement

This amendment is consequential on Amendment 135.

Andrew Bowie

Agreed to Gov 155

Clause 249, page 212, line 24, leave out “projects” and insert “activities”

Member's explanatory statement

This amendment is consequential on Amendment 135.

Clause, as amended, agreed to.

Andrew Bowie

Agreed to Gov 156

Clause 250, page 214, line 34, leave out "project" and insert "activity"

Member's explanatory statement

This amendment is consequential on Amendment 135.

Clause, as amended, agreed to.

Clauses 251 to 254 agreed to.

Schedule 19 agreed to.

Clause 255 agreed to.

Twelfth and Thirteenth Sittings

Clause 256 agreed to.

Andrew Bowie

Agreed to Gov 120

Clause 257, page 223, line 15, leave out "or a licensed disposal site"

Member's explanatory statement

This amendment corrects a minor and technical drafting error in new s.3A of the Nuclear Installations Act 1965: a licensed disposal site (as currently defined for the purposes of the new section) is not a nuclear installation (within the meaning given by s.26(1) of the Act) and so the carve out in subsection (3) is not necessary.

Andrew Bowie

Agreed to Gov 121

Clause 257, page 224, leave out lines 5 to 8

Member's explanatory statement

This amendment, consequential on Amendment 120, removes the unnecessary definition of "licensed disposal site" from new section 3A of the Nuclear Installations Act 1965.

Clause, as amended, agreed to.

Clauses 258 and 259 agreed to.

Andrew Bowie

Agreed to Gov 124

Schedule 20, page 374, line 9, leave out sub-paragraph (4)

Member's explanatory statement

This amendment and the Minister's other amendments to Schedule 20 make minor and consequential changes to that Schedule to ensure accurate implementation of the CSC.

Andrew Bowie

Agreed to Gov 125

Schedule 20, page 375, line 7, leave out ", (3BA), (3BB), (3BC), (3BD) or (3BE)" and insert "or, in a case where the relevant reciprocating territory is also a CSC territory (as defined by section 16AA), (3BB)"

Member's explanatory statement

See the Minister's explanatory statement for Amendment 124.

Andrew Bowie

Agreed to Gov 126

Schedule 20, page 377, line 4, at end insert—

- "(c) a country mentioned in section 26(1B)(b),
- (d) an overseas territory mentioned in section 26(1B)(c) or (d), or
- (e) a relevant reciprocating territory."

Member's explanatory statement

See the Minister's explanatory statement for Amendment 124.

Andrew Bowie

Agreed to Gov 132

Schedule 20, page 378, line 11, at end insert "(as amended or supplemented from time to time)"

Member's explanatory statement

This amendment ensures that the definition of "the CSC" in Schedule 20 is to the Convention on Supplementary Compensation for Nuclear Damage as amended or supplemented.

Andrew Bowie

Agreed to Gov 127

Schedule 20, page 379, line 13, leave out "In section 26 of the 1965 Act (interpretation)," and insert—

"(1) Section 26 of the 1965 Act (interpretation) is amended as follows.

(2)"

Member's explanatory statement

See the Minister's explanatory statement for Amendment 124.

Andrew Bowie

Agreed to Gov 128

Schedule 20, page 379, line 27, at end insert—

"(e) after the definition of "overseas territory" insert—

"the Paris Convention" means the Convention on Third Party Liability in the Field of Nuclear Energy of 29 July 1960, as amended by the Additional Protocol of 28 January 1964, by the Protocol of 16 November 1982 and by the Protocol of 12 February 2004;"

Member's explanatory statement

This amendment sets out a definition of the Paris Convention for the purposes of the amendments to the Nuclear Installations Act 1965 to which Amendment 129 relates.

Andrew Bowie

Agreed to Gov 129

Schedule 20, page 379, line 27, at end insert—

"() In subsection (1A)(a)—

- (a) in the opening words, for "a relevant international agreement" substitute "the Paris Convention";
- (b) in sub-paragraph (i)—
 - (i) for "relevant international agreement" (in each place it appears) substitute "Convention";
 - (ii) for "agreement" (in the third place it appears) substitute "Convention";
 - (iii) for "agreement's" substitute "Convention's";
- (c) in sub-paragraph (ii), for "relevant international agreement" substitute "Convention"."

Member's explanatory statement

See the Minister's explanatory statement for Amendment 124.

Schedule, as amended, agreed to.

Dr Alan Whitehead

Withdrawn after debate 162

Kerry McCarthy

Clause 260, page 230, line 23, at end insert—

“(d) the provision of the additional police services in question is within the competence and in accordance with the usual operational practices of the Civil Nuclear Constabulary”

Dr Alan Whitehead

Not called 163

Kerry McCarthy

Clause 260, page 230, line 33, after “Secretary of State”, insert “or the Police Authority”

Clause agreed to.

Clauses 261 to 263 agreed to.

Dr Alan Whitehead

Negated on division 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.

Clause agreed to.

Clauses 265 to 269 agreed to.

Question proposed, That Clause 270 stand part of the Bill.

Fourteenth and Fifteenth Sittings

Andrew Bowie

Not selected 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.

Clause negated on division.

Andrew Bowie

Not selected Gov 122

Page 238, line 10, leave out Clause 271

Member's explanatory statement

This amendment removes clause 271. NC52 is intended to replace clause 271.

Clause negated on division.

Andrew Bowie

Not selected 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.

Clause negated on division.

Andrew Bowie

Not selected 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.

Clause negated on division.

Clause 132 agreed to.

Andrew Bowie

Agreed to 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.

Schedule, as amended, agreed to.

Clause 133 agreed to.

Schedule 8 agreed to.

Clauses 134 to 137 agreed to.

Schedule 9 agreed to.

Clause 138 agreed to.

Andrew Bowie

Agreed to 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.

Clause, as amended, agreed to.

Andrew Bowie**Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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 a 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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

Added 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.

Andrew Bowie

Added Gov NC52

To move the following Clause—

“Principal objectives of Secretary of State and GEMA

- (1) Section 4AA of the Gas Act 1986 (principal objective and general duties of Secretary of State and GEMA) is amended as set out in subsections (2) and (3).
- (2) In subsection (1A)(a), for “the reduction of gas-supply emissions of targeted greenhouse gases” substitute “the Secretary of State’s compliance with the duties in sections 1 and 4(1)(b) of the Climate Change Act 2008 (net zero target for 2050 and five-year carbon budgets)”.
- (3) In subsection (5B), omit the definitions of “emissions”, “gas-supply emissions” and “targeted greenhouse gases”.
- (4) Section 3A of the Electricity Act 1989 (principal objective and general duties of Secretary of State and GEMA) is amended as set out in subsections (5) and (6).
- (5) In subsection (1A)(a), for “the reduction of electricity-supply emissions of targeted greenhouse gases” substitute “the Secretary of State’s compliance with the duties in sections 1 and 4(1)(b) of the Climate Change Act 2008 (net zero target for 2050 and five-year carbon budgets)”.
- (6) In subsection (5B), omit the definitions of “emissions”, “electricity-supply emissions” and “targeted greenhouse gases”.

Member's explanatory statement

This new clause is intended to replace clause 271. The intention is for it to appear at the start of Part 6. It is equivalent in substance to clause 271 but includes some drafting changes and consequential amendments.

Andrew Bowie

Added Gov NC53

To move the following Clause—

“Electricity support payments for energy-intensive industries

- (1) The Secretary of State may make regulations requiring payments (“electricity support payments”) to be made to a person who carries out an energy-intensive activity, for the purpose of alleviating the impact on the person of electricity costs.
- (2) In subsection (1), “energy-intensive activity” means an activity (or description of activity) that is designated as such in the regulations.
- (3) The regulations may make provision—
 - (a) about the circumstances in which a person is eligible for electricity support payments;
 - (b) about how eligibility is to be considered and determined;
 - (c) setting out a process for applying for electricity support payments, including provision about the form and content of applications;
 - (d) about the calculation of electricity support payments;
 - (e) requiring a person to provide information that is relevant to their eligibility for electricity support payments or to the calculation of any such payments;
 - (f) requiring a person who supplies electricity to another person to provide information that is relevant to the matters mentioned in paragraph (e) (whether to the person to whom the information relates or to another person specified in the regulations);
 - (g) about the sharing of information provided by virtue of paragraph (e) or (f);
 - (h) requiring past electricity support payments to be repaid (with or without interest) in circumstances specified in the regulations;
 - (i) about how amounts repaid by virtue of paragraph (h) are to be applied (including provision for amounts to be held in reserve or paid into the Consolidated Fund);
 - (j) for the enforcement of obligations imposed by or under the regulations (including provision about interest on late payments and imposing financial penalties);
 - (k) about the resolution of disputes, including provision about arbitration or appeals (which may in particular include provision for the person conducting an arbitration or determining an appeal to order the payment of costs or expenses or compensation).
- (4) Where by virtue of subsection (3)(j) the regulations provide for the imposition of a financial penalty, they must also provide for a right of appeal against the imposition of the penalty.
- (5) The regulations may—

- (a) appoint a person, with the person's consent, to carry out functions in connection with electricity support payments (a "support payment administrator");
 - (b) confer functions on the support payment administrator;
 - (c) require the support payment administrator to provide information or assistance to the Secretary of State, or to another person specified in the regulations, in relation to any functions so conferred.
- (6) Where—
 - (a) the regulations impose a requirement on a regulated person (as defined by section 25(8) of the Electricity Act 1989),
 - (b) the requirement is enforceable by a support payment administrator, and
 - (c) the support payment administrator is the GEMA,the regulations may provide for the requirement to be enforceable by the GEMA as if it were a relevant requirement imposed on the person for the purposes of section 25 of that Act.
- (7) The regulations may provide for any sum—
 - (a) that a person is required under the regulations to pay to the Secretary of State or to a support payment administrator, and
 - (b) that has not been paid by the date required,to be recoverable from the person as a civil debt due to the Secretary of State or to the support payment administrator (as the case may be).
- (8) The regulations may make provision about the terms of a support payment administrator's appointment, including provision—
 - (a) for the support payment administrator to be remunerated, or compensated for costs that they incur;
 - (b) about how an appointment may be terminated by the Secretary of State or by the support payment administrator, and when termination takes effect.
- (9) If functions of a support payment administrator ("the outgoing administrator") are to be taken on by another support payment administrator or by the Secretary of State ("the successor"), the regulations may—
 - (a) require the outgoing administrator to take steps specified in the regulations to enable or facilitate the carrying out of those functions by the successor;
 - (b) provide for the transfer of any property, rights or liabilities from the outgoing administrator to the successor;
 - (c) provide for anything done by or in relation to the outgoing administrator in connection with any property, rights or liabilities to be treated as done, or to be continued, by or in relation to the successor."Property" in this subsection includes interests of any description.
- (10) Regulations under this section may confer a discretion on the Secretary of State or on a support payment administrator.
- (11) Regulations under this section are subject to the affirmative procedure."

Member's explanatory statement

This new clause, intended to be inserted in Part 6, empowers the Secretary of State to make regulations setting up a scheme for helping energy-intensive industries with high electricity costs. It allows for a person to be appointed to administer the scheme.

Andrew Bowie

Added Gov NC54

To move the following Clause—

“Levy to fund electricity support payments

- (1) The Secretary of State may make regulations requiring the payment of a levy by electricity suppliers for the purpose of funding—
 - (a) the making of electricity support payments by virtue of section 1 (including expected future payments);
 - (b) any other costs arising by virtue of section 1 or this section (including expected future costs).
- (2) The regulations may make provision—
 - (a) about the calculation of the levy;
 - (b) requiring electricity suppliers to provide financial collateral in respect of their obligations to pay the levy, and about the form and terms of such collateral;
 - (c) for the issuing of notices to require the payment of the levy or the provision of collateral;
 - (d) for the provision of copies of such notices to persons specified in the regulations or for the publication of such notices;
 - (e) about how amounts of levy are to be applied once paid (including provision for amounts to be held in reserve or paid into the Consolidated Fund);
 - (f) for the recovery of unpaid amounts of levy in the event of the insolvency or default of an electricity supplier (including provision requiring amounts to be borne by other electricity suppliers in accordance with the regulations);
 - (g) requiring electricity suppliers or the GEMA to provide information that is needed to determine—
 - (i) what an electricity supplier's obligations are in relation to the levy, or
 - (ii) whether an electricity supplier has complied with those obligations;
 - (h) about the sharing of information provided by virtue of paragraph (g);
 - (i) for the enforcement of obligations imposed by or under the regulations (including provision about interest on late payments and imposing financial penalties);
 - (j) about the resolution of disputes, including provision about arbitration or appeals (which may in particular include provision for the person conducting an arbitration or determining an appeal to order the payment of costs or expenses or compensation).

- (3) Where by virtue of subsection (2)(i) the regulations provide for the imposition of a financial penalty, they must also provide for a right of appeal against the imposition of the penalty.
- (4) The regulations may—
 - (a) appoint a person, with the person's consent, to carry out functions in connection with the levy (a "levy administrator");
 - (b) confer functions on the levy administrator;
 - (c) require the levy administrator to provide information or assistance to the Secretary of State, or to another person specified in the regulations, in relation to any functions so conferred.
- (5) Where—
 - (a) the regulations impose a requirement on a regulated person (as defined by section 25(8) of the Electricity Act 1989),
 - (b) the requirement is enforceable by a levy administrator, and
 - (c) the levy administrator is the GEMA,the regulations may provide for the requirement to be enforceable by the GEMA as if it were a relevant requirement imposed on the person for the purposes of section 25 of that Act.
- (6) The regulations may provide for any sum—
 - (a) that a person is required under the regulations to pay to the Secretary of State or to a levy administrator, and
 - (b) that has not been paid by the date required,to be recoverable from the person as a civil debt due to the Secretary of State or to the levy administrator (as the case may be).
- (7) The regulations may make provision about the terms of a levy administrator's appointment, including provision—
 - (a) for the levy administrator to be remunerated, or compensated for costs that they incur;
 - (b) about how an appointment may be terminated by the Secretary of State or by the levy administrator, and when termination takes effect.
- (8) If functions of a levy administrator ("the outgoing administrator") are to be taken on by another levy administrator or by the Secretary of State ("the successor"), the regulations may—
 - (a) require the outgoing administrator to take steps specified in the regulations to enable or facilitate the carrying out of those functions by the successor;
 - (b) provide for the transfer of any property, rights or liabilities from the outgoing administrator to the successor;
 - (c) provide for anything done by or in relation to the outgoing administrator in connection with any property, rights or liabilities to be treated as done, or to be continued, by or in relation to the successor."Property" in this subsection includes interests of any description.
- (9) Regulations under this section may confer a discretion on the Secretary of State or on a levy administrator.

- (10) Regulations under this section are subject to the affirmative procedure.
- (11) In this section, “electricity supplier” means the holder of a licence under section 6(1)(d) of the Electricity Act 1989.”

Member's explanatory statement

This new clause, intended to be inserted in Part 6, empowers the Secretary of State to make regulations imposing a levy on electricity suppliers, to fund the scheme which may be set up by virtue of NC53. It allows for a person to be appointed to administer the levy.

Andrew Bowie

Added Gov NC55

To move the following Clause—

**“Convention on Supplementary Compensation for Nuclear Damage:
implementation power**

- (1) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate—
 - (a) to implement the CSC, or
 - (b) otherwise for the purposes of dealing with any other matter arising out of, or related to, the CSC.
- (2) The provision that may be made by virtue of subsection (1) includes provision that is authorised by the CSC to be made in relation to a particular matter.
- (3) Regulations under this section may amend—
 - (a) Schedule 20,
 - (b) the Nuclear Installations Act 1965, or
 - (c) any other enactment having effect in relation to a matter to which the CSC relates.
- (4) In this section, “the CSC” means the Convention on Supplementary Compensation for Nuclear Damage (as amended or supplemented from time to time).
- (5) Regulations under this section are subject to the affirmative procedure.”

Member's explanatory statement

This new clause confers a power to make regulations in connection with the Convention on Supplementary Compensation for Nuclear Damage, including provision to implement the Convention. The regulations may in particular amend the Nuclear Installations Act 1965.

Andrew Bowie

Added Gov NC59

To move the following Clause—

“Key definitions for Part

- (1) In this Part—

- “designated person” means a person in relation to whom a designation under section (*Designation*)(1) has effect (and any reference to designation, in relation to a person, is to be construed accordingly);
- “designated project”, in relation to a person, means a hydrogen pipeline project in relation to which the person is designated;
- “gas transporter licence” means a licence under section 7 of the Gas Act 1986;
- “hydrogen” means any gas that consists wholly or mainly of hydrogen;
- “hydrogen pipeline project” means a project involving the construction, alteration or operation of a pipeline for the purpose of the conveyance of hydrogen.

- (2) References in this Part to the extension or restriction of a licence are to the giving of a direction in respect of the licence under (respectively) section 7(4) or (4A) of the Gas Act 1986.”

Member's explanatory statement

This new clause, together with NC60, NC61, NC62, NC63, NC64, NC65, NC66, NC67, NC68, NC70 and NC71, is intended to form a new Part to be inserted after Part 2. The new clause defines key terms that are used in the intended new Part, which will give the Secretary of State powers to provide for a regulated asset base model for certain licences for the conveyance of hydrogen through pipes.

Andrew Bowie

Added Gov NC60

To move the following Clause—

“Designation

- (1) The Secretary of State may by notice given to a person designate the person in relation to a hydrogen pipeline project.
- (2) The Secretary of State may designate a person in relation to a hydrogen pipeline project only if the Secretary of State is of the opinion—
- (a) that it is likely to be appropriate for conditions described in section (*Scope of modification powers under section (Modification of gas transporter licences by Secretary of State)*)(1)(a) and (b) to be included in any gas transporter licence held by the person for the purposes of the project (whether or not the person already holds such a licence), and
 - (b) that the project is likely to result in value for money.
- (3) A person may be designated only with the person’s consent.
- (4) A designation may not relate to more than one hydrogen pipeline project (but a person who is designated in relation to one project may be designated separately in relation to another).”

Member's explanatory statement

This new clause gives the Secretary of State the power, with a person’s consent, to designate the person in relation to a hydrogen pipeline project. Subsection (2) sets out conditions that apply to the exercise of the power to designate.

Andrew Bowie

Added Gov NC61

To move the following Clause—

“Designation: procedure

- (1) The Secretary of State must publish a statement setting out—
 - (a) the procedure that the Secretary of State expects to follow in determining whether to exercise the power under section (*Designation*)(1), and
 - (b) how the Secretary of State expects to determine whether the conditions in section (*Designation*)(2) are met.
- (2) A duty imposed by subsection (1) may be satisfied by things done before the passing of this Act (as well as by things done after that time).
- (3) A designation notice must include—
 - (a) a description of the hydrogen pipeline project to which the designation relates,
 - (b) the Secretary of State’s reasons for the designation,
 - (c) details of any conditions to which the designation is subject, and
 - (d) the date of the notice.
- (4) The Secretary of State must give the GEMA a copy of a designation notice.
- (5) The Secretary of State must publish a designation notice, but may exclude from publication any material the disclosure or publication of which the Secretary of State considers—
 - (a) would be likely to prejudice the commercial interests of any person, or
 - (b) would be contrary to the interests of national security.
- (6) In this section, “designation notice” means a notice under section (*Designation*)(1).”

Member's explanatory statement

This new clause requires the Secretary of State to publish a statement setting out the procedure that is expected to apply in relation to the exercise of the power under NC60. It also sets out procedural requirements that apply to a designation notice.

Andrew Bowie

Added Gov NC62

To move the following Clause—

“Revocation of designation

- (1) The Secretary of State may by notice given to a designated person revoke the person’s designation in relation to a hydrogen pipeline project if—
 - (a) either of the conditions in section (*Designation*)(2) ceases to be met in relation to the project,
 - (b) the Secretary of State determines that a condition to which the designation is subject has not been met, or

- (c) the person consents to the designation being revoked.
- (2) Section (*Designation: procedure*)(3)(a), (b) and (d), (4) and (5) applies (with necessary modifications) in relation to the revocation of a person's designation as it applies in relation to the designation of a person.
- (3) Where the Secretary of State gives a notice to a person under subsection (1), the person's designation in relation to the hydrogen pipeline project in question ceases to have effect at the end of the day on which the notice is given to the person.
- (4) The revocation of a person's designation in relation to a hydrogen pipeline project does not affect anything done in relation to the licence by the Secretary of State under or by virtue of this Part while the person was designated in relation to the project."

Member's explanatory statement

This new clause makes provision about the circumstances in which a person's designation in relation to a hydrogen pipeline project may be revoked, and about the procedure for revocation.

Andrew Bowie

Added Gov NC63

To move the following Clause—

"Grant, extension or restriction of gas transporter licence by Secretary of State

- (1) The Secretary of State may exercise the power under section 7(2) of the Gas Act 1986 (grant of gas transporter licences) so as to grant a gas transporter licence to a designated person, subject to subsection (2).
- (2) The Secretary of State may only grant a gas transporter licence which authorises the conveyance of hydrogen through pipes for the purposes of the person's designated project.
- (3) The Secretary of State may exercise the power under section 7(4) of the Gas Act 1986 (direction to extend licence) so as to extend a gas transporter licence where—
 - (a) the licence is held by a designated person, and
 - (b) the extension authorises the conveyance of hydrogen through pipes for the purposes of the person's designated project.
- (4) The Secretary of State may exercise the power under section 7(4A) of the Gas Act 1986 (direction to restrict licence) so as to restrict a gas transporter licence where—
 - (a) the licence is or was held by a designated person, and
 - (b) the restriction is in connection with the revocation of the person's designation in relation to a hydrogen pipeline project.
- (5) In its application for the purposes of subsections (1), (3) and (4), the Gas Act 1986 has effect as if—
 - (a) in the following provisions, references to the GEMA were to the Secretary of State—

- (i) section 7(5) and (6)(a);
 - (ii) section 7B(9);
 - (iii) section 8(3), (4) and (5)(a);
 - (b) in sections 7(6)(b) and 8(5)(b), references to the Secretary of State were to the GEMA;
 - (c) in section 7B(4)(c), the reference to the GEMA included a reference to the Secretary of State, but only for the purpose of enabling the inclusion of conditions requiring the rendering of a payment on the grant of a licence;
 - (d) section 7B(9) also required a copy of the licence to be sent to the GEMA.
- (6) When granting or extending a gas transporter licence by virtue of this section, the Secretary of State must have regard to—
- (a) costs, expenditure or liabilities of any description that the designated person may reasonably be expected to incur in carrying out its activities;
 - (b) the need to secure that the designated person is able to finance its activities;
 - (c) the need to secure that the designated person has appropriate incentives in relation to the carrying on of its activities;
 - (d) such other matters as the Secretary of State considers appropriate.
- (7) References in subsection (6) to a designated person's activities are to the person's activities for the purposes of—
- (a) the designated project to which the grant or extension relates, and
 - (b) in the case of an extension, any other designated project already authorised by the person's gas transporter licence.
- (8) A gas transporter licence granted, extended or restricted by the Secretary of State by virtue of subsection (1) has effect for all purposes as if it had been granted, extended or restricted by the GEMA."

Member's explanatory statement

This new clause provides that the Secretary of State may exercise the powers conferred on the Gas and Electricity Markets Authority by section 7 of the Gas Act 1986 to grant, extend or restrict gas transporter licences, so far as those powers relate to licences to be granted to or held by designated persons for the purposes of hydrogen pipeline projects.

Andrew Bowie

Added Gov NC64

To move the following Clause—

"Applications for grant etc of gas transporter licence

- (1) The Secretary of State may by regulations make provision about the making, consideration and determination of relevant applications, including provision—
- (a) about the person to whom a relevant application must be made;
 - (b) about the form and manner in which a relevant application must be made;

- (c) imposing timing requirements in relation to the making of a relevant application;
 - (d) requiring a relevant application to be accompanied by such information and documents as may be specified in the regulations;
 - (e) requiring a relevant application to be accompanied by such fee (if any) as may be—
 - (i) specified in the regulations, or
 - (ii) determined, by the person to whom the application is made, in accordance with the regulations;
 - (f) about the matters to be taken into account in determining a relevant application;
 - (g) requiring a determination to be accompanied by reasons;
 - (h) requiring determinations to be published;
 - (i) conferring functions on the Secretary of State or the GEMA (including functions involving the exercise of a discretion);
 - (j) for anything falling to be determined under the regulations to be determined—
 - (i) by the Secretary of State, the GEMA or another person specified in the regulations, and
 - (ii) in accordance with such procedure and by reference to such matters and to the opinion of such persons as may be so specified.
- (2) “Relevant application” means an application within any of the following paragraphs (whether made to the Secretary of State or the GEMA)—
- (a) an application by a designated person for the grant of a gas transporter licence that authorises the conveyance of hydrogen through pipes for the purposes of the person’s designated project;
 - (b) an application by a designated person for the extension of a gas transporter licence held by the person so that it authorises the conveyance of hydrogen through pipes for the purposes of the person’s designated project;
 - (c) an application by a person who is or has been designated for the restriction of a gas transporter licence held by the person, in connection with the person’s designation in relation to a hydrogen pipeline project ceasing to have effect.
- (3) Provision made by virtue of subsection (1)(j)(ii) may in particular be made by reference to a document as amended from time to time.
- (4) Regulations under this section—
- (a) may provide for cases in which an application is not required;
 - (b) may provide for a relevant application that has been rejected by one person to be dealt with afresh by another person.
- (5) Before making regulations under this section, the Secretary of State must consult the GEMA.

- (6) Section 7B(1) to (2A) of the Gas Act 1986 does not apply to an application for the grant, extension or restriction of a gas transporter licence so far as the application is one to which regulations under this section apply.
- (7) Any sums received by the Secretary of State or the GEMA by virtue of this section are to be paid into the Consolidated Fund.
- (8) Regulations under this section are subject to the negative procedure.
- (9) For the purposes of section 5A(1) to (10) of the Utilities Act 2000 (duty of the GEMA to carry out impact assessment), a function exercisable by the GEMA by virtue of regulations under this section is to be treated as if it were a function exercisable by it under or by virtue of Part 1 of the Gas Act 1986."

Member's explanatory statement

This new clause confers a power for the Secretary of State to make regulations about the procedure relating to applications for the grant, extension or restriction of a gas transporter licence for the purposes of a hydrogen pipeline project in relation to which a person is designated.

Andrew Bowie

Added Gov NC65

To move the following Clause—

"Modification of gas transporter licence by Secretary of State

- (1) The Secretary of State may modify—
 - (a) the conditions of a designated person's gas transporter licence;
 - (b) the terms of a designated person's gas transporter licence;
 - (c) the standard conditions incorporated in gas transporter licences by virtue of section 8 of the Gas Act 1986;
 - (d) a document maintained in accordance with the conditions of licences of a relevant type or an agreement that gives effect to a document so maintained.
- (2) The Secretary of State may exercise the power under subsection (1) only for the purpose of—
 - (a) facilitating or supporting the financing of the design, construction, commissioning or operation of a hydrogen pipeline project (or of hydrogen pipeline projects generally), or
 - (b) promoting value for money in connection with a hydrogen pipeline project (or in connection with hydrogen pipeline projects generally).
- (3) When making modifications under subsection (1)(a) or (b), the Secretary of State must have regard to—
 - (a) the duties in sections 1 and 4(1)(b) of the Climate Change Act 2008 (carbon targets and budgets);
 - (b) the interests of existing and future consumers of gas conveyed through pipes, including their interests in relation to the cost and security of supply of gas;

- (c) costs, expenditure or liabilities of any description that the designated person may reasonably be expected to incur in carrying out its activities;
- (d) the need to secure that the designated person is able to finance its activities;
- (e) the need to secure that the designated person has appropriate incentives in relation to the carrying on of its activities;
- (f) such other matters as the Secretary of State considers appropriate.

In paragraph (b), “gas” has the same meaning as in Part 1 of the Gas Act 1986 (see section 48(1) of that Act).

- (4) The Secretary of State may modify the conditions or terms of a gas transporter licence held by a person who is or was a designated person in connection with the revocation of the person’s designation in relation to a hydrogen pipeline project.
- (5) For the purposes of subsection (1), each of the following is a relevant type of licence—
 - (a) a gas transporter licence;
 - (b) a licence under section 7A(1) of the Gas Act 1986 (gas supply licence);
 - (c) a licence under section 7AA of that Act (gas system planner licence);
 - (d) a licence under section 7AC of that Act (code manager licence).
- (6) References in this section to a designated person’s activities are to the person’s activities for the purposes of—
 - (a) the designated project to which the modification relates, and
 - (b) any other designated project authorised by the person’s gas transporter licence.”

Member's explanatory statement

This new clause gives the Secretary of State power to modify the conditions or terms of a designated person’s gas transporter licence, where the modification is for a purpose set out in subsection (2). It also requires the Secretary of State to have regard to specified matters when exercising the power to modify.

Andrew Bowie

Added Gov NC66

To move the following Clause—

“Scope of modification powers under section (Modification of gas transporter licences by Secretary of State)

- (1) Modifications made under section (*Modification of gas transporter licences by Secretary of State*)(1)(a) may include, for example, provision—
 - (a) about the revenue that the designated person may receive in respect of its activities (its “allowed revenue”);
 - (b) about how the designated person’s allowed revenue is to be calculated;
 - (c) about the amounts that the designated person is entitled to receive, or is required to pay, under any hydrogen transport revenue support

- contract (within the meaning of Chapter 1 of Part 2) to which it is a party;
- (d) about activities that the designated person must, may or may not carry on;
 - (e) about the management of the designated person's activities, including the manner in which they are carried out;
 - (f) conferring functions on the GEMA, including provision enabling or requiring the designated person to refer for determination, decision or approval by the GEMA matters specified, or of a description specified, in the licence;
 - (g) for the amendment of the licence for the purpose of implementing a determination or decision of the GEMA or the Competition and Markets Authority;
 - (h) requiring the designated person to comply with any direction or instruction, or to have regard to any guidance, given by the GEMA in relation to matters specified, or of a description specified, in the licence;
 - (i) requiring the designated person to co-operate with the GEMA and to provide such information and assistance to the GEMA as it may require for the purposes of carrying out any of its functions;
 - (j) about the payment by the designated person, to the GEMA or to the Competition and Markets Authority, of such amounts as may be determined by or in accordance with the licence;
 - (k) about the disclosure or publication of information by the designated person.
- (2) Modifications made under section (*Modification of gas transporter licences by Secretary of State*)(1)(b) may include, for example, provision about the circumstances in which a licence may be revoked or suspended.
- (3) The powers under section (*Modification of gas transporter licences by Secretary of State*)(1) and (4) to "modify" include the power to amend, add to or remove; and references to modification in section (*Modification of gas transporter licences by Secretary of State*), this section and section (*Procedure etc relating to modifications under section (Modification of gas transporter licences by Secretary of State)*) are to be construed accordingly.
- (4) The powers conferred by section (*Modification of gas transporter licences by Secretary of State*)(1) and (4) —
- (a) may be exercised generally, only in relation to specified cases, or subject to exceptions (including by making provision for a case to be excepted only so long as specified conditions are satisfied);
 - (b) may be exercised differently for different purposes or areas;
 - (c) include power to make incidental, supplementary, consequential or transitional modifications.
- (5) Provision included in a gas transporter licence, or in a document or agreement described in section (*Modification of gas transporter licences by Secretary of State*)(1)(d), by virtue of section (*Modification of gas transporter licences by Secretary of State*)—
- (a) need not relate to the activities authorised by the licence;

- (b) may do anything authorised for gas transporter licences by section 7B(4A), (5)(a), (6) or (7) of the Gas Act 1986.
- (6) The modification under section (*Modification of gas transporter licences by Secretary of State*)(1) or (4) of part of a standard condition of a gas transporter licence does not prevent any other part of the condition from continuing to be regarded as a standard condition for the purposes of Part 1 of the Gas Act 1986.
- (7) In section 81(2) of the Utilities Act 2000 (standard conditions of gas licences), after “section 85” (as inserted by section 87(13) of this Act) insert “, (*Modification of gas transporter licences by Secretary of State*)(1) or (4)”.
- (8) References in this section to a designated person’s activities are to the person’s activities for the purposes of—
 - (a) the designated project to which the modification relates, and
 - (b) any other designated project authorised by the person’s gas transporter licence.”

Member's explanatory statement

This new clause makes provision about the nature of the modifications that the Secretary of State may make to a designated person’s gas transporter licence. The conditions mentioned in subsection (1)(a) and (b) are key to the regulated asset base model for hydrogen pipeline projects.

Andrew Bowie

Added Gov NC67

To move the following Clause—

“Procedure etc relating to modifications under section (*Modification of gas transporter licences by Secretary of State*)

- (1) Before making a modification under section (*Modification of gas transporter licences by Secretary of State*)(1) or (4), the Secretary of State must consult—
 - (a) the holder of any licence being modified,
 - (b) the GEMA, and
 - (c) such other persons as the Secretary of State considers appropriate.
- (2) If under section (*Modification of gas transporter licences by Secretary of State*)(1) the Secretary of State modifies the standard conditions of a gas transporter licence, the GEMA must—
 - (a) make the same modification of those standard conditions for the purposes of their incorporation in gas transporter licences granted after that time, and
 - (b) publish the modification.
- (3) The Secretary of State must publish details of any modifications made under section (*Modification of gas transporter licences by Secretary of State*)(1) and (4) as soon as reasonably practicable after they are made.
- (4) The Secretary of State may exclude from publication under subsection (3) any material the disclosure or publication of which the Secretary of State considers—

- (a) would be likely to prejudice the commercial interests of any person, or
- (b) would be contrary to the interests of national security.”

Member's explanatory statement

This new clause makes provision about the procedure for making modifications under NC65.

Andrew Bowie

Added Gov NC68

To move the following Clause—

“Information and advice

- (1) The Secretary of State may by regulations make provision about the provision and publication of information and advice in connection with the carrying out of functions of any person under or by virtue of this Part.
- (2) The provision that may be made by virtue of subsection (1) includes provision—
 - (a) for the Secretary of State to require the GEMA to provide information to a hydrogen transport counterparty or any other specified person;
 - (b) for a hydrogen transport counterparty to require the GEMA to provide information to it;
 - (c) for the Secretary of State to require a designated person, a hydrogen transport counterparty or any other specified person to provide information to the GEMA;
 - (d) for the GEMA to require a designated person, a hydrogen transport counterparty or any other specified person to provide information to the GEMA;
 - (e) for the Secretary of State to require a designated person, a hydrogen transport counterparty, the GEMA or any other specified person to provide information or advice to the Secretary of State or any other specified person;
 - (f) for the classification and protection of confidential or sensitive information;
 - (g) for the enforcement of any requirement imposed by virtue of any of paragraphs (a) to (f).
- (3) Section 105(1) of the Utilities Act 2000 (general restrictions on disclosure of information) does not apply to a disclosure required by virtue of this section.
- (4) The first regulations under this section are subject to the affirmative procedure.
- (5) Any other regulations under this section are subject to the negative procedure.
- (6) In this section—
 - “designated person” includes a person who has been a designated person;
 - “hydrogen transport counterparty” has the same meaning as in Chapter 1 of Part 2 (see section 56);
 - “specified person” means a person specified, or of a description specified, in regulations under this section.

- (7) See also section 34(4) of the Gas Act 1986 (general duty for the GEMA to give information, advice and assistance to the Secretary of State or the Competition and Markets Authority)."

Member's explanatory statement

This new clause confers power on the Secretary of State to make regulations about the provision and publication of information and advice in connection with the new Part that is intended to be inserted after Part 2 of the Bill.

Andrew Bowie

Added Gov NC69

To move the following Clause—

"Conditions of gas transporter licences for conveyance of hydrogen

- (1) For the purposes of this section, "relevant licence" means a gas transporter licence so far as it authorises a person to convey hydrogen through pipes in connection with the carrying on of a hydrogen pipeline project.
- (2) Without prejudice to the generality of section 7B(4)(a) of the Gas Act 1986 (conditions of licences), conditions described in subsection (3) may be included in a relevant licence in respect of circumstances where a person other than the licence holder ("the candidate")—
 - (a) has applied for, or is considering whether to apply for, a relevant licence, or
 - (b) is considering whether to apply for financial support for activities relating to the production, transportation, storage or use of hydrogen.
- (3) The conditions referred to in subsection (2) are conditions that require the licence holder to comply with a direction given by the Secretary of State or the GEMA requiring the holder to provide to the candidate—
 - (a) information in relation to the activities authorised by the licence, and
 - (b) any other assistance that the candidate may reasonably require for the purpose of determining whether to—
 - (i) apply for a relevant licence, or
 - (ii) apply for financial support as mentioned in subsection (2)(b).
- (4) A person ("P") may not under section 8(3) of the Gas Act 1986 modify a condition of a relevant licence unless P is of the opinion that the modification is such that—
 - (a) the licence holder would not be unduly disadvantaged in competing with one or more other holders of licences to which this section applies, and
 - (b) no other holder of a relevant licence would be unduly disadvantaged in competing with other holders of such licences (including the holder of the relevant licence to be modified)."

Member's explanatory statement

This new clause makes provision about particular conditions that may be included in gas transporter licences so far as they authorise the conveyance of hydrogen through pipes in connection with a hydrogen pipeline project.

Andrew Bowie

Added Gov NC70

To move the following Clause—

“Secretary of State directions to the GEMA

- (1) In exercising any functions it has in relation to relevant gas transporter licences, the GEMA must comply with general or particular directions given to it by the Secretary of State for the purpose of promoting value for money in connection with a hydrogen pipeline project (or in connection with hydrogen pipeline projects generally).
- (2) In subsection (1), “relevant gas transporter licence” means a gas transporter licence, held by a designated person, that authorises the conveyance of hydrogen through pipes in connection with the person’s designated project.”

Member's explanatory statement

The effect of this new clause is to require the Gas and Electricity Markets Authority, in exercising functions in relation to gas transporter licences connected with designated hydrogen pipeline projects, to comply with general or particular directions given by the Secretary of State.

Andrew Bowie

Added Gov NC71

To move the following Clause—

“Repeal of Part

- (1) The Secretary of State may by regulations repeal any of the preceding provisions of this Part.
- (2) So far as any of those provisions is still in force on a relevant date, the Secretary of State must—
 - (a) consider whether it is appropriate to repeal that provision, and
 - (b) if satisfied that it is not appropriate to do so, publish a statement no later than 3 months after that date explaining why not.
- (3) “Relevant date” in subsection (2) means 31 December 2040 and each five-year anniversary of that date.
- (4) Regulations under this section are subject to the affirmative procedure.”

Member's explanatory statement

This new clause empowers the Secretary of State to repeal the provisions of the new Part intended to be inserted after Part 2 once the additional powers in that Part are no longer needed. It requires the Secretary of State to justify a decision not to repeal any such provision by the date mentioned.

Andrew Bowie

Added Gov NC72

To move the following Clause—

“Power to modify Gas Act 1986 in relation to hydrogen

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

Member's explanatory statement

This new clause (intended to be inserted in Chapter 3 of Part 3) empowers the Secretary of State, after consultation with the Gas and Electricity Markets Authority, to modify the Gas Act 1986 in its application to hydrogen production, transportation, storage or use.

Andrew Bowie

Added Gov NC73

To move the following Clause—

“Great British Nuclear

- (1) The Secretary of State may by notice designate a company as Great British Nuclear.
- (2) A company may be designated under this section only if—
 - (a) it is limited by shares, and
 - (b) it is wholly-owned by the Crown.
- (3) A notice under subsection (1)—
 - (a) must specify the time from which the designation has effect, and
 - (b) must be published by the Secretary of State as soon as reasonably practicable after the notice is given.
- (4) The designation of a company terminates—
 - (a) if it ceases to be wholly-owned by the Crown, or
 - (b) if the Secretary of State revokes its designation by notice.

- (5) A notice under subsection (4)(b)—
- (a) must specify the time from which the revocation has effect, and
 - (b) must be published by the Secretary of State as soon as reasonably practicable after the notice is given.
- (6) For the purposes of this section a company is wholly-owned by the Crown if each share in the company is held by—
- (a) a Minister of the Crown,
 - (b) the Nuclear Decommissioning Authority established by section 1 of the Energy Act 2004,
 - (c) the United Kingdom Atomic Energy Authority established by section 1 of the Atomic Energy Authority Act 1954,
 - (d) a company which is wholly-owned by the Crown, or
 - (e) a nominee of a person falling within any of paragraphs (a) to (d).
- (7) A company designated as Great British Nuclear under this section is exempt from the requirement in section 59 of the Companies Act 2006 (requirement as to use of “limited” in company name).
- (8) In this section—
- “company” means a company registered under the Companies Act 2006;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (see section 8(1) of that Act).”

Member's explanatory statement

This new clause allows the Secretary of State by notice to designate a company as Great British Nuclear, provided that the company is limited by shares and wholly-owned by the Crown.

Andrew Bowie

Added Gov NC74

To move the following Clause—

“Crown status

- (1) Great British Nuclear is not to be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) Great British Nuclear’s property is not to be regarded as property of, or property held on behalf of, the Crown.”

Member's explanatory statement

This new clause makes it clear that Great British Nuclear does not have Crown status.

Andrew Bowie

Added Gov NC75

To move the following Clause—

“Great British Nuclear’s objects

Great British Nuclear’s objects are to facilitate the design, construction, commissioning and operation of nuclear energy generation projects for the purpose of furthering any policies published by His Majesty’s government.”

Member’s explanatory statement

This new clause sets out Great British Nuclear’s objects of facilitating the design, construction, commissioning and operation of nuclear energy generation projects for the purpose of furthering HM Government’s policies.

Andrew Bowie

Added Gov NC76

To move the following Clause—

“Financial assistance

- (1) The Secretary of State may provide financial assistance—
 - (a) to Great British Nuclear, or
 - (b) to any other person to facilitate the design, construction, commissioning and operation of nuclear energy generation projects.
- (2) Financial assistance under this section may be provided in any form and in particular may be provided—
 - (a) by way of grant, loan, guarantee or indemnity,
 - (b) by the acquisition of shares or any other interest in a body corporate,
 - (c) by the acquisition of any undertaking or of any assets,
 - (d) pursuant to a contract, or
 - (e) by incurring expenditure for the benefit of the person assisted.
- (3) Financial assistance under this section may be provided subject to such conditions as the Secretary of State considers appropriate, which may include—
 - (a) conditions about repayment with or without interest or other return, or
 - (b) conditions with which Great British Nuclear or any recipient of financial assistance under subsection (1)(b) must comply if the financial assistance is used for—
 - (i) acquiring shares or any other interest in a body corporate, or
 - (ii) participating in a partnership or joint venture.
- (4) The power to provide financial assistance under this section is in addition to (and does not limit or replace) any other power of a Minister of the Crown to provide financial assistance.
- (5) In this section—

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (see section 8(1) of that Act);

“partnership” means—

- (a) a partnership within the meaning of the Partnership Act 1890, or
- (b) a limited partnership within the meaning of the Limited Partnerships Act 1907.”

Member's explanatory statement

This new clause allows the Secretary of State to give financial assistance to Great British Nuclear or any other person to facilitate the design, construction, commissioning and operation of nuclear energy generation projects.

Andrew Bowie

Added Gov NC77

To move the following Clause—

“Secretary of State directions and guidance

- (1) The Secretary of State may from time to time give Great British Nuclear directions or guidance.
- (2) Before giving a direction or issuing guidance the Secretary of State must consult Great British Nuclear and such other persons as the Secretary of State considers appropriate.
- (3) Directions may be general or particular in character.
- (4) Great British Nuclear must—
 - (a) comply with any directions given to it under this section, and
 - (b) have regard to any guidance given to it under this section.
- (5) The Secretary of State must—
 - (a) publish and lay before Parliament any directions given to Great British Nuclear under this section, and
 - (b) publish any guidance given to Great British Nuclear under this section.”

Member's explanatory statement

This new clause allows the Secretary of State to give Great British Nuclear directions or guidance. The directions and guidance must be published and any directions must be laid before Parliament.

Andrew Bowie

Added Gov NC78

To move the following Clause—

“Annual report

- (1) Great British Nuclear must, after the end of each reporting year, send a report to the Secretary of State about the activities it has undertaken during that year.

- (2) The Secretary of State must lay a copy of the report before Parliament together with any comments that the Secretary of State considers appropriate.
- (3) In this section “reporting year”, in relation to Great British Nuclear, means a period of 12 months ending with 31 March (but does not include any period before its designation as Great British Nuclear).”

Member's explanatory statement

This new clause requires Great British Nuclear to send an annual report to the Secretary of State.

Andrew Bowie

Added Gov NC79

To move the following Clause—

“Annual accounts

- (1) Great British Nuclear must send a copy of its accounts and reports for each financial year to the Secretary of State before the end of the period for filing those accounts and reports.
- (2) The Secretary of State must lay a copy of any accounts and reports received under subsection (1) before Parliament.
- (3) In this section—
 - “accounts and reports” means, in relation to Great British Nuclear, the annual accounts and reports that Great British Nuclear’s directors must deliver to the registrar under section 441 of the Companies Act 2006;
 - “financial year”, in relation to Great British Nuclear, means Great British Nuclear’s financial year determined in accordance with section 390 of the Companies Act 2006;
 - “period for filing”, in relation to accounts and reports for a financial year, has the same meaning as in the Companies Acts (see section 442 of the Companies Act 2006);
 - “the registrar” has the meaning given by section 1060(3) of the Companies Act 2006.”

Member's explanatory statement

This new clause requires Great British Nuclear to send its annual accounts and reports to the Secretary of State for them to be laid before Parliament.

Andrew Bowie

Added Gov NC80

To move the following Clause—

“Transfer schemes

- (1) The Secretary of State may make one or more schemes for the transfer of property, rights and liabilities—
 - (a) to a GBN body or a proposed GBN body from—
 - (i) a former GBN body;

- (ii) a GBN body;
 - (iii) a proposed GBN body;
 - (iv) a Minister of the Crown or Crown body;
 - (v) a designated BNFL body;
 - (vi) an NDA body;
 - (vii) a UKAEA body;
 - (viii) a nominee of a person falling within any of sub-paragraphs (i) to (vii);
- (b) to a former GBN body, a Minister of the Crown or Crown body, a designated BNFL body or a public body from—
- (i) a former GBN body;
 - (ii) a GBN body.
- (2) The things that may be transferred under a transfer scheme include—
- (a) rights and liabilities relating to a contract of employment;
 - (b) property, rights and liabilities that could not otherwise be transferred;
 - (c) property acquired, and rights and liabilities arising, after the making of the scheme;
 - (d) criminal liabilities.
- (3) A transfer scheme may—
- (a) create rights, or impose liabilities, in relation to property, rights or liabilities transferred;
 - (b) make provision about the continuing effect of things done by a transferor in respect of anything transferred;
 - (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to a transferor in respect of anything transferred;
 - (d) make provision for references to a transferor in an instrument or other document in respect of anything transferred to be treated as references to the transferee;
 - (e) make provision for shared ownership or use of the property;
 - (f) make provision for apportioning property, rights or liabilities;
 - (g) require a transferor, an associate of a transferor, or a transferee, to enter into any agreement of any kind, or for a purpose, specified in or determined in accordance with the scheme;
 - (h) make provision for transferring property, rights and liabilities irrespective of any requirement for consent that would otherwise apply;
 - (i) make provision for preventing a right of pre-emption, right of reverter, right of forfeiture, right to compensation or other similar right from arising or becoming exercisable as a result of the transfer of property, rights or liabilities;
 - (j) make provision for dispensing with any formality in relation to the transfer of property, rights or liabilities by the scheme;
 - (k) make provision for reimbursing any person in respect of expenditure reasonably incurred by the person in connection with the making of a transfer scheme;

- (l) make provision that has the same or similar effect to the TUPE regulations;
 - (m) make other consequential, supplementary, incidental or transitional provision.
- (4) A transfer scheme may provide—
- (a) for modifications by agreement;
 - (b) for modifications to have effect from the date when the original scheme came into effect.
- (5) A transfer scheme may make provision requiring a transferor to provide such co-operation to a transferee as the transferee may reasonably require in connection with the implementation of the scheme.
- (6) The co-operation that may be required by virtue of subsection (5) includes, in particular, co-operation in relation to—
- (a) the provision of information;
 - (b) consultation with representatives of employees transferred by the scheme.
- (7) Any requirement imposed on a person by a transfer scheme is enforceable by the Secretary of State in civil proceedings—
- (a) for an injunction,
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
 - (c) for any other appropriate remedy or relief.
- (8) Before making a transfer scheme, the Secretary of State must consult—
- (a) the transferor (or, if there is more than one transferor, the transferors), and
 - (b) such other persons as the Secretary of State considers appropriate.
- (9) Subsection (8) may be satisfied by consultation before the passing of this Act (as well as by consultation after that time).
- (10) The making of a transfer scheme is not a trigger event for the purposes of the National Security and Investment Act 2021.
- (11) In this section—
- “associate” has the meaning given by section 1152 of the Companies Act 2006;
 - “company” means a company registered under the Companies Act 2006;
 - “Crown body” means any body corporate in which a Minister of the Crown holds, directly or indirectly, any shares or other interest;
 - “designated BNFL body” means a company designated for the purposes of Schedule 7 to the Energy Act 2004 or any body corporate in which a company designated for those purposes holds, directly or indirectly, any shares or other interest;
 - “former GBN body” means—
 - (a) a company formerly designated as Great British Nuclear, or

- (b) any body corporate in which a company formerly designated as Great British Nuclear—
 - (i) holds, directly or indirectly, any shares or other interest, and
 - (ii) held, directly or indirectly, any shares or other interest, at a time at which it was designated as Great British Nuclear;

“GBN body” means Great British Nuclear or any body corporate in which Great British Nuclear holds, directly or indirectly, any shares or other interest;

“information” includes documents;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (see section 8(1) of that Act);

“NDA company” means the Nuclear Decommissioning Authority (established by section 1 of the Energy Act 2004) or any body corporate in which the Nuclear Decommissioning Authority holds, directly or indirectly, any shares or other interest;

“proposed GBN body” means a company that the Secretary of State proposes to designate as Great British Nuclear or any body corporate in which a company proposed to be designated for those purposes holds, directly or indirectly, any shares or other interest;

“public body” means a body established by an enactment (within the meaning of Part 1 of this Act) or any body corporate in which a body established by an enactment holds, directly or indirectly, any shares or other interest;

“the TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246);

“UKAEA body” means the United Kingdom Atomic Energy Authority (established by section 1 of the Atomic Energy Authority Act 1954) or any body corporate in which the United Kingdom Atomic Energy Authority holds, directly or indirectly, any shares or other interest.”

Member's explanatory statement

This new clause allows the Secretary of State to make transfer schemes to transfer property, rights and liabilities to and from the bodies listed in subsection (1).

Andrew Bowie

Added Gov NC81

To move the following Clause—

“Transfer schemes: compensation

- (1) A scheme under section (*Transfer schemes*) may provide for a transferor or any person who has suffered loss or damage in consequence of the scheme to be entitled to compensation from the Secretary of State or a transferee under the scheme, in accordance with provision made by or under the scheme.
- (2) Where a person is entitled to compensation, the amount of compensation is to be the amount—

- (a) agreed by the Secretary of State and the person, or
 - (b) in the absence of such agreement, determined by an independent valuer.
- (3) An independent valuer appointed for the purposes of subsection (2) must be appointed—
- (a) by the Secretary of State and the person, or
 - (b) in the absence of such agreement, by the Secretary of State on behalf of both the Secretary of State and the person.
- (4) The Secretary of State may by regulations make provision about compensation under this section that corresponds or is similar to any provision about compensation that may be made by the Secretary of State by regulations under paragraph 8(5) of Schedule 7.
- (5) Regulations under this section are subject to the negative procedure.”

Member's explanatory statement

This new clause allows the Secretary of State, when making transfer schemes under the new clause inserted by NC80, to provide for compensation to a transferor or a person who has suffered loss or damage in consequence of such a scheme.

Andrew Bowie

Added Gov NC82

To move the following Clause—

“Transfer schemes: taxation

- (1) The Treasury may by regulations make provision varying the way in which a relevant tax has effect in relation to—
- (a) anything transferred under a scheme under section (*Transfer schemes*), or
 - (b) anything done for the purposes of, or in relation to, a transfer under such a scheme.
- (2) The provision that may be made under subsection (1)(a) includes, in particular, provision for—
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything transferred;
 - (b) anything transferred to be treated in a specified way for the purposes of a tax provision;
 - (c) the Secretary of State to be required or permitted to determine, or to specify the method for determining, anything that needs to be determined for the purposes of any tax provision so far as relating to anything transferred.
- (3) The provision that may be made under subsection (1)(b) includes, in particular, provision for—
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of, or in relation to, the transfer;

- (b) anything done for the purposes of, or in relation to, the transfer to have or not have a specified consequence or be treated in a specified way;
 - (c) the Secretary of State to be required or permitted to determine, or to specify the method for determining, anything that needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of, or in relation to, the transfer.
- (4) In this section—
- (a) “relevant tax” means income tax, corporation tax, capital gains tax, stamp duty, stamp duty reserve tax, stamp duty land tax or value added tax;
 - (b) “tax provision” means any provision—
 - (i) about a relevant tax, and
 - (ii) made by an enactment (within the meaning of Part 1 of this Act);
 - (c) references to the transfer of a property include the grant of the lease.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of the House of Commons.”

Member's explanatory statement

This new clause allows the Treasury to vary the way tax has effect in relation to things transferred under transfer schemes made under the new clause inserted by NC80.

Andrew Bowie

Added Gov NC83

To move the following Clause—

“Transfer schemes: provision of information or assistance

- (1) The Secretary of State may direct a person within subsection (2) to provide the Secretary of State with such specified information or assistance as the Secretary of State may reasonably require in connection with the making of a scheme under section (*Transfer schemes*).
- (2) A person is within this subsection if—
 - (a) property, rights or liabilities are likely to be transferred from or to the person by such a scheme, or
 - (b) the person is a body corporate that is likely to be transferred under such a scheme.
- (3) Paragraph 12(4), (6), (7) and (8) of Schedule 7 apply to a direction under this section as they apply to a direction under sub-paragraph (1) of that paragraph.
- (4) In this section—
 - “assistance” includes assistance provided in a country or territory other than the United Kingdom;
 - “information” includes documents;
 - “specified” means specified in the direction.”

Member's explanatory statement

This new clause allows the Secretary of State to give the persons in subsection (2) a direction to provide the Secretary of State with information or assistance in connection with making a transfer scheme under the new clause inserted by NC80.

Andrew Bowie

Added Gov NC84

To move the following Clause—

“Reimbursement and compensation in connection with designation

The Secretary of State may reimburse a person in respect of expenditure reasonably incurred by the person in preparation for or in connection with the designation of a company under section (*Great British Nuclear*) (other than any expenditure incurred in connection with the making of a scheme under section (*Transfer schemes*)).”

Member's explanatory statement

This new clause allows the Secretary of State to reimburse a person in respect of expenditure reasonably incurred in preparation for or in connection with the designation of a company as GBN.

Andrew Bowie

Added Gov NC85

To move the following Clause—

“Pension arrangements in connection with Great British Nuclear

- (1) The Secretary of State may by regulations make provision about pension arrangements in relation to Great British Nuclear that corresponds or is similar to any provision about pension arrangements in relation to the ISOP that may be made by the Secretary of State by regulations under paragraph 2 or 3 of Schedule 8 (see paragraph 4 of that Schedule for restrictions on how the power to make regulations under paragraph 2 or 3 of that Schedule may be exercised).
- (2) Before making regulations under subsection (1) that make provision corresponding or similar to the provision that may be made by regulations under paragraph 2(1) of Schedule 8, the Secretary of State must carry out a consultation corresponding to the consultation required by paragraph 2(5) of that Schedule.
- (3) Before making regulations under subsection (1) that make provision corresponding or similar to the provision that may be made by regulations under paragraph 3(1) of Schedule 8, the Secretary of State must carry out a consultation corresponding to the consultation required by paragraph 3(4) of that Schedule.
- (4) Subsections (2) and (3) may be satisfied by consultation before the passing of this Act (as well as by consultation after that time).
- (5) The Secretary of State may direct a person within subsection (6) to provide the Secretary of State with specified pensions information or such specified

assistance as the Secretary of State may reasonably require in preparation for or in connection with the exercise of the power conferred on the Secretary of State by subsection (1).

- (6) The following persons are within this subsection—
- (a) the trustee of a qualifying pension scheme;
 - (b) any person who exercises functions on behalf of a person within paragraph (a);
 - (c) any person who is or has been an employer of a qualifying member of a qualifying pension scheme.
- (7) Sub-paragraphs (5) to (7) of paragraph 5 of Schedule 8 apply to a direction given under subsection (5) as they apply to a direction given under sub-paragraph (1) of that paragraph.
- (8) The exercise of the power conferred on the Secretary of State by subsection (1) is not a trigger event for the purposes of the National Security and Investment Act 2021.
- (9) In this section—
- “pensions information” means information that—
 - (a) relates to pensions or other benefits under a qualifying pension scheme, or
 - (b) relates to the administration of a qualifying pension scheme in respect of pensions or other benefits under the scheme;
 - “qualifying member”, in relation to a qualifying pension scheme, means a person who is or has been a member (as defined by section 124(1) of the Pensions Act 1995) of the scheme;
 - “qualifying pension scheme” means a pension scheme that provides for the payment of pensions or other benefits to or in respect of employees or former employees of—
 - (a) a transferor in relation to a transfer scheme under section (*Transfer schemes*), or
 - (b) an associate (as defined by section 1152 of the Companies Act 2006) of such a transferor;
 - “specified” means specified in the direction.
- (10) Regulations under this section are subject to the negative procedure.”

Member's explanatory statement

This new clause allows for pension arrangements to be made in relation to Great British Nuclear that correspond or are similar to those which may be made in relation to the Independent System Operator and Planner (provided for in Part 4).

Sixteenth and Seventeenth Sittings

Anne McLaughlin

Withdrawn after debate 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

Negatived on division 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

Not moved 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

Not moved 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

Negatived 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

Withdrawn after debate 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

Not moved 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

Negatived on division 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

Not called 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

Not called 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

Not called NC36

Kerry McCarthy

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

Not called 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

Negatived on division NC38

Kerry McCarthy
Dan Carden

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

Negatived on division 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

Not called 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

Negatived on division 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

Not called 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

Withdrawn after debate 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

Withdrawn after debate 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.

Alan Brown

Negatived NC45

Brendan O'Hara

To move the following Clause—

“Electricity Storage Capacity

- (1) Within six months of the day on which this Act is passed the Secretary of State must lay before Parliament a strategy for an increase in the provision of electricity storage facilities to enhance the resilience and flexibility of electricity supply and ensure fair pricing for electricity users.
- (2) The strategy referred to in subsection (1) must cover all forms of electricity storage, including—
 - (a) battery,

- (b) hydrogen,
 - (c) ammonia,
 - (d) adiabatic compressed air energy storage systems, and
 - (e) hydroelectric storage.
- (3) The strategy referred to in subsection (1) must address considerations relating to—
- (a) licensing,
 - (b) planning,
 - (c) regulation,
 - (d) subsidy, and
 - (e) taxation.
- (4) The strategy referred to in subsection (1) must set out—
- (a) proposed pricing mechanisms for stored electricity, and
 - (b) provisions ensuring consumers pay a fair price for electricity.”

Member's explanatory statement

This new clause seeks to ensure the UK Government sets out a report to Parliament that demonstrates how it plans to meet the increased storage capacity that will be required with a future electricity network that is heavily reliant on renewable sources.

Alan Brown
Brendan O'Hara

Withdrawn after debate NC46

To move the following Clause—

“Carbon capture, usage and storage: spending commitment

Within one month of the day on which this Act is passed the Secretary of State must bring forward legislation that commits the United Kingdom Government to spending £20 billion on carbon capture, usage and storage over the 20 year period starting with the day on which that legislation is passed.”

Member's explanatory statement

This new clause seeks to require the Secretary of State to set out in legislation a commitment to spend £20 billion on CCUS over the next two decades.

Alan Brown
Brendan O'Hara

Not called NC47

To move the following Clause—

“Timeline for track 2 carbon capture, use and storage projects

Within one month of the day on which this Act is passed the Secretary of State must bring forward legislation that sets out the timeline for track 2 carbon capture, use and storage projects.”

Member's explanatory statement

This new clause seeks to require the UK Government to commit to a clear timeline for track 2 CCUS projects.

Alan Brown

Withdrawn after debate NC48

Brendan O'Hara

To move the following Clause—

“Pre-conditions for hydrogen grid conversion trials

Before a hydrogen grid conversion trial may be conducted, the Secretary of State must—

- (a) consult with the relevant local authority or authorities, affected consumers and relevant statutory bodies, and have due regard to—
 - (i) the level of local consent from consumers and other people in the trial location who would be affected, or are likely to be affected, by such a trial;
 - (ii) disruption to infrastructure in the trial location;
 - (iii) the potential economic impact on the trial location;
 - (iv) the advice of the Environment Agency on the environmental impact, including the volume of hydrogen released, as part of the proposed trial;
 - (v) the advice of the Health and Safety Executive on the safety of the proposed trial; and
 - (vi) any further impact on the trial location that the Secretary of State considers relevant;
- (b) publish a response to the consultation referred to in paragraph (a), indicating the proportion of consumers who support or oppose the trial; and
- (c) ensure that all households taking part in the trial are not disadvantaged by their involvement.”

Member's explanatory statement

This new clause requires the Secretary of State to consult locally in relation to a proposed hydrogen grid conversion trial and to publish a response to the consultation.

Dr Alan Whitehead

Withdrawn after debate NC49

Kerry McCarthy

To move the following Clause—

“Licences to search and bore for and get petroleum

- (1) The Petroleum Act 1998 is amended as follows.
- (2) At end of section 3(1) insert “provided that no new licences to search and bore for and get petroleum will be issued after 1 January 2024.”.

Member's explanatory statement

This new clause seeks to ensure that no new licences be granted to search and bore for and get petroleum after 1st January 2024.

Dr Alan Whitehead

Not called NC51

Kerry McCarthy

To move the following Clause—

“Fusion energy facilities: nuclear site licensing

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 fusion activity.”

Dr Alan Whitehead

Negated on division NC56

Kerry McCarthy

To move the following Clause—

“Onshore wind

- (1) The Secretary of State must by regulations ensure that onshore wind installations are treated for the purpose of planning and development as local infrastructure and will be permitted or otherwise as if they were.
- (2) Regulations under subsection (1) may amend any primary legislation passed before the passage of this Act.”

Member's explanatory statement

This new clause aims to ensure that the development of onshore wind is subject to the same planning and development rules as other local infrastructure.

Dr Alan Whitehead

Negated on division NC58

Kerry McCarthy

To move the following Clause—

“Hydraulic onshore fracturing

- (1) Section 4A of the Petroleum Act 1998 is amended as follows.
- (2) In subsection (1) at end insert (as closing words)—
“(but see subsection (1ZA)).”
- (3) After subsection (1) insert—
“(1ZA) After 1 January 2024, the OGA must not issue a well consent for a well situated in the English onshore area that is required by an onshore licence for England or Wales unless the well consent imposes a condition which prohibits associated hydraulic fracturing from taking place in land.””

Member's explanatory statement

This new clause would implement a sunset clause for issuing new fracking licences after 1st January 2024.

Eighteenth Sitting

Olivia Blake

Withdrawn after debate NC86

To move the following Clause—

“Investment protection agreements and climate change targets

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

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

Olivia Blake [R]

Negated on division NC87

To move the following Clause—

“Government support for community energy

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

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

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

Member's explanatory statement

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

Dr Alan Whitehead

Kerry McCarthy

Negatived on division NC88

To move the following Clause—

“Extension of domestic gas and electricity tariff cap

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

“7A Review of competition for domestic supply contracts

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

“8A Extension of tariff cap conditions beyond 2023

- (1) This section applies—
 - (a) in 2023, if the tariff cap conditions have effect for that year (see subsection (2));
 - (b) in any year after 2023 until the end of which the tariff cap conditions—
 - (i) are extended under subsection (2), or
 - (ii) are extended or further extended under subsection (4).
- (2) If, after considering the report produced by the Authority under section 7(4) in the year 2023, the Secretary of State determines that the conditions are not yet in place for effective competition for domestic

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

- (5) In section 9(1) (protection for domestic customers after termination tariff cap conditions), after “section 8” insert “or section 8A”.
- (6) In section 10(1) (consequential modification of standard supply licence conditions), after “section 8” insert “or section 8A”.

Dr Alan Whitehead

Withdrawn after debate NC89

Kerry McCarthy

To move the following Clause—

“Regional Independent System Operators

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

Alan Brown

Withdrawn after debate NC90

To move the following Clause—

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

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

Member's explanatory statement

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

Alan Brown

Not called NC91

To move the following Clause—

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

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

“37A Variation of consents under section 37

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

Member's explanatory statement

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

Andrew Bowie

Added 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.

Column 1	Column 2
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>)

Column 1	Column 2
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

Added 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).

Clause 274 agreed to.

Andrew Bowie

Agreed to 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.

Alan Brown

Not called 114

Brendan O'Hara

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

- “(10A) The Secretary of State may not make regulations under this Act which would affect any matter within the competence of the Scottish Parliament unless the Secretary of State has first—
- (a) consulted the Scottish Ministers on a draft of the regulations; and
 - (b) obtained the consent of the Scottish Parliament to the regulations.”

Clause, as amended, agreed to.

Clause 276 agreed to.

Andrew Bowie

Agreed to Gov 168

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

Member's explanatory statement

This amendment is consequential on Amendment 170.

Andrew Bowie

Agreed to Gov 169

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

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

Member's explanatory statement

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

Andrew Bowie

Agreed to Gov 170

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

- “(ba) section (*Power to modify Gas Act 1986 in relation to hydrogen*);”

Member's explanatory statement

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

Andrew Bowie

Agreed to Gov 174

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

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

Member's explanatory statement

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

Clause, as amended, agreed to.

Andrew Bowie

Agreed to Gov 171

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

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

Member's explanatory statement

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

Andrew Bowie

Agreed to Gov 172

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

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

Member's explanatory statement

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

Andrew Bowie

Agreed to Gov 123

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

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

Member's explanatory statement

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

Andrew Bowie

Agreed to Gov 133

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

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

Member's explanatory statement

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

Andrew Bowie

Agreed to Gov 131

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

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

Member's explanatory statement

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

Andrew Bowie

Agreed to Gov 175

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

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

Member's explanatory statement

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

Clause, as amended, agreed to.

Andrew Bowie

Agreed to 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.

Clause, as amended, agreed to.

Andrew Bowie

Agreed to Gov 11

Title, line 3, leave out "industrial"

Member's explanatory statement

This amendment is consequential on Amendment 10.

Andrew Bowie

Agreed to Gov 173

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

Member's explanatory statement

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

Andrew Bowie

Agreed to Gov 134

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

Member's explanatory statement

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

Bill, as amended, to be reported.

Glossary

Added: New clause agreed to without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negatived: rejected without a vote.

Negatived on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Not selected: not chosen for debate by the Chair.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.