

Energy Bill [HL]

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 22nd July 2015, as follows –

Clauses 37 to 63 Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 40

LORD BOURNE OF ABERYSTWYTH

32 Page 22, line 6, at end insert –

“() The OGA must lay any guidance issued under this section, and any revision of it, before each House of Parliament.”

After Clause 56

LORD BOURNE OF ABERYSTWYTH

33 Insert the following new Part –

“PART 2A

INFRASTRUCTURE

Requirements to provide information

- (1) The Energy Act 2011 is amended as follows.
- (2) In section 87 (powers to require information), after subsection (5) insert –
 - “(5A) A notice under subsection (1), (2) or (3) that imposes a requirement on a person must specify when the requirement is to be complied with.”

Amendment
No.

After Clause 56 – continued

(3) After that section insert –

“87A Appeals against requirements to provide information

- (1) Any person on whom a requirement is imposed by a notice under section 87(1), (2) or (3) may appeal against the notice to the Tribunal on the grounds that –
 - (a) the information required by the notice is not relevant to the exercise by the OGA of its functions under this Chapter, or
 - (b) the length of time given to comply with the notice is unreasonable.
- (2) On an appeal under this section 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.
- (3) In this section “the Tribunal” means the First-tier Tribunal.

87B Sanctions for failure to provide information

- (1) A requirement imposed by a notice under section 87(1), (2) or (3) is to be treated for the purposes of Chapter 5 of Part 2 of the Energy Act 2016 (power of the OGA to impose sanctions) as a petroleum-related requirement.
- (2) But the OGA may not give a revocation notice or an operator removal notice under that Chapter by virtue of this section.””

34 Insert the following new Clause –

“Applications to use infrastructure: changes of applicant and owner

- (1) The Energy Act 2011 is amended as follows.
- (2) In section 82(13) (contents of notice securing rights to use infrastructure), omit paragraph (b).
- (3) In section 87(6) (circumstances in which information may be disclosed) –
 - (a) omit the “or” at the end of paragraph (a), and
 - (b) after paragraph (b) insert “or
 - (c) the disclosure is made under section 89A or 89B.”
- (4) After section 89 insert –

“89A Assignments and assignations of applications

- (1) This section applies where –
 - (a) there is an assignment or assignation of an application made under section 82 from one person (“A”) to another (“B”), and
 - (b) the following are notified of the assignment or assignation –
 - (i) the owner of the pipeline or facility that is the subject of the application, and
 - (ii) the OGA.

Amendment
No.

After Clause 56 – *continued*

- (2) A notice under subsection (1)(b) must –
 - (a) be in writing, and
 - (b) specify the date of the assignment or assignation.
- (3) For the purposes of this Chapter, anything done (or treated as done) by or in relation to A in connection with the application is treated after the assignment or assignation as having been done by or in relation to B.

This subsection is subject to subsections (4) and (5) and does not apply for the purposes of subsections (6) and (7).
- (4) Any provision of this Chapter that requires the OGA to give the applicant an opportunity to be heard has effect after the assignment or assignation as requiring the OGA to give B an opportunity to be heard (whether or not the applicant was heard under that provision before the assignment or assignation).
- (5) Subsection (3) does not apply in relation to any notice given under section 87 before the assignment or assignation (and, accordingly, the person to whom the notice was given remains under an obligation to comply with it).
- (6) Any information relating to the application obtained by the OGA before the assignment or assignation from any person who at the time was the applicant may be disclosed to B.
- (7) Before disclosing any such information to B, the OGA must remove any information which the OGA considers may prejudice the commercial interests of the person from whom the information was obtained.

89B Transfers of ownership

- (1) This section applies where the ownership of a pipeline or facility that is the subject of an application under section 82, or to which a notice under subsection (11) of that section relates, is transferred from one person (“C”) to another (“D”).
- (2) For the purposes of this Chapter –
 - (a) anything done (or treated as done) by or in relation to C in connection with C’s ownership of the pipeline or facility is treated after the transfer as having been done by or in relation to D, and
 - (b) any obligations imposed or rights conferred (or treated as imposed or conferred) by or under this Chapter on C in connection with C’s ownership of the pipeline or facility are treated after the transfer as imposed or conferred on D.

This subsection is subject to subsections (3) and (4) and does not apply for the purposes of subsections (5) and (6).
- (3) Any provision of this Chapter that requires the OGA to give the owner of the pipeline or facility an opportunity to be heard has effect after the transfer as requiring the OGA to give D an opportunity to be heard (whether or not the owner was heard under that provision before the transfer).

**Amendment
No.**

After Clause 56 – continued

- (4) Subsection (2) does not affect the obligation to comply with any notice given under section 87 before the transfer (and, accordingly, the person to whom the notice was given remains under an obligation to comply with it).
- (5) Any information relating to the application obtained by the OGA before the transfer from any person who at the time was the owner may be disclosed to D.
- (6) Before disclosing any such information to D, the OGA must remove any information which the OGA considers may prejudice the commercial interests of the person from whom the information was obtained.””

After Clause 58

LORD OXBURGH
BARONESS WORTHINGTON
LORD TEVERSON

34A Insert the following new Clause –

“Carbon capture and storage

Within one year of the coming into force of this Act, the Government shall undertake a consultation on measures requiring extractors and importers of petroleum to contribute to the development of carbon capture and storage.”

Clause 59

LORD WHITTY

Lord Whitty gives notice of his intention to oppose the Question that Clause 59 stand part of the Bill.

Clause 60

LORD WALLACE OF TANKERNESS
BARONESS MADDOCK
LORD WHITTY

The above-named Lords give notice of their intention to oppose the Question that Clause 60 stand part of the Bill.

Amendment
No.

After Clause 60

LORD WHITTY
LORD GRANTCHESTER

35 Insert the following new Clause –

“Renewable and other technologies

Within six months of the passing of this Act, the Secretary of State shall publish an assessment of the progress towards decarbonisation of energy supply, including a strategy for the development of renewables and a strategy for energy efficiency within the supply system.”

Clause 61

LORD BOURNE OF ABERYSTWYTH
BARONESS WORTHINGTON

36 Page 33, line 14, leave out “or” and insert –

“(aa) regulations under section 27(8), or”

In the Title

LORD BOURNE OF ABERYSTWYTH

43 Line 1, after “functions;” insert “to make provision about rights to use upstream petroleum infrastructure;”

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7th September 2015

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS
LONDON - THE STATIONERY OFFICE LIMITED
£3.00

HL Bill 56 – II

(51199)

56/1



ISBN 978-0-10-800248-9



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