

Energy Bill [HL]

COMMONS AMENDMENTS

[The page and line references are to Bill 295, the Bill as first printed for the Commons]

Clause 1

COMMONS AMENDMENT 1

- 1 Clause 1, page 3, line 2, at end insert –
“(aa) the interim targets, as defined in section 2 of that Act;”

Clause 2

COMMONS AMENDMENT 2

- 2 Clause 2, page 4, line 14, after “repeals” insert “or revocations”

COMMONS AMENDMENT 3

- 3 Clause 2, page 4, line 19, at end insert –
“(7A) But regulations made by virtue of subsection (7)(a) may not make provision amending (or repealing or revoking) any provision of –
(a) an Act of the Scottish Parliament, or an instrument made under such an Act, unless the Scottish Ministers have consented to the making of that provision;
(b) a Measure or Act of Senedd Cymru, or an instrument made under such a Measure or Act, unless the Welsh Ministers have consented to the making of that provision;
(c) Northern Ireland legislation, or an instrument made under Northern Ireland legislation, unless the Department for the Economy in Northern Ireland has consented to the making of that provision.”

Clause 6

COMMONS AMENDMENT 4

- 4 Clause 6, page 7, line 39, at end insert “, and
 (b) consider any representations which are duly made and not withdrawn.”

Clause 8

COMMONS AMENDMENT 5

- 5 Clause 8, page 9, line 10, after “repeals” insert “or revocations”

COMMONS AMENDMENT 6

- 6 Clause 8, page 9, line 14, at end insert –
- “(2A) Before making regulations under this section containing provision within devolved competence, the Secretary of State must give notice to each relevant devolved authority –
- (a) stating that the Secretary of State proposes to make regulations under this section, and
 - (b) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to the provision within the relevant devolved competence, and must consider any representations duly made and not withdrawn.
- (2B) For the purposes of this section “relevant devolved authority” means –
- (a) the Scottish Ministers, if the regulations contain provision within Scottish devolved competence;
 - (b) the Welsh Ministers, if the regulations contain provision within Welsh devolved competence;
 - (c) the Department for the Economy in Northern Ireland, if the regulations contain provision within Northern Ireland devolved competence;
- and “the relevant devolved competence”, in relation to a relevant devolved authority, is to be construed accordingly.
- (2C) For the purposes of this section, provision –
- (a) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (b) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
 - (c) is within Northern Ireland devolved competence if it –
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and

- (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998; and references to provision being within devolved competence are to provision that is within Scottish, Welsh or Northern Ireland devolved competence.”

Clause 9

COMMONS AMENDMENT 7

- 7 Clause 9, page 9, line 32, at end insert “and
- (b) specify a period of not less than 28 days within which representations or objections with respect to the proposed regulations may be made, and the Secretary of State must consider any representations or objections which are duly made and not withdrawn.”

COMMONS AMENDMENT 8

- 8 Clause 9, page 10, line 5, at end insert “, and
- (b) sending a copy of the notice to—
 - (i) the Scottish Ministers, if an activity that would be authorised by the proposed licence is within Scottish devolved competence;
 - (ii) the Welsh Ministers, if an activity that would be authorised by the licence is within Welsh devolved competence;
 - (iii) the Department for the Economy in Northern Ireland, if an activity that would be authorised by the licence is within Northern Ireland devolved competence.
- (5A) Section 17(4) (activities authorised by a licence: devolved competence) applies for the purposes of subsection (5)(b) of this section as it applies for the purposes of section 17.”

COMMONS AMENDMENT 9

- 9 Clause 9, page 10, line 15, leave out subsection (10) and insert—
- “(10) For the purposes of this section “appropriate devolved authority”, in relation to regulations, means—
- (a) the Scottish Ministers, if the regulations contain provision within Scottish devolved competence;
 - (b) the Welsh Ministers, if the regulations contain provision within Welsh devolved competence;
 - (c) the Department for the Economy in Northern Ireland, if the regulations contain provision within Northern Ireland devolved competence.
- (10A) For the purposes of this section, provision—
- (a) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;

- (b) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
- (c) is within Northern Ireland devolved competence if it –
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.”

Clause 10

COMMONS AMENDMENT 10

- 10 Clause 10, page 11, line 12, leave out “consult” and insert “give notice to”

COMMONS AMENDMENT 11

- 11 Clause 10, page 11, line 12, at end insert –
- “(a) stating that the Secretary of State proposes to make regulations under this section, and
 - (b) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations must be made with respect to the proposed provisions,
- and must consider any representations duly made and not withdrawn.”

Clause 13

COMMONS AMENDMENT 12

- 12 Clause 13, page 15, line 40, at end insert “and
- (iii) the appropriate devolved authorities (if any).”

COMMONS AMENDMENT 13

- 13 Clause 13, page 16, line 31, at end insert –
- “(12) For the purposes of this section the “appropriate devolved authorities” are –
- (a) the Welsh Ministers, if provision making the modifications proposed in the notice under subsection (2) would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
 - (b) the Scottish Ministers, if provision making the modifications proposed in that notice would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;

- (c) the Department for the Economy in Northern Ireland, if provision making the modifications proposed in that notice –
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.”

Clause 19

COMMONS AMENDMENT 14

14 Clause 19, page 20, line 28, leave out paragraph (b) and insert –

- “(b) send a copy of the notice to –
 - (i) the Scottish Ministers, if an activity authorised by the licence is within Scottish devolved competence,
 - (ii) the Welsh Ministers, if an activity authorised by the licence is within Welsh devolved competence,
 - (iii) the Department for the Economy in Northern Ireland, if an activity authorised by the licence is within Northern Ireland devolved competence,
 - (iv) the Oil and Gas Authority, and
 - (v) such other persons as the economic regulator considers are likely to be affected by the decision, and”

COMMONS AMENDMENT 15

15 Clause 19, page 20, line 31, at end insert –

- “(1A) Section 17(4) (activities authorised by a licence: devolved competence) applies for the purposes of subsection (1)(b) of this section as it applies for the purposes of section 17.”

Clause 39

COMMONS AMENDMENT 16

16 Clause 39, page 35, line 4, at end insert –

- “(5A) The economic regulator must send a copy of any notice given by it under subsection (4) to –
 - (a) the Welsh Ministers,
 - (b) the Scottish Ministers, and
 - (c) the Department for the Economy in Northern Ireland.”

Clause 56

COMMONS AMENDMENT 17

- 17 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);”

COMMONS AMENDMENT 18

- 18 Clause 56, page 50, leave out lines 16 to 19

COMMONS AMENDMENT 19

- 19 Clause 56, page 50, line 21, leave out “63(3)” and insert “64(4)”

COMMONS AMENDMENT 20

- 20 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)”

COMMONS AMENDMENT 21

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

COMMONS AMENDMENT 22

- 22 Clause 56, page 50, line 24, at beginning insert “GB”

COMMONS AMENDMENT 23

- 23 Clause 56, page 50, leave out lines 26 to 29

COMMONS AMENDMENT 24

- 24 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);”

COMMONS AMENDMENT 25

25 Clause 56, page 50, line 37, at end insert –

““Northern Ireland gas shipper” means a person who holds a licence under Article 8(1)(c) of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)) and who in the opinion of the Secretary of State carries on an activity which is similar to an activity that (in Great Britain) may be authorised by a licence under section 7A(2) of the Gas Act 1986;”

COMMONS AMENDMENT 26

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

Clause 57

COMMONS AMENDMENT 27

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

COMMONS AMENDMENT 28

28 Clause 57, page 51, line 16, at end insert –

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

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

COMMONS AMENDMENT 29

29 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),”

COMMONS AMENDMENT 30

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

COMMONS AMENDMENT 31

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

COMMONS AMENDMENT 32

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

COMMONS AMENDMENT 33

33 Clause 57, page 52, line 6, after “64(2)” insert “or (4)”

Clause 58

COMMONS AMENDMENT 34

34 Clause 58, page 53, line 2, after “a” insert “carbon dioxide”

COMMONS AMENDMENT 35

35 Clause 58, page 53, line 3, after “counterparty,” insert “hydrogen transport counterparty, hydrogen storage counterparty,”

COMMONS AMENDMENT 36

36 Clause 58, page 53, line 4, after “any” insert “carbon dioxide”

COMMONS AMENDMENT 37

37 Clause 58, page 53, line 5, after “contract,” insert “hydrogen transport revenue support contract, hydrogen storage revenue support contract,”

COMMONS AMENDMENT 38

38 Clause 58, page 53, line 8, after “a” insert “carbon dioxide”

COMMONS AMENDMENT 39

39 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));”

Clause 59

COMMONS AMENDMENT 40

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

COMMONS AMENDMENT 41

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

COMMONS AMENDMENT 42

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

COMMONS AMENDMENT 43

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

COMMONS AMENDMENT 44

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

COMMONS AMENDMENT 45

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

COMMONS AMENDMENT 46

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

COMMONS AMENDMENT 47

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

COMMONS AMENDMENT 48

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

COMMONS AMENDMENT 49

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

Clause 60

COMMONS AMENDMENT 50

50 Clause 60, page 54, line 3, after “a” insert “carbon dioxide”

After Clause 60

COMMONS AMENDMENT 51

51 Insert 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.”

COMMONS AMENDMENT 52

52

Insert 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.
 - (5) Regulations within subsection (4) may in particular make provision by reference to standards or other published documents (as they have effect from time to time).”

COMMONS AMENDMENT 53

53 Insert 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.”

COMMONS AMENDMENT 54

54 Insert 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.
- (5) Regulations within subsection (4) may in particular make provision by reference to standards or other published documents (as they have effect from time to time).”

Clause 61

COMMONS AMENDMENT 55

55 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”

COMMONS AMENDMENT 56

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

COMMONS AMENDMENT 57

57 Clause 61, page 55, line 8, after “on)” insert “in the United Kingdom”

COMMONS AMENDMENT 58

58 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).”

Clause 62

COMMONS AMENDMENT 59

59 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.”

COMMONS AMENDMENT 60

60 Clause 62, page 55, line 29, at end insert –

“(5) Regulations within subsection (4) may in particular make provision by reference to standards or other published documents (as they have effect from time to time).”

Clause 63

COMMONS AMENDMENT 61

61 Clause 63, page 55, line 33, after “be” insert “(a)”

COMMONS AMENDMENT 62

62 Clause 63, page 55, line 33, at end insert –

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

COMMONS AMENDMENT 63

63 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”

COMMONS AMENDMENT 64

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

COMMONS AMENDMENT 65

- 65 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.”

COMMONS AMENDMENT 66

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

COMMONS AMENDMENT 67

- 67 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.”

COMMONS AMENDMENT 68

- 68 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).”

Clause 64

COMMONS AMENDMENT 69

- 69 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.”

COMMONS AMENDMENT 70

- 70 Clause 64, page 57, line 6, at end insert –
- “(5) Regulations within subsection (4) may in particular make provision by reference to standards or other published documents (as they have effect from time to time).”

Clause 66

COMMONS AMENDMENT 71

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

COMMONS AMENDMENT 72

- 72 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;”

COMMONS AMENDMENT 73

- 73 Clause 66, page 57, line 31, after second “a” insert “carbon dioxide”

COMMONS AMENDMENT 74

- 74 Clause 66, page 58, line 26, leave out from “but” to end of line 30 and insert “a description so specified may not include persons other than –
- (a) GB gas shippers;
 - (b) Northern Ireland gas shippers.”

Clause 67

COMMONS AMENDMENT 75

- 75 Clause 67, page 58, line 38, leave out “hydrogen production” and insert “relevant”

COMMONS AMENDMENT 76

- 76 Clause 67, page 59, line 6, leave out “hydrogen production” and insert “relevant”

COMMONS AMENDMENT 77

- 77 Clause 67, page 59, line 7, leave out “hydrogen production” and insert “relevant”

COMMONS AMENDMENT 78

- 78 Clause 67, page 59, line 10, leave out “hydrogen production” and insert “relevant”

COMMONS AMENDMENT 79

79 Clause 67, page 59, line 13, leave out “hydrogen production” and insert “relevant”

COMMONS AMENDMENT 80

80 Clause 67, page 59, line 16, leave out “hydrogen production” and insert “relevant”

COMMONS AMENDMENT 81

81 Clause 67, page 59, line 18, leave out “hydrogen production” and insert “relevant”

COMMONS AMENDMENT 82

82 Clause 67, page 59, line 25, leave out “hydrogen production” and insert “relevant”

COMMONS AMENDMENT 83

83 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.”

Clause 69

COMMONS AMENDMENT 84

84 Clause 69, page 61, line 14, leave out “designation” and insert “appointment”

Clause 72

COMMONS AMENDMENT 85

85 Clause 72, page 63, line 35, at end insert –

- “(ba) make provision by reference to standards or other published documents (as they have effect from time to time);”

Clause 77

COMMONS AMENDMENT 86

86 Clause 77, page 66, line 34, after “59,” insert “(*Designation of hydrogen transport counterparty*), (*Designation of hydrogen storage counterparty*),”

COMMONS AMENDMENT 87

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

COMMONS AMENDMENT 88

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

COMMONS AMENDMENT 89

- 89 Clause 77, page 67, line 12, after “a” insert “carbon dioxide”

COMMONS AMENDMENT 90

- 90 Clause 77, page 67, line 12, after “counterparty,” insert “hydrogen transport counterparty, hydrogen storage counterparty,”

Clause 79

COMMONS AMENDMENT 91

- 91 Clause 79, page 68, line 23, leave out sub-paragraphs (iii) to (v) and insert –
“(iii) a relevant market participant, or”

Clause 80

COMMONS AMENDMENT 92

- 92 Clause 80, page 69, line 5, leave out sub-paragraphs (i) and (ii) and insert “a GB gas shipper”

COMMONS AMENDMENT 93

- 93 Clause 80, page 69, line 11, leave out paragraph (b)

COMMONS AMENDMENT 94

- 94 Clause 80, page 69, line 16, leave out sub-paragraphs (i) and (ii) and insert “a person who holds a licence under Article 8(1)(c) of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))”

Clause 81

COMMONS AMENDMENT 95

- 95 Clause 81, page 69, line 40, leave out “consult” and insert –
“(a) consult the persons mentioned in subsection (1A), and

- (b) specify a period of not less than 28 days for the purposes of subsection (1B).

(1A) The persons to be consulted under subsection (1) are—”

COMMONS AMENDMENT 96

96 Clause 81, page 70, line 18, at end insert—

- “(1B) The Secretary of State must consider any representations that are—
- (a) duly made within the period specified under subsection (1)(b) by persons consulted under subsection (1), and
 - (b) not withdrawn.”

COMMONS AMENDMENT 97

97 Clause 81, page 70, line 18, at end insert—

- “(1C) Before making regulations under section 73(1) (power to appoint allocation bodies) the Secretary of State must consult—
- (a) the Scottish Ministers, if the regulations contain provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (b) the Welsh Ministers, if the regulations contain provision that would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
 - (c) the Department for the Economy in Northern Ireland, if the regulations contain provision that—
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998,
- and the Secretary of State must consider any representations duly made by persons consulted under this subsection and not withdrawn.”

COMMONS AMENDMENT 98

98 Clause 81, page 70, leave out lines 20 and 21 and insert—

- “(a) consult the persons mentioned in subsection (2A), and
- (b) specify a period of not less than 28 days for the purposes of subsection (2B).
- (2A) The persons to be consulted under subsection (2) are—
- (a) the Scottish Ministers, if the standard terms contain provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;

- (b) the Welsh Ministers, if the standard terms contain provision that would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
 - (c) the Department for the Economy in Northern Ireland, if the standard terms contain provision that –
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998;
 - (d) such other persons as the Secretary of State considers appropriate.
- (2B) The Secretary of State must consider any representations that are –
- (a) duly made within the period specified under subsection (2)(b) by persons consulted under subsection (2), and
 - (b) not withdrawn.”

Clause 85

COMMONS AMENDMENT 99

99 Clause 85, page 73, line 25, leave out subsection (1)

COMMONS AMENDMENT 100

100 Clause 85, page 73, line 41, leave out subsection (3)

COMMONS AMENDMENT 101

101 Clause 85, page 74, line 17, leave out “(1) to” and insert “(2) and”

COMMONS AMENDMENT 102

102 Clause 85, page 74, line 23, leave out “(1) to” and insert “(2) and”

COMMONS AMENDMENT 103

103 Clause 85, page 74, line 29, leave out paragraph (a)

COMMONS AMENDMENT 104

104 Clause 85, page 74, line 31, leave out paragraph (c)

COMMONS AMENDMENT 105

105 Clause 85, page 74, line 35, leave out “(c) and”

COMMONS AMENDMENT 106

- 106 Clause 85, page 74, line 36, leave out “those sub-paragraphs” and insert “that sub-paragraph”

COMMONS AMENDMENT 107

- 107 Clause 85, page 74, line 38, leave out “(1) or”

COMMONS AMENDMENT 108

- 108 Clause 85, page 75, line 1, leave out “(3) or”

Clause 87

COMMONS AMENDMENT 109

- 109 Clause 87, page 76, line 14, leave out “any of subsections (1) to” and insert “subsection (2) or”

COMMONS AMENDMENT 110

- 110 Clause 87, page 77, line 10, leave out from “1986” to “or” in line 11

COMMONS AMENDMENT 111

- 111 Clause 87, page 77, line 16, leave out “Smart Meters Act 2018” and insert “Energy Prices Act 2022”

COMMONS AMENDMENT 112

- 112 Clause 87, page 77, line 18, leave out subsection (14)

Clause 88

COMMONS AMENDMENT 113

- 113 Clause 88, page 79, line 7, at end insert –
““carbon storage installation” has the same meaning as in section 30 of the Energy Act 2008;”

After Clause 89

COMMONS AMENDMENT 114

114 Insert the following Clause –

“Regulations under section 88(1): procedure with devolved authorities

- (1) Before making regulations under section 88(1) that contain provision within devolved competence, the Secretary of State must give notice to each relevant devolved authority –
 - (a) stating that the Secretary of State proposes to make regulations under section 88(1), and
 - (b) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to the provision within the relevant devolved competence,
 and must consider any representations duly made and not withdrawn.
- (2) In this section, “relevant devolved authority”, in relation to regulations, means –
 - (a) the Scottish Ministers, if the regulations contain provision within Scottish devolved competence;
 - (b) the Welsh Ministers, if the regulations contain provision within Welsh devolved competence;
 - (c) the Department for the Economy in Northern Ireland, if the regulations contain provision within Northern Ireland devolved competence;
 and “the relevant devolved competence”, in relation to a relevant devolved authority, is to be construed accordingly.
- (3) For the purposes of this section, provision –
 - (a) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (b) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
 - (c) is within Northern Ireland devolved competence if it –
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998,
 and references to provision being within devolved competence are to provision that is within Scottish, Welsh or Northern Ireland devolved competence.”

Clause 90

COMMONS AMENDMENT 115

115 Clause 90, page 80, line 36, leave out “(5)” and insert “(5A)”

COMMONS AMENDMENT 116

116 Clause 90, page 82, line 43, leave out subsection (5) and insert –

- “(5) In subsection (5), for the words from “falling” to the end substitute “which is or has been maintained, or is intended to be established, for the purposes of an activity mentioned in section 17(2)(a), (b) or (c) to which subsection (6) applies.
- (5A) In subsection (6), for the words from the beginning to “it” substitute “This subsection applies to any activity which is carried on from, by means of or on an installation which”.”

Clause 96

COMMONS AMENDMENT 117

117 Clause 96, page 90, line 40, leave out from beginning to “before”

COMMONS AMENDMENT 118

118 Clause 96, page 90, line 41, at end insert “the Secretary of State must give notice to the appropriate consultees –

- (a) setting out the Secretary of State’s proposed decision, and
- (b) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations must be made,

and the Secretary of State must consider any representations which are duly made and not withdrawn.

(10A) For the purposes of subsection (10), the “appropriate consultees” are –”

After Clause 101

COMMONS AMENDMENT 119

119 Insert 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.”

COMMONS AMENDMENT 120

120 Insert 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.”

COMMONS AMENDMENT 121

121 Insert 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.”

COMMONS AMENDMENT 122

122

Insert 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*).”

COMMONS AMENDMENT 123

123 Insert 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.”

COMMONS AMENDMENT 124

124 Insert 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.”

COMMONS AMENDMENT 125

125 Insert the following Clause –

“Prohibition on disclosure of information or samples obtained 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).”

COMMONS AMENDMENT 126

126 Insert 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).”

COMMONS AMENDMENT 127

127 Insert the following Clause—

“Power of OGA to give sanction notices

- (1) If the OGA considers that a person has failed to comply with a sanctionable requirement imposed on the person, it may give the person a sanction notice in respect of that failure.

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

COMMONS AMENDMENT 128

128

Insert 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.”

COMMONS AMENDMENT 129

129 Insert 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.”

COMMONS AMENDMENT 130

130

Insert 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).”

COMMONS AMENDMENT 131

131 Insert 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.”

COMMONS AMENDMENT 132

132 Insert 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.”

COMMONS AMENDMENT 133

133 Insert 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.”

COMMONS AMENDMENT 134

134 Insert 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).”

COMMONS AMENDMENT 135

135 Insert 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.”

COMMONS AMENDMENT 136

136 Insert 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.”

COMMONS AMENDMENT 137

137 Insert 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*).”

COMMONS AMENDMENT 138

138 Insert 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.”

COMMONS AMENDMENT 139

139 Insert 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.”

Clause 102

COMMONS AMENDMENT 140

140 Clause 102, page 96, line 22, leave out “consult” and insert “give to the appropriate consultees a notice –

- (a) stating that the Secretary of State proposes to make regulations under subsection (1), and

(b) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations must be made with respect to the proposed provisions,
and must consider any representations duly made and not withdrawn.”

(6A) For the purposes of this section the “appropriate consultees” are – ”

Clause 103

COMMONS AMENDMENT 141

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

COMMONS AMENDMENT 142

142 Clause 103, page 97, line 22, leave out “and storage”

COMMONS AMENDMENT 143

143 Clause 103, page 97, line 22, at end insert –
“(aa) storage of carbon dioxide;”

COMMONS AMENDMENT 144

144 Clause 103, page 97, line 24, leave out from “for” to end of line 25 and insert “any activity mentioned in paragraph (a) or (aa)”

COMMONS AMENDMENT 145

145 Clause 103, page 97, line 27, leave out “and storage”

COMMONS AMENDMENT 146

146 Clause 103, page 97, line 27, at end insert –
“(e) storage of hydrogen.”

COMMONS AMENDMENT 147

147 Clause 103, page 98, line 3, leave out paragraph (f) and insert –
“(f) may be provided by the acquisition of shares or any other interest in, or securities of, a body corporate;”

COMMONS AMENDMENT 148

148 Clause 103, page 98, line 5, leave out “take the form of investment” and insert “be provided”

After Clause 103

COMMONS AMENDMENT 149

149 Insert 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.”

COMMONS AMENDMENT 150

150 Insert 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).”

COMMONS AMENDMENT 151

151 Insert 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).”

COMMONS AMENDMENT 152

152 Insert 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.”

COMMONS AMENDMENT 153

153 Insert 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 this section has effect for all purposes as if it had been granted, extended or restricted by the GEMA.”

COMMONS AMENDMENT 154

154 Insert 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.”

COMMONS AMENDMENT 155

155

Insert 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.”

COMMONS AMENDMENT 156

156

Insert 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.”

COMMONS AMENDMENT 157

157 Insert 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.”

COMMONS AMENDMENT 158

158 Insert 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).”

COMMONS AMENDMENT 159

159 Insert 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 relevant licences, 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).”

COMMONS AMENDMENT 160

160 Insert 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.”

COMMONS AMENDMENT 161

161 Insert 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.”

Clause 112

COMMONS AMENDMENT 162

162 Clause 112, page 104, line 15, leave out subsection (3)

COMMONS AMENDMENT 163

163 Clause 112, page 104, line 23, at end insert –

- “(5) Before making scheme regulations that apply in relation to Scotland, Wales or Northern Ireland, the Secretary of State must give notice –
- (a) stating that the Secretary of State proposes to make scheme regulations,
 - (b) setting out or describing the provisions of the regulations that apply in relation to Scotland, Wales or Northern Ireland, and
 - (c) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to those provisions,
- and must consider any representations duly made and not withdrawn.
- (6) A notice under subsection (5) must be given to each relevant devolved authority, that is to say –
 - (a) the Scottish Ministers, so far as the regulations apply in relation to Scotland;
 - (b) the Welsh Ministers, so far as the regulations apply in relation to Wales;
 - (c) the Department for the Economy in Northern Ireland, so far as the regulations apply in relation to Northern Ireland.
 - (7) The Secretary of State need not wait until the end of the period specified under subsection (5)(c) before making regulations if, before the end of that period, each relevant devolved authority to which the notice was given has confirmed that it has made any representations it intends to make with respect to the provisions referred to in subsection (5)(b).

- (8) The Secretary of State must, if requested to do so by a relevant devolved authority, give the authority a statement setting out whether and how representations made by the authority with respect to the provisions referred to in subsection (5)(b) have been taken into account in the regulations.”

After Clause 115

COMMONS AMENDMENT 164

164 Insert 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.”

After Clause 117

COMMONS AMENDMENT 165

165 Insert the following Clause –

“Revenue certainty scheme for sustainable aviation fuel producers: consultation and report

- (1) The Secretary of State must carry out a public consultation on the options for designing and implementing a sustainable aviation fuel revenue certainty scheme.
- (2) A “sustainable aviation fuel revenue certainty scheme” is a scheme whose purpose is to give producers of sustainable aviation fuel greater certainty than they otherwise would have about the revenue that they will earn from sustainable aviation fuel that they produce.
- (3) The Secretary of State must open the consultation within the period of 6 months beginning with the day on which this Act is passed.
- (4) The Secretary of State must bring the consultation to the attention of, in particular, such of each of the following as the Secretary of State considers appropriate –

- (a) producers of sustainable aviation fuel;
 - (b) suppliers of sustainable aviation fuel;
 - (c) airlines.
- (5) The Secretary of State must, within the period of 18 months beginning with the day on which this Act is passed, lay before Parliament a report on progress made towards the development of a sustainable aviation fuel revenue certainty scheme.
- (6) In this section, “sustainable aviation fuel” means aviation turbine fuel whose use (as compared with the use of other aviation turbine fuel) will, in the opinion of the Secretary of State, contribute to a reduction in emissions of greenhouse gases; and for this purpose –
- “aviation turbine fuel” has the meaning given by article 3(1B) of the Renewable Transport Fuel Obligations Order 2007 (S.I. 2007/3072);
- “greenhouse gas” has the meaning given by section 92(1) of the Climate Change Act 2008.”

COMMONS AMENDMENT 166

166 Insert the following Clause –

“Renewable liquid heating fuel obligations

- (1) The Secretary of State may by regulations subject off-grid heating fuel suppliers (or off-grid heating fuel suppliers of a particular description) to an obligation in respect of renewable liquid heating fuel that corresponds to or is similar to the obligation mentioned in section 124(2) of the Energy Act 2004 (renewable transport fuel obligation).
- (2) The regulations may, for any purpose connected with that obligation, make provision corresponding to or similar to any provision made by, or that may be made under, Chapter 5 of Part 2 of the Energy Act 2004 (powers etc relating to renewable transport fuel obligation).
- (3) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) Regulations under this section are subject to the affirmative procedure.
- (5) In this section –
- “off-grid heating fuel supplier” means a person who, in the course of business, supplies any –
- (a) renewable liquid heating fuel,
 - (b) fossil fuel, or
 - (c) other fuel, apart from solid fuel,
- at or for delivery to places in Great Britain with a view to its being used wholly or mainly for the purpose of heating buildings to which there is no mains gas supply;
- “renewable liquid heating fuel” means fuel that is typically supplied or stored in a liquid state and that is –
- (a) biofuel or blended biofuel, or
 - (b) fuel (other than fossil fuel or nuclear fuel) produced –

- (i) wholly by energy from a renewable source, or
 - (ii) wholly by a process powered wholly by such energy;
- and “biofuel”, “blended biofuel”, “fossil fuel” and “renewable source” have the meanings given in section 132 of the Energy Act 2004.”

Clause 121

COMMONS AMENDMENT 167

- 167** Clause 121, page 110, line 16, at end insert “within subsection (5)(a), (b) or (ba)”

COMMONS AMENDMENT 168

- 168** Clause 121, page 110, line 25, at end insert –
- “(ba) an activity, other than an activity within paragraph (a) or (b), in respect of which the ISOP has functions;”

COMMONS AMENDMENT 169

- 169** Clause 121, page 110, line 26, leave out “or (b)” and insert “, (b) or (ba)”

COMMONS AMENDMENT 170

- 170** Clause 121, page 110, line 34, leave out paragraph (d)

Clause 124

COMMONS AMENDMENT 171

- 171** Clause 124, page 114, line 1, leave out subsection (11)

Clause 134

COMMONS AMENDMENT 172

- 172** Clause 134, page 120, line 20, leave out “in or securities of” and insert “or any other interest in, or securities of,”

Clause 138

COMMONS AMENDMENT 173

- 173** Clause 138, page 122, line 21, leave out subsection (3) and insert –
- “(3) For the purposes of this Part, references to the ISOP’s functions are to any functions that are exercisable by the person for the time being designated as the ISOP (whether they are exercisable in the person’s capacity as the ISOP or in another capacity).”

Clause 139

COMMONS AMENDMENT 174

174 Clause 139, page 122, line 32, at end insert –

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

After Clause 159

COMMONS AMENDMENT 175

175 Insert 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”.

Clause 160

COMMONS AMENDMENT 176

176 Clause 160, page 136, line 20, at end insert –

“(2) The power conferred by section 274(1) (consequential provision) includes, in particular, power to amend provision inserted in the Electricity Act 1989 by Schedule 13 where the amendment is consequential on the coming into force of paragraph 4 of Schedule 9.”

After Clause 167

COMMONS AMENDMENT 177

177 Insert 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.”

COMMONS AMENDMENT 178

178 Insert 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.”

Clause 170

COMMONS AMENDMENT 179

- 179** Clause 170, page 146, line 6, at end insert –
- “(3A) Subsections (3B) and (3C) apply if this section comes into force after 1 November 2023.
- (3B) Section 89(1) of the Energy Act 2008 (duty to consult on modifications) may be satisfied by consultation before, as well as by consultation after, 1 November 2023.
- (3C) Where –
- (a) on or before 1 November 2023 the Secretary of State has, in accordance with section 89(3) of the Energy Act 2008, laid before Parliament a draft of proposed modifications under section 88 of that Act, and
 - (b) on that date the 40-day period referred to in section 89(4) of that Act has not expired,
- in calculating that 40-day period no account is to be taken of the period beginning with 2 November 2023 and ending immediately before the day on which this section comes into force.”

Clause 174

COMMONS AMENDMENT 180

- 180** Clause 174, page 148, line 13, leave out “provisions amending or repealing primary legislation” and insert “–
- (a) provisions amending or repealing an Act of Parliament, an Act or Measure of Senedd Cymru or Northern Ireland legislation;
 - (b) provisions amending the Heat Networks (Scotland) Act 2021 (asp 9).”

COMMONS AMENDMENT 181

- 181** Clause 174, page 148, leave out lines 18 to 24

COMMONS AMENDMENT 182

- 182** Clause 174, page 148, line 25, leave out “or (8)”

COMMONS AMENDMENT 183

- 183** Clause 174, page 148, leave out lines 32 to 36

After Clause 174

COMMONS AMENDMENT 184

184

Insert the following Clause –

“Regulations made by Secretary of State: consultation with devolved authorities

- (1) This section applies where –
 - (a) the Secretary of State proposes to make regulations under section 174 by virtue of any of Parts 3, 4, 5, 7, 8, 10, 11 and 12 of Schedule 16, and
 - (b) the regulations contain –
 - (i) in the case of regulations made by virtue of Part 3, 4, 7, 8, 10, 11 or 12 of Schedule 18, provision within Scottish devolved competence;
 - (ii) in the case of regulations made by virtue of Part 5 of Schedule 18, provision within Welsh devolved competence.
- (2) Before making the regulations, the Secretary of State must give notice –
 - (a) stating that the Secretary of State proposes to make the regulations,
 - (b) setting out or describing –
 - (i) so far as the regulations are made as mentioned in subsection (1)(b)(i), the provision within Scottish devolved competence,
 - (ii) so far as the regulations are made as mentioned in subsection (1)(b)(ii), the provision within Welsh devolved competence, and
 - (c) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to those provisions,and must consider any representations duly made and not withdrawn.
- (3) A notice under subsection (2) must be given to each relevant devolved authority, that is to say –
 - (a) the Scottish Ministers, if the regulations are made as mentioned in subsection (1)(b)(i) and contain provision within Scottish devolved competence;
 - (b) the Welsh Ministers, if the regulations are made as mentioned in subsection (1)(b)(ii) and contain provision within Welsh devolved competence.
- (4) The Secretary of State need not wait until the end of the period specified under subsection (2)(c) before making regulations if, before the end of that period, each relevant devolved authority to which the notice was given has confirmed that it has made any representations it intends to make with respect to the provision referred to in subsection (2)(b)(i) or (ii) (as the case may be).
- (5) The Secretary of State must, if requested to do so by a relevant devolved authority, give the authority a statement setting out whether and how representations made by the authority with respect to the provision referred to in subsection (2)(b)(i) or (ii) (as the case may be) have been taken into account in the regulations.
- (6) For the purposes of this section, provision –
 - (a) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;

- (b) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006).”

Clause 175

COMMONS AMENDMENT 185

- 185 Clause 175, page 149, line 12, leave out “primary legislation (as defined in section 174)” and insert “legislation mentioned in section 174(5)”

Clause 178

COMMONS AMENDMENT 186

- 186 Clause 178, page 151, line 22, at end insert –
“(3A) The Secretary of State may make regulations under this section only if the Secretary of State has also made regulations under section 177(1) (and those regulations are still in force).”

Clause 204

COMMONS AMENDMENT 187

- 187 Page 172, line 14, leave out Clause 204

Clause 205

COMMONS AMENDMENT 188

- 188 Clause 205, page 172, line 30, leave out “Secretary of State” and insert “appropriate authority”

COMMONS AMENDMENT 189

- 189 Clause 205, page 173, line 34, at end insert –
““the appropriate authority” means –
(a) in relation to England and Wales, the Secretary of State;
(b) in relation to Scotland, the Scottish Ministers;
(c) in relation to Northern Ireland, the Department;”

COMMONS AMENDMENT 190

- 190 Clause 205, page 173, line 36, at end insert –
““the Department” means the Department of Finance in Northern Ireland;”

Clause 207

COMMONS AMENDMENT 191

- 191** Clause 207, page 175, line 14, leave out “Secretary of State” and insert “appropriate authority”

Clause 208

COMMONS AMENDMENT 192

- 192** Clause 208, page 175, line 24, leave out paragraphs (a) and (b) and insert “primary legislation”

COMMONS AMENDMENT 193

- 193** Clause 208, page 175, line 25, at end insert –
- “(1A) Regulations under this Part containing provision within subsection (2) (with or without other provision) –
- (a) if made by the Secretary of State, are subject to the affirmative procedure (see section 276);
 - (b) if made by the Scottish Ministers, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
 - (c) if made by the Department, may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.”

COMMONS AMENDMENT 194

- 194** Clause 208, page 175, line 26, leave out from beginning to end of line 27 and insert “The provision within this subsection is –”

COMMONS AMENDMENT 195

- 195** Clause 208, page 175, line 31, at end insert “(but excluding provision made by virtue of section 207(7) (inflation-related adjustments))”

COMMONS AMENDMENT 196

- 196** Clause 208, page 175, line 32, leave out “an Act of Parliament” and insert “primary legislation”

COMMONS AMENDMENT 197

- 197** Clause 208, page 175, line 33, at end insert –
- “(2A) Any other regulations under this Part –
- (a) if made by the Secretary of State, are subject to the negative procedure (see section 276);

- (b) if made by the Scottish Ministers, are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
- (c) if made by the Department, are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I)).”

COMMONS AMENDMENT 198

198 Clause 208, page 175, line 37, at end insert –

- “(4) A power of the Department to make regulations under this Part is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).”

COMMONS AMENDMENT 199

199 Clause 208, page 175, line 37, at end insert –

- “(5) In this section “primary legislation” means –
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act or Measure of Senedd Cymru, or
 - (d) Northern Ireland legislation.”

Clause 218

COMMONS AMENDMENT 200

200 Clause 218, page 185, line 38, leave out from beginning to end of line 5 on page 186

COMMONS AMENDMENT 201

201 Clause 218, page 186, line 7, at end insert –

- “(2A) Before making ESOS regulations that contain provision within devolved competence, the Secretary of State must give notice –
- (a) stating that the Secretary of State proposes to make ESOS regulations,
 - (b) setting out or describing the provisions of the regulations that contain provision within devolved competence, and
 - (c) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to those provisions,
- and must consider any representations duly made and not withdrawn.
- (2B) A notice under subsection (2A) must be given to each relevant devolved authority, that is to say –
- (a) the Scottish Ministers, so far as the regulations contain provision within Scottish devolved competence;

- (b) the Welsh Ministers, so far as the regulations contain provision within Welsh devolved competence;
 - (c) the Department for the Economy in Northern Ireland, so far as the regulations contain provision within Northern Ireland devolved competence.
- (2C) The Secretary of State need not wait until the end of the period specified under subsection (2A)(c) before making ESOS regulations if, before the end of that period, each relevant devolved authority to which the notice was given has confirmed that it has made any representations it intends to make with respect to the provisions referred to in subsection (2A)(b).
- (2D) The Secretary of State must, if requested to do so by a relevant devolved authority, give the authority a statement setting out whether and how representations made by the authority with respect to the provisions referred to in subsection (2A)(b) have been taken into account in the regulations.
- (2E) References in subsection (2A) to provision within devolved competence are to provision that is within Scottish, Welsh or Northern Ireland devolved competence.
- (2F) Where the Secretary of State makes ESOS regulations that have effect in relation to the compliance period beginning on 6 December 2019 (see regulation 4 of the Energy Savings Opportunity Schemes Regulations 2014 (S.I. 2014/1643)) –
- (a) subsections (2A) to (2E) do not apply, and
 - (b) before making the regulations, the Secretary of State must consult –
 - (i) the Scottish Ministers, so far as the regulations contain provision within Scottish devolved competence,
 - (ii) the Welsh Ministers, so far as the regulations contain provision within Welsh devolved competence, and
 - (iii) the Department for the Economy in Northern Ireland, so far as the regulations contain provision within Northern Ireland devolved competence,
- and subsection (2) applies to consultation under paragraph (b) as it applies to consultation under subsection (1).”

COMMONS AMENDMENT 202

202 Clause 218, page 186, line 8, leave out subsection (3)

COMMONS AMENDMENT 203

203 Clause 218, page 186, line 30, leave out paragraph (h)

COMMONS AMENDMENT 204

204 Clause 218, page 186, line 32, leave out subsection (8)

Clause 242

COMMONS AMENDMENT 205

- 205 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”

COMMONS AMENDMENT 206

- 206 Clause 242, page 204, line 11, leave out paragraph (d) and insert—
“(d) the acquisition of shares or any other interest in, or securities of, a body corporate;”

COMMONS AMENDMENT 207

- 207 Clause 242, page 204, line 13, leave out “investment by”

Clause 245

COMMONS AMENDMENT 208

- 208 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).”

COMMONS AMENDMENT 209

- 209 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.”

COMMONS AMENDMENT 210

- 210 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.”

Clause 246

COMMONS AMENDMENT 211

- 211** Clause 246, page 206, line 21, leave out “one or more relevant offshore wind projects” and insert “relevant offshore wind activities”

COMMONS AMENDMENT 212

- 212** Clause 246, page 206, line 25, leave out “a project” and insert “an activity”

COMMONS AMENDMENT 213

- 213** Clause 246, page 206, line 28, leave out “a project” and insert “an activity”

COMMONS AMENDMENT 214

- 214** Clause 246, page 207, line 7, leave out “project or projects” and insert “activities”

Clause 247

COMMONS AMENDMENT 215

- 215** Clause 247, page 207, line 36, leave out “projects” and insert “activities”

COMMONS AMENDMENT 216

- 216** Clause 247, page 207, line 38, leave out “one or more relevant offshore wind projects” and insert “relevant offshore wind activities”

COMMONS AMENDMENT 217

- 217** Clause 247, page 208, line 2, leave out “for and in connection with the determination of the extent to which” and insert “enabling a determination to be made, by or on behalf of the relevant person, as to whether (and, if so, the extent to which)”

COMMONS AMENDMENT 218

- 218** Clause 247, page 208, line 4, leave out “a person” and insert “another person”

COMMONS AMENDMENT 219

- 219** Clause 247, page 208, line 5, leave out “project” and insert “activity”

COMMONS AMENDMENT 220

220 Clause 247, page 208, line 7, after “extent” insert “(if any)”

COMMONS AMENDMENT 221

221 Clause 247, page 208, line 11, leave out “project” and insert “activity”

COMMONS AMENDMENT 222

222 Clause 247, page 208, line 11, at end insert –

“(5A) “Relevant person”, for the purposes of a determination made by virtue of subsection (4)(a), means the person who imposed the compensation condition.”

COMMONS AMENDMENT 223

223 Clause 247, page 208, line 24, at end insert “, where the functions relate to the operation or management of a marine recovery fund”

COMMONS AMENDMENT 224

224 Clause 247, page 208, line 32, at end insert –

“(8A) Regulations made by virtue of subsection (7)(c) must provide that the delegation of a function –

- (a) to a Scottish public authority requires the consent of the Scottish Ministers;
- (b) to a Welsh public authority requires the consent of the Welsh Ministers;
- (c) to a Northern Ireland public authority requires the consent of DAERA.”

COMMONS AMENDMENT 225

225 Clause 247, page 208, line 38, at end insert –

“(9A) Before making regulations under this section, the Secretary of State must consult –

- (a) the Scottish Ministers, so far as the regulations relate to relevant offshore wind activities in Scotland,
- (b) the Welsh Ministers, so far as the regulations relate to relevant offshore wind activities in Wales,
- (c) DAERA, so far as the regulations relate to relevant offshore wind activities in Northern Ireland, and
- (d) such other persons as the Secretary of State considers appropriate.”

COMMONS AMENDMENT 226

226 Clause 247, page 208, line 40, leave out subsection (11)

Clause 248

COMMONS AMENDMENT 227

227 Clause 248, page 209, line 6, leave out “projects” and insert “activities”

COMMONS AMENDMENT 228

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

COMMONS AMENDMENT 229

229 Clause 248, page 209, line 15, leave out “projects” and insert “activities”

COMMONS AMENDMENT 230

230 Clause 248, page 209, line 15, leave out from “region” to end of line 16

COMMONS AMENDMENT 231

231 Clause 248, page 209, line 18, leave out “projects” and insert “activities”

COMMONS AMENDMENT 232

232 Clause 248, page 209, line 22, leave out “projects” and insert “activities”

COMMONS AMENDMENT 233

233 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)”

COMMONS AMENDMENT 234

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

COMMONS AMENDMENT 235

235 Clause 248, page 210, line 11, leave out sub-paragraph (ii)

COMMONS AMENDMENT 236

236 Clause 248, page 211, line 1, leave out sub-paragraph (iii)

COMMONS AMENDMENT 237

237 Clause 248, page 211, line 21, at end insert –
“(6A) Regulations made under this section by the Secretary of State –

- (a) may not provide for a function that is exercisable by a Scottish public authority, a Welsh public authority or a Northern Ireland public authority to cease to be exercisable by that authority, and
 - (b) to the extent that a function is exercisable by or on behalf of a Scottish public authority, a Welsh public authority or a Northern Ireland public authority, may not provide for the function also to be exercisable to that extent by another person,
- but may (subject to paragraphs (a) and (b)) modify such a function.”

COMMONS AMENDMENT 238

- 238 Clause 248, page 211, line 23, after “authority” insert “or a specified person”

COMMONS AMENDMENT 239

- 239 Clause 248, page 211, line 25, at end insert –
- “(7A) But regulations made by the Secretary of State by virtue of subsection (7)(a) may not enable directions to be given –
- (a) to a Scottish public authority by a person other than the Scottish Ministers;
 - (b) to a Welsh public authority by a person other than the Welsh Ministers.”

COMMONS AMENDMENT 240

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

COMMONS AMENDMENT 241

- 241 Clause 248, page 212, line 4, leave out “the Scottish inshore region,”

COMMONS AMENDMENT 242

- 242 Clause 248, page 212, line 6, leave out from beginning to end of line 12

Clause 249

COMMONS AMENDMENT 243

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

COMMONS AMENDMENT 244

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

Clause 250

COMMONS AMENDMENT 245

- 245 Clause 250, page 214, line 34, leave out “project” and insert “activity”

COMMONS AMENDMENT 246

246 Clause 250, page 215, line 3, at end insert –

“(3) References in this Chapter –

- (a) to a Scottish public authority are to the Scottish Ministers or any other public authority whose functions are exercisable only or mainly in or as regards Scotland;
- (b) to a Welsh public authority are to the Welsh Ministers or any other public authority whose functions are exercisable only or mainly in or as regards Wales;
- (c) to a Northern Ireland public authority are to a Northern Ireland department or any other public authority whose functions are exercisable only or mainly in or as regards Northern Ireland.”

After Clause 252

COMMONS AMENDMENT 247

247 Insert the following Clause –

“Regulations under section 251 and 252: procedure with devolved authorities

Regulations under section 251

- (1) Before making regulations under section 251 that contain provision within devolved competence, the Secretary of State must give notice to each relevant devolved authority –
 - (a) stating that the Secretary of State proposes to make regulations under that section,
 - (b) setting out or describing the provision that is within the relevant devolved competence, and
 - (c) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to that provision,and must consider any representations duly made and not withdrawn.
- (2) The Secretary of State need not wait until the end of the period specified under subsection (2)(c) before making regulations if, before the end of that period, each relevant devolved authority to which the notice was given has confirmed that it has made any representations it intends to make with respect to the provision referred to in subsection (2)(b).
- (3) The Secretary of State must, if requested to do so by a relevant devolved authority, give the authority a statement setting out whether and how representations made by the authority with respect to the provision referred to in subsection (2)(b) have been taken into account in the regulations.
- (4) In subsections (1) to (3), “relevant devolved authority”, in relation to regulations, means –
 - (a) the Scottish Ministers, if the regulations contain provision within Scottish devolved competence;

- (b) the Welsh Ministers, if the regulations contain provision within Welsh devolved competence;
- (c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, if the regulations contain provision within Northern Ireland devolved competence;

and “the relevant devolved competence”, in relation to a relevant devolved authority, is to be construed accordingly.

Regulations under section 252

- (5) The Secretary of State may not make regulations under section 252 containing provision within Scottish devolved competence unless the Scottish Ministers have consented to that provision.
- (6) The Secretary of State may not make regulations under section 252 containing provision within Welsh devolved competence unless the Welsh Ministers have consented to that provision.

Devolved competence

- (7) For the purposes of this section, provision –
 - (a) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (b) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
 - (c) is within Northern Ireland devolved competence if it –
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998;

and references to provision being within devolved competence are to provision that is within Scottish, Welsh or Northern Ireland devolved competence.”

Clause 254

COMMONS AMENDMENT 248

248 Clause 254, page 220, line 8, leave out “the”

COMMONS AMENDMENT 249

249 Clause 254, page 220, line 8, at end insert –

- “(za) the Petroleum (Production) (Landward Areas) Regulations 1995 (S.I. 1995/1436),
- (zb) the Petroleum (Current Model Clauses) Order 1999 (S.I. 1999/160),

- (zc) the Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004 (S.I. 2004/352),”

COMMONS AMENDMENT 250

- 250 Clause 254, page 220, line 10, leave out “(“the 2008 Regulations”)”

COMMONS AMENDMENT 251

- 251 Clause 254, page 220, line 12, leave out “(“the 2014 Regulations”)”

COMMONS AMENDMENT 252

- 252 Clause 254, page 220, line 13, leave out subsections (2) and (3) and insert—
- “(2) Where a licence granted (or having effect as if granted) by the Oil and Gas Authority under the Petroleum (Production) Act 1934 or the Petroleum Act 1998—
- (a) incorporates model clauses amended by a paragraph of Schedule 19 (whether or not any provision of those model clauses is modified or excluded), and
- (b) is in force immediately before that paragraph comes into force, the licence has effect with the amendments provided for by that paragraph.”

COMMONS AMENDMENT 253

- 253 Clause 254, page 220, line 35, leave out “2014 Regulations” and insert “Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014”

Clause 257

COMMONS AMENDMENT 254

- 254 Clause 257, page 223, line 15, leave out “or a licensed disposal site”

COMMONS AMENDMENT 255

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

COMMONS AMENDMENT 256

- 256 Clause 257, page 225, line 8, after “installation” insert “or a licensed disposal site”

COMMONS AMENDMENT 257

- 257 Clause 257, page 225, line 36, at end insert—
- ““licensed disposal site” means a site that would be, or would at any time have been, a relevant disposal site but for section 7B(5)(a) (nuclear site licence granted in respect of site);”

After Clause 259

COMMONS AMENDMENT 258

258 Insert 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.”

After Clause 269

COMMONS AMENDMENT 259

259 Insert 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).”

COMMONS AMENDMENT 260

260 Insert 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.”

COMMONS AMENDMENT 261

261 Insert 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.”

COMMONS AMENDMENT 262

262 Insert 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, or securities of, 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, or securities of, 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.”

COMMONS AMENDMENT 263

263 Insert 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.”

COMMONS AMENDMENT 264

264 Insert 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).”

COMMONS AMENDMENT 265

265 Insert 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.”

COMMONS AMENDMENT 266

266 Insert 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.”

COMMONS AMENDMENT 267

267

Insert 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.”

COMMONS AMENDMENT 268

268

Insert 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.”

COMMONS AMENDMENT 269

269 Insert 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.”

COMMONS AMENDMENT 270

270 Insert 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*)).”

COMMONS AMENDMENT 271

271 Insert 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.”

Clause 270

COMMONS AMENDMENT 272

272 Page 238, line 5, leave out Clause 270

Clause 271

COMMONS AMENDMENT 273

273 Page 238, line 10, leave out Clause 271

Clause 272

COMMONS AMENDMENT 274

274 Page 238, line 23, leave out Clause 272

Clause 273

COMMONS AMENDMENT 275

275 Page 240, line 6, leave out Clause 273

Clause 274

COMMONS AMENDMENT 276

276 Clause 274, page 241, line 22, leave out “this Act or any provision made” and insert “provision made by or under this Act or”

Clause 275

COMMONS AMENDMENT 277

277 Clause 275, page 241, line 35, after “State” insert “, the Treasury”

COMMONS AMENDMENT 278

278 Clause 275, page 242, line 32, leave out subsection (11)

Clause 277

COMMONS AMENDMENT 279

279 Clause 277, page 243, line 6, leave out “Chapters 1 and 3” and insert “Chapter 1”

COMMONS AMENDMENT 280

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

COMMONS AMENDMENT 281

281 Clause 277, page 243, line 6, at end insert –
“(ca) Chapter 3 of Part 3, except section (*Renewable liquid heating fuel obligations*);”

COMMONS AMENDMENT 282

282 Clause 277, page 243, line 9, after “Parts” insert “9,”

COMMONS AMENDMENT 283

283 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*);”

COMMONS AMENDMENT 284

284 Clause 277, page 243, line 17, at end insert –
“(ba) section (*Power to modify Gas Act 1986 in relation to hydrogen*);”

COMMONS AMENDMENT 285

285 Clause 277, page 243, line 17, at end insert –
“(bb) section (*Renewable liquid heating fuel obligations*);”

COMMONS AMENDMENT 286

286 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*);”

COMMONS AMENDMENT 287

287 Clause 277, page 243, line 23, leave out subsection (3) and insert –

“(3) Chapter 2 of Part 7 extends to England and Wales only, subject to subsection (5).”

Clause 278

COMMONS AMENDMENT 288

288 Clause 278, page 243, line 36, at end insert –

“(za) in Chapter 1 of Part 2 –

- (i) section 56;
- (ii) sections 57 and 58, so far as relating to hydrogen production revenue support contracts and a hydrogen production counterparty;
- (iii) sections 61 and 62;
- (iv) section 77(1) to (3), so far as relating to a designation under section 61;
- (v) section 79, so far as relating to hydrogen production revenue support contracts and a hydrogen production counterparty;
- (vi) sections 81 and 84, so far as relating to the exercise of any power that comes into force in accordance with this paragraph;

and in this paragraph “hydrogen production revenue support contract” and “hydrogen production counterparty” have the same meaning as in that Chapter;”

COMMONS AMENDMENT 289

289 Clause 278, page 243, line 36, at end insert –

“(za) section 103;”

COMMONS AMENDMENT 290

290 Clause 278, page 243, line 36, at end insert –

“(za) Chapter 1 of Part 3;”

COMMONS AMENDMENT 291

- 291 Clause 278, page 243, line 36, at end insert –
“(za) section 115;”

COMMONS AMENDMENT 292

- 292 Clause 278, page 243, line 36, at end insert –
“(za) section 117;”

COMMONS AMENDMENT 293

- 293 Clause 278, page 243, line 36, at end insert –
“(za) in Part 4 –
(i) sections 127 and 128;
(ii) section 132 (including Schedule 7) and section 133 (including Schedule 9);
(iii) section 136(2) and (3), so far as relating to other provisions in force by virtue of this paragraph;
(iv) sections 138 and 139;”

COMMONS AMENDMENT 294

- 294 Clause 278, page 243, line 36, at end insert –
“(za) section 160 (including Schedule 13);”

COMMONS AMENDMENT 295

- 295 Clause 278, page 243, line 36, at end insert –
“(za) section (*Revenue certainty scheme for sustainable aviation fuel producers: consultation and report*);”

COMMONS AMENDMENT 296

- 296 Clause 278, page 243, line 36, at end insert –
“(za) section (*Renewable liquid heating fuel obligations*);”

COMMONS AMENDMENT 297

- 297 Clause 278, page 243, line 37, at end insert –
“(aa) section 170;”

COMMONS AMENDMENT 298

- 298 Clause 278, page 244, line 1, after “sections” insert “260,”

COMMONS AMENDMENT 299

299 Clause 278, page 244, line 2, leave out “Chapter 3” and insert “Chapters 3 and 4”

COMMONS AMENDMENT 300

300 Clause 278, page 244, line 7, leave out paragraph (b) and insert—

“(b) Chapters 1 to 3, sections (*Key definitions*), (*Retention of information and samples*), (*Preparation and agreement of information and samples plans*), (*Information and samples plans: supplementary*), (*Information and samples coordinators*), (*Powers of OGA to require information and samples*), (*Prohibition on disclosure of information or samples obtained by OGA*), (*Power of Secretary of State to require information and samples*), (*Power of OGA to give sanctions notices*), (*Enforcement notices*) (*Financial penalty notices*), (*Revocation notices*), (*Operator removal notices*), (*Duty of OGA to give sanction warning notices*), (*Publication of details of sanctions*), (*Subsequent sanctions notices*), (*Withdrawal of sanction notices*), (*Sanctions: information powers*), (*Appeals in connection with Chapter*), (*Procedure for enforcement decisions*) and (*Interpretation of Chapter*) and Chapter 5 of Part 2, so far as not already in force by virtue of subsection (2);”

COMMONS AMENDMENT 301

301 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*);”

COMMONS AMENDMENT 302

302 Clause 278, page 244, line 8, leave out “Chapter 2 of Part 3” and insert “section 114”

COMMONS AMENDMENT 303

303 Clause 278, page 244, line 8, at end insert—

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

COMMONS AMENDMENT 304

304 Clause 278, page 244, line 9, leave out paragraph (d)

COMMONS AMENDMENT 305

- 305 Clause 278, page 244, line 10, at end insert –
“(ea) section (*Principal objectives of Secretary of State and GEMA*);”

COMMONS AMENDMENT 306

- 306 Clause 278, page 244, line 11, leave out paragraph (f)

COMMONS AMENDMENT 307

- 307 Clause 278, page 244, line 12, leave out “170” and insert “169”

COMMONS AMENDMENT 308

- 308 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*);”

COMMONS AMENDMENT 309

- 309 Clause 278, page 244, line 16, leave out paragraph (k)

COMMONS AMENDMENT 310

- 310 Clause 278, page 244, line 16, at end insert –
“(l) section (*Convention on Supplementary Compensation for Nuclear Damage: implementation power*).”

Clause 279

COMMONS AMENDMENT 311

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

Schedule 1

COMMONS AMENDMENT 312

- 312 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)””

After Schedule 6

COMMONS AMENDMENT 313

313 Insert the following Schedule –

“SCHEDULE Section (*Prohibition on disclosure of information or samples obtained by OGA*)

PERMITTED DISCLOSURES OF MATERIAL OBTAINED BY OGA

Disclosure by OGA to specified persons

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

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

<i>Column 1</i>	<i>Column 2</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 of information or samples obtained by OGA*) does not prohibit a disclosure of protected material by the OGA which—
- is a disclosure of protected material obtained by it under section (*Power of OGA to require information and samples*),
 - is made to the Natural Environment Research Council, or any other similar body carrying on geological activities, and
 - 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 of information or samples obtained by OGA*) 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)—
- to remove a person from column 1,
 - to add to column 1 a person to whom sub-paragraph (7) applies, or
 - to add, remove or change entries in column 2.
- (7) This sub-paragraph applies to—
- persons holding office under the Crown;
 - persons in the service or employment of the Crown;
 - persons acting on behalf of the Crown;
 - 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 of information or samples obtained by OGA*) 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 of information or samples obtained by OGA*) 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 of information or samples obtained by OGA*) 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 of information or samples obtained by OGA*) 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 of information or samples obtained by OGA*) 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 of information or samples obtained by OGA*) 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 of information or samples obtained by OGA*) 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 of information or samples obtained by OGA*) 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.”

COMMONS AMENDMENT 314

314 Insert 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 terminate the carbon storage licence or 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 terminate a carbon storage licence, 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.”

Schedule 7

COMMONS AMENDMENT 315

- 315** Schedule 7, page 279, line 26, leave out “or rights” and insert “, rights or liabilities”

COMMONS AMENDMENT 316

- 316** Schedule 7, page 280, line 6, at end insert –
- “(2A) 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.”

COMMONS AMENDMENT 317

- 317** Schedule 7, page 280, line 35, leave out “appointed by the Secretary of State and the transferor”

COMMONS AMENDMENT 318

- 318** Schedule 7, page 281, line 1, leave out sub-paragraph (4)

COMMONS AMENDMENT 319

- 319** 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.”

COMMONS AMENDMENT 320

- 320 Schedule 7, page 282, line 10, leave out “, land and buildings transaction tax, land transaction tax”

Schedule 8

COMMONS AMENDMENT 321

- 321 Schedule 8, page 289, line 1, leave out paragraphs (a) and (b) and insert –
“(a) such specified pensions information, or
(b) such specified assistance,
as the Secretary of State may reasonably require in preparation for or in connection with the exercise of a power conferred on the Secretary of State by this Schedule.”

Schedule 12

COMMONS AMENDMENT 322

- 322 Schedule 12, page 303, line 15, leave out from “in” to “of” in line 17 and insert “a notice under section 142(1) of the Energy Act 2023 in relation to a designated central system (within the meaning of Part 5”

COMMONS AMENDMENT 323

- 323 Schedule 12, page 303, line 25, leave out from “in” to “of” in line 26 and insert “a notice under section 142(1) of the Energy Act 2023 in relation to a designated central system (within the meaning of Part 5”

COMMONS AMENDMENT 324

- 324 Schedule 12, page 304, line 4, leave out from “in” to “of” in line 6 and insert “a notice under section 142(1) of the Energy Act 2023 in relation to a designated central system (within the meaning of Part 5”

COMMONS AMENDMENT 325

- 325 Schedule 12, page 304, line 14, leave out from “in” to “of” in line 15 and insert “a notice under section 142(1) of the Energy Act 2023 in relation to a designated central system (within the meaning of Part 5”

COMMONS AMENDMENT 326

- 326 Schedule 12, page 305, line 6, leave out paragraph (a)

COMMONS AMENDMENT 327

- 327 Schedule 12, page 305, line 19, leave out paragraph (d)

Schedule 19

COMMONS AMENDMENT 328

328 Schedule 19, page 369, line 16, at end insert –

“PART A1

PETROLEUM (PRODUCTION) (LANDWARD AREAS) REGULATIONS 1995

A1 In the Petroleum (Production) (Landward Areas) Regulations 1995 (S.I. 1995/1436), Schedule 3 (model clauses for petroleum exploration and development licences in landward areas) is amended as follows.

A2 After clause 37 insert –

“37A Change in control of Licensee

- (1) This clause applies if –
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,

- (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means –
- (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 37(4).”
- A3 (1) Clause 38 (power of revocation) is amended as follows.
- (2) In paragraph (2) –
- (a) after sub-paragraph (i) insert –
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 37A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Petroleum Act 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
- (3) Omit paragraphs (3) to (5).
- A4 (1) Clause 38A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute –
- “(1) This clause applies in a case where two or more persons are the Licensee and –
- (a) an event mentioned in clause 38(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 38(2)(b) occurs which consists of a breach of clause 37A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 38(2)(j) occurs in relation to a change in control of one of those persons (see clause 37A); or
 - (d) an event mentioned in clause 38(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
- (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

PART A2

PETROLEUM (CURRENT MODEL CLAUSES) ORDER 1999

Introduction

- A5 The Petroleum (Current Model Clauses) Order 1999 (S.I. 1999/160) is amended in accordance with this Part of this Schedule.

Part 2 of Schedule 2

- A6 Part 2 of Schedule 2 (current model clauses for controlled waters or seaward production licences deriving from Schedule 2 to the 1964 Regulations and Schedule 4 to the 1966 Regulations) is amended in accordance with paragraphs A7 to A9.

- A7 After clause 38 insert –

“38A Change in control of Licensee

- (1) This clause applies if –
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –

- (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA's decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause "the interested parties" means –
- (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 38(4)."
- A8 (1) Clause 39 (power of revocation) is amended as follows.
- (2) In paragraph (2) –
- (a) after sub-paragraph (i) insert –
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 38A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
- (3) Omit paragraphs (3) to (5).
- A9 (1) Clause 39A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute –
- “(1) This clause applies in a case where two or more persons are the Licensee and –
- (a) an event mentioned in clause 39(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 39(2)(b) occurs which consists of a breach of clause 38A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 39(2)(j) occurs in relation to a change in control of one of those persons (see clause 38A); or
 - (d) an event mentioned in clause 39(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
- (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 3

- A10 Part 2 of Schedule 3 (current model clauses for landward production licences deriving from Schedule 3 to the 1966 regulations) is amended in accordance with paragraphs A11 to A13.
- A11 After clause 36 insert –
- “36A Change in control of Licensee**
- (1) This clause applies if –
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
 - (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
 - (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
 - (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
 - (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
 - (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
 - (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
 - (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
 - (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.

- (10) In this clause “the interested parties” means—
- (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 36(3).”

A12(1) Clause 37 (power of revocation) is amended as follows.

- (2) In paragraph (2)—
- (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 36A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
- (3) Omit paragraphs (3) to (5).

A13(1) Clause 37A (power of partial revocation) is amended as follows.

- (2) For paragraph (1) substitute—
- “(1) This clause applies in a case where two or more persons are the Licensee and—
- (a) an event mentioned in clause 37(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 37(2)(b) occurs which consists of a breach of clause 36A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 37(2)(j) occurs in relation to a change in control of one of those persons (see clause 36A); or
 - (d) an event mentioned in clause 37(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
- (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 4

A14 Part 2 of Schedule 4 (current model clauses for landward production licences deriving from Schedule 4 to the 1976 Regulations or Schedule 4 to the 1982 Regulations) is amended in accordance with paragraphs A15 to A17.

A15 After clause 37 insert –

“37A Change in control of Licensee

- (1) This clause applies if –
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means –
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and

(c) if the company and another person or persons are the Licensee, that other person or those other persons.

(11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 37(3).”

A16(1) Clause 38 (power of revocation) is amended as follows.

(2) In paragraph (2) –

(a) after sub-paragraph (i) insert –

“(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 37A);

(k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”

(b) in the closing words, after “(g)” insert “or (j) or (k)”.

(3) Omit paragraphs (3) to (5).

A17(1) Clause 38A (power of partial revocation) is amended as follows.

(2) For paragraph (1) substitute –

“(1) This clause applies in a case where two or more persons are the Licensee and –

(a) an event mentioned in clause 38(2)(c), (d), (e) or (g) occurs in relation to one of those persons;

(b) an event mentioned in clause 38(2)(b) occurs which consists of a breach of clause 37A(2) or (4) in relation to a change in control of one of those persons;

(c) an event mentioned in clause 38(2)(j) occurs in relation to a change in control of one of those persons (see clause 37A); or

(d) an event mentioned in clause 38(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”

(3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 5

A18 Part 2 of Schedule 5 (current model clauses for seaward production licences deriving from Schedule 5 to the 1976 Regulations) is amended in accordance with paragraphs A19 to A21.

A19 After clause 39 insert –

“39A Change in control of Licensee

(1) This clause applies if –

(a) the Licensee is a company, or

(b) where two or more persons are the Licensee, any of those persons is a company,

and references in this clause to a company are to such a company.

- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means –
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 39(4).”

A20(1) Clause 40 (power of revocation) is amended as follows.

- (2) In paragraph (2) –

- (a) after sub-paragraph (i) insert –
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 39A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
 - (3) Omit paragraphs (3) to (5).
- A21(1) Clause 40A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute –
 - “(1) This clause applies in a case where two or more persons are the Licensee and –
 - (a) an event mentioned in clause 40(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 40(2)(b) occurs which consists of a breach of clause 39A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 40(2)(j) occurs in relation to a change in control of one of those persons (see clause 39A); or
 - (d) an event mentioned in clause 40(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 6

- A22 Part 2 of Schedule 6 (current model clauses for seaward production licences deriving from Schedule 5 to the 1982 Regulations) is amended in accordance with paragraphs A23 to A25.
- A23 After clause 38 insert –
- “38A Change in control of Licensee**
- (1) This clause applies if –
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,
 and references in this clause to a company are to such a company.
 - (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
 - (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.

- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means –
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 38(4).”

A24(1) Clause 39 (power of revocation) is amended as follows.

- (2) In paragraph (2) –
 - (a) after sub-paragraph (i) insert –
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 38A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given

by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;

(b) in the closing words, after “(g)” insert “or (j) or (k)”.

(3) Omit paragraphs (3) to (5).

A25(1) Clause 39A (power of partial revocation) is amended as follows.

(2) For paragraph (1) substitute –

“(1) This clause applies in a case where two or more persons are the Licensee and –

- (a) an event mentioned in clause 39(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
- (b) an event mentioned in clause 39(2)(b) occurs which consists of a breach of clause 38A(2) or (4) in relation to a change in control of one of those persons;
- (c) an event mentioned in clause 39(2)(j) occurs in relation to a change in control of one of those persons (see clause 38A); or
- (d) an event mentioned in clause 39(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”

(3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 8

A26 Part 2 of Schedule 8 (current model clauses for landward development licences deriving from Schedule 5 to the 1984 Regulations) is amended in accordance with paragraphs A27 to A29.

A27 After clause 35 insert –

“35A Change in control of Licensee

- (1) This clause applies if –
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,
 and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or

- (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA's decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 35(3).”

A28(1) Clause 36 (power of revocation) is amended as follows.

- (2) In paragraph (2)—
 - (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 35A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
- (3) Omit paragraphs (3) to (5).

A29(1) Clause 36A (power of partial revocation) is amended as follows.

(2) For paragraph (1) substitute –

- “(1) This clause applies in a case where two or more persons are the Licensee and –
- (a) an event mentioned in clause 36(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 36(2)(b) occurs which consists of a breach of clause 35A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 36(2)(j) occurs in relation to a change in control of one of those persons (see clause 35A); or
 - (d) an event mentioned in clause 36(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”

(3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 9

A30 Part 2 of Schedule 9 (current model clauses for seaward production licences deriving from Schedule 4 to the 1988 Regulations as they had effect before 16 December 1996) is amended in accordance with paragraphs A31 to A33.

A31 After clause 41 insert –

“41A Change in control of Licensee

- (1) This clause applies if –
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,
 and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.

- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA's decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 41(4).”

A32(1) Clause 42 (power of revocation) is amended as follows.

- (2) In paragraph (2)—
 - (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 41A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
- (3) Omit paragraphs (3) to (5).

A33(1) Clause 42A (power of partial revocation) is amended as follows.

- (2) For paragraph (1) substitute—
 - “(1) This clause applies in a case where two or more persons are the Licensee and—
 - (a) an event mentioned in clause 42(2)(c), (d), (e) or (g) occurs in relation to one of those persons;

- (b) an event mentioned in clause 42(2)(b) occurs which consists of a breach of clause 41A(2) or (4) in relation to a change in control of one of those persons;
- (c) an event mentioned in clause 42(2)(j) occurs in relation to a change in control of one of those persons (see clause 41A); or
- (d) an event mentioned in clause 42(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”

(3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 10

A34 Part 2 of Schedule 10 (current model clauses for seaward production licences deriving from Schedule 4 to the 1988 Regulations as they had effect on and after 16 December 1996) is amended in accordance with paragraphs A35 to A37.

A35 After clause 41 insert –

“41A Change in control of Licensee

- (1) This clause applies if –
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,
 and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.

- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA's decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means –
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 41(4).”

A36(1) Clause 42 (power of revocation) is amended as follows.

- (2) In paragraph (2) –
 - (a) after sub-paragraph (i) insert –
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 41A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
- (3) Omit paragraphs (3) to (5).

A37(1) Clause 42A (power of partial revocation) is amended as follows.

- (2) For paragraph (1) substitute –
 - “(1) This clause applies in a case where two or more persons are the Licensee and –
 - (a) an event mentioned in clause 42(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 42(2)(b) occurs which consists of a breach of clause 41A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 42(2)(j) occurs in relation to a change in control of one of those persons (see clause 41A); or

- (d) an event mentioned in clause 42(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
- (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 13

A38 Part 2 of Schedule 13 (current model clauses for landward appraisal licences deriving from Schedule 5 to the 1991 Regulations) is amended in accordance with paragraphs A39 to A41.

A39 After clause 32 insert –

“32A Change in control of Licensee

- (1) This clause applies if –
- (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,
- and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
- (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
- (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –
- (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and

- (c) financial conditions.
 - (9) The OGA's decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
 - (10) In this clause "the interested parties" means –
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
 - (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 32(3)."
- A40(1) Clause 33 (power of revocation) is amended as follows.
- (2) In paragraph (2) –
 - (a) after sub-paragraph (h) insert –
 - “(i) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 32A);
 - (j) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Petroleum Act 1998;”;
 - (b) in the closing words, after “(f)” insert “or (i) or (j)”.
 - (3) Omit paragraphs (3) to (5).
- A41(1) Clause 33A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute –
 - “(1) This clause applies in a case where two or more persons are the Licensee and –
 - (a) an event mentioned in clause 33(2)(c), (d), (e) or (f) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 33(2)(b) occurs which consists of a breach of clause 32A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 33(2)(i) occurs in relation to a change in control of one of those persons (see clause 32A); or
 - (d) an event mentioned in clause 33(2)(j) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 14

A42 Part 2 of Schedule 14 (current model clauses for landward development licences deriving from Schedule 6 to the 1991 Regulations) is amended in accordance with paragraphs A43 to A45.

A43 After clause 34 insert –

“34A Change in control of Licensee

- (1) This clause applies if –
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.

- (10) In this clause “the interested parties” means—
- (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 34(3).”

A44(1) Clause 35 (power of revocation) is amended as follows.

- (2) In paragraph (2)—
- (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 34A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
- (3) Omit paragraphs (3) to (5).

A45(1) Clause 35A (power of partial revocation) is amended as follows.

- (2) For paragraph (1) substitute—
- “(1) This clause applies in a case where two or more persons are the Licensee and—
- (a) an event mentioned in clause 35(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 35(2)(b) occurs which consists of a breach of clause 34A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 35(2)(j) occurs in relation to a change in control of one of those persons (see clause 34A); or
 - (d) an event mentioned in clause 35(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
- (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

PART A3

PETROLEUM LICENSING (EXPLORATION AND PRODUCTION) (SEAWARD AND LANDWARD AREAS) REGULATIONS 2004

Introduction

- A46 The Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004 (S.I. 2004/352) are amended in accordance with this Part of this Schedule.

Schedule 2

- A47 Schedule 2 (model clauses for production licences relating to frontier areas – no break clause) is amended in accordance with paragraphs A48 to A50.

- A48 After clause 37 insert –

“37A Change in control of Licensee

- (1) This clause applies if –
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,
 and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –

- (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA's decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause "the interested parties" means –
- (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 37(4)."
- A49(1) Clause 38 (power of revocation) is amended as follows.
- (2) In paragraph (2) –
- (a) after sub-paragraph (i) insert –
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 37A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
- (3) Omit paragraphs (3) to (5).
- A50(1) Clause 38A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute –
- “(1) This clause applies in a case where two or more persons are the Licensee and –
- (a) an event mentioned in clause 38(2)(c), (d), (e), (ee) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 38(2)(b) occurs which consists of a breach of clause 37A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 38(2)(j) occurs in relation to a change in control of one of those persons (see clause 37A); or
 - (d) an event mentioned in clause 38(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
- (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Schedule 3

A51 Schedule 3 (model clauses for production licences relating to frontier areas – including break clause) is amended in accordance with paragraphs A52 to A54.

A52 After clause 38 insert –

“38A Change in control of Licensee

- (1) This clause applies if –
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.

- (10) In this clause “the interested parties” means—
- (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 38(4).”

A53(1) Clause 39 (power of revocation) is amended as follows.

- (2) In paragraph (2)—
- (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 38A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
- (3) Omit paragraphs (3) to (5).

A54(1) Clause 39A (power of partial revocation) is amended as follows.

- (2) For paragraph (1) substitute—
- “(1) This clause applies in a case where two or more persons are the Licensee and—
- (a) an event mentioned in clause 39(2)(c), (d), (e), (ee) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 39(2)(b) occurs which consists of a breach of clause 38A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 39(2)(j) occurs in relation to a change in control of one of those persons (see clause 38A); or
 - (d) an event mentioned in clause 39(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
- (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Schedule 4

A55 Schedule 4 (model clauses for standard production licences) is amended in accordance with paragraphs A56 to A58.

A56 After clause 36 insert—

“36A Change in control of Licensee

- (1) This clause applies if—

- (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means –
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 36(4).”

A57(1) Clause 37 (power of revocation) is amended as follows.

(2) In paragraph (2)–

(a) after sub-paragraph (i) insert –

“(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 36A);

(k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act;”;

(b) in the closing words, after “(g)” insert “or (j) or (k)”.

(3) Omit paragraphs (3) to (5).

A58(1) Clause 37A (power of partial revocation) is amended as follows.

(2) For paragraph (1) substitute –

“(1) This clause applies in a case where two or more persons are the Licensee and –

(a) an event mentioned in clause 37(2)(c), (d), (e), (ee) or (g) occurs in relation to one of those persons;

(b) an event mentioned in clause 37(2)(b) occurs which consists of a breach of clause 36A(2) or (4) in relation to a change in control of one of those persons;

(c) an event mentioned in clause 37(2)(j) occurs in relation to a change in control of one of those persons (see clause 36A); or

(d) an event mentioned in clause 37(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”

(3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Schedule 6

A59 Schedule 6 (model clauses for petroleum exploration and development licences) is amended in accordance with paragraphs A60 to A62.

A60 After clause 35 insert –

“35A Change in control of Licensee

(1) This clause applies if –

(a) the Licensee is a company, or

(b) where two or more persons are the Licensee, any of those persons is a company,

and references in this clause to a company are to such a company.

(2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).

- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may –
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision –
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include –
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means –
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 35(4).”

A61(1) Clause 36 (power of revocation) is amended as follows.

- (2) In paragraph (2) –
 - (a) after sub-paragraph (i) insert –
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its

- consent to a change in control of the Licensee (see clause 35A);
- (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act;”;
- (b) in the closing words, after “(g)” insert “or (j) or (k)”.
- (3) Omit paragraphs (3) to (5).
- A62(1) Clause 36A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute –
- “(1) This clause applies in a case where two or more persons are the Licensee and –
- (a) an event mentioned in clause 36(2)(c), (d), (e), (ee) or (g) occurs in relation to one of those persons;
- (b) an event mentioned in clause 36(2)(b) occurs which consists of a breach of clause 35A(2) or (4) in relation to a change in control of one of those persons;
- (c) an event mentioned in clause 36(2)(j) occurs in relation to a change in control of one of those persons (see clause 35A); or
- (d) an event mentioned in clause 36(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
- (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Schedule 20

COMMONS AMENDMENT 329

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

COMMONS AMENDMENT 330

- 330** 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)”

COMMONS AMENDMENT 331

- 331** 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.”

COMMONS AMENDMENT 332

- 332** Schedule 20, page 378, line 11, at end insert “(as amended or supplemented from time to time)”

COMMONS AMENDMENT 333

333 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) +”

COMMONS AMENDMENT 334

334 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;”.

COMMONS AMENDMENT 335

335 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”.

Title

COMMONS AMENDMENT 336

336 Title, line 3, leave out “industrial”

COMMONS AMENDMENT 337

337 Title, line 4, after “production” insert “and transportation”

COMMONS AMENDMENT 338

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

Energy Bill [HL]

COMMONS AMENDMENTS

6 September 2023

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