



Energy Act 2023

2023 CHAPTER 52

PART 2

CARBON DIOXIDE CAPTURE, STORAGE ETC AND HYDROGEN PRODUCTION, TRANSPORT AND STORAGE

CHAPTER 1

REVENUE SUPPORT CONTRACTS

General provision about counterparties

81 Further provision about designations

- (1) A designation under [section 59](#), [61](#), [63](#), [65](#), or [67](#) ceases to have effect if—
 - (a) the Secretary of State revokes the designation by notice given to the person designated (in which case the designation ends on the date specified in the notice), or
 - (b) the person withdraws consent to the designation by giving not less than 3 months' notice in writing to the Secretary of State.
- (2) At any time after the first designation under [section 59](#), [61](#), [63](#), [65](#) or [67](#) has effect, the Secretary of State must, except where the Secretary of State considers it unnecessary or not reasonably practicable to do so, exercise the power to designate so as to ensure that at least one designation has effect under that section.
- (3) The Secretary of State must publish a notice given to a person under—
 - (a) [section 59\(1\)](#), [61\(1\)](#), [63\(1\)](#), [65\(1\)](#) or [67\(1\)](#), or
 - (b) [subsection \(1\)\(a\)](#).
- (4) Revenue support regulations may make provision enabling a person who has ceased to be a carbon dioxide transport and storage counterparty, hydrogen transport counterparty, hydrogen storage counterparty, hydrogen production counterparty or

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carbon capture counterparty to continue to be treated as such a counterparty, including provision about the circumstances in which, and the period for which, such a person may be so treated.

Commencement Information

- I1** S. 81(1)-(3) in force at Royal Assent for specified purposes, see [s. 334\(2\)\(a\)\(iv\)](#)
- I2** S. 81(1)-(3) in force at 26.12.2023 in so far as not already in force, see [s. 334\(3\)\(b\)](#)
- I3** S. 81(4) in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

82 Application of sums held by a revenue support counterparty

- (1) Revenue support regulations may make provision for apportioning sums—
 - (a) received by a revenue support counterparty from a hydrogen levy administrator under provision made by virtue of [section 70](#), or
 - (b) received by a revenue support counterparty under a revenue support contract, in circumstances where the revenue support counterparty is unable to fully meet its liabilities under a revenue support contract.
- (2) The provision that may be made by virtue of [subsection \(1\)](#) includes provision about the meaning of “unable to fully meet its liabilities under a revenue support contract”.
- (3) In making provision by virtue of [subsection \(1\)](#), the Secretary of State must have regard to the principle that sums should be apportioned in proportion to the amounts that are owed.
- (4) Revenue support regulations may make provision about the application of sums held by a revenue support counterparty.
- (5) The provision that may be made by virtue of [subsection \(4\)](#) includes provision that sums are to be paid, or not to be paid, into the Consolidated Fund.

Commencement Information

- I4** S. 82 in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

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