



# Energy Act 2023

## 2023 CHAPTER 52

### PART 4

#### NEW TECHNOLOGY

### CHAPTER 2

#### HYDROGEN GRID CONVERSION TRIALS

#### **153 Modifications of the gas code**

- (1) For the purposes of this section, “hydrogen grid conversion trial” means a scheme designated by the Secretary of State that—
  - (a) relates to a particular place or area (the “trial location”),
  - (b) is designed to gather evidence for the purpose of enabling assessments to be made about the feasibility, costs and benefits of using hydrogen for heating or cooking,
  - (c) requires the network for supplying gas to the trial location to be modified so as to enable the supply of hydrogen, and
  - (d) is intended to have effect for a definite period.
- (2) Schedule 2B to the Gas Act 1986 (the gas code) applies in relation to a hydrogen grid conversion trial—
  - (a) as if references to a gas transporter included a person (other than a gas transporter) who is conducting the trial, and
  - (b) as if it were modified in accordance with subsections (3) to (5).
- (3) Paragraph 16 (alterations etc of burners on change of calorific value) applies as if—
  - (a) in sub-paragraph (1), the words “at a rate not exceeding 75,000 therms a year” were omitted, and
  - (b) in sub-paragraph (2), the steps required to be taken in respect of premises in the trial location also included any works required in respect of the premises

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(other than works already mentioned in sub-paragraph (2)) for the purposes or in consequence of the trial.

- (4) Paragraph 23 (entry of premises during supply) applies as if the power conferred by sub-paragraph (1)(a) included power to enter premises in the trial location for the purpose of inspecting anything on the premises, or carrying out any tests on the premises, in preparation for or otherwise in connection with the trial.
- (5) Paragraph 24 (entry of premises to discontinue supply) applies as if the power conferred by sub-paragraph (2) were exercisable for the purposes of the trial—
  - (a) in relation to any premises in the trial location, and
  - (b) notwithstanding sub-paragraph (1).
- (6) For the purposes of the application of the Rights of Entry (Gas and Electricity Boards) Act 1954 in relation to a relevant power of entry (see paragraph 28(5) of Schedule 2B to the Gas Act 1986), the reference in section 1(2) of the 1954 Act to a gas operator includes a reference to a person (other than a gas transporter) who is conducting a hydrogen grid conversion trial.
- (7) In subsection (6), “relevant power of entry” means a power of entry conferred by Schedule 2B to the Gas Act 1986, as it applies by virtue of this section in relation to a hydrogen grid conversion trial.

**Commencement Information**

**II** [S. 153](#) in force at 26.12.2023, see [s. 334\(3\)\(d\)](#)

**154 Regulations for protection of consumers**

- (1) The Secretary of State may by regulations make provision—
  - (a) requiring a gas transporter to take specified steps to secure that consumers in a trial location are properly informed about a hydrogen grid conversion trial being conducted in the trial location;
  - (b) requiring a gas transporter to take specified steps to secure that consumers are given adequate warning of the need for their premises to be disconnected for the purposes of a hydrogen grid conversion trial;
  - (c) about the enforcement of requirements imposed by virtue of [paragraph \(a\)](#) or [\(b\)](#).
- (2) Regulations under [subsection \(1\)](#) may confer functions on gas transporters in connection with the discharge of requirements imposed by the regulations.
- (3) The provision that may be made by virtue of [subsection \(1\)\(c\)](#) includes provision for the imposition of civil penalties in respect of a failure to comply with a requirement imposed by the regulations (but does not include provision for the creation of a criminal offence).
- (4) The Secretary of State may by regulations make provision designed to secure protection for consumers and other people who are affected, or likely to be affected, by a hydrogen grid conversion trial.
- (5) The provision that may be made by regulations under [subsection \(4\)](#) includes, for example, provision—

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- (a) about the making of complaints about the exercise by a gas transporter of a power conferred by a relevant statutory provision;
  - (b) about the award of redress in specified circumstances;
  - (c) imposing requirements on gas transporters or other persons to provide information to consumers and others;
  - (d) for securing that consumers and others are not required to incur expenditure, or are not otherwise financially disadvantaged, as a result of a hydrogen grid conversion trial;
  - (e) for securing fair treatment of consumers and others before, during and after a hydrogen grid conversion trial;
  - (f) about the quality of products provided to consumers and others and the quality of works carried out on premises owned by consumers and others;
  - (g) about the enforcement of requirements imposed by the regulations on gas transporters or other persons.
- (6) The provision that may be made by virtue of subsection (5)(g) includes provision for the imposition of civil penalties in respect of a failure to comply with a requirement imposed by the regulations (but does not include provision for the creation of a criminal offence).
- (7) Where regulations under this section make provision for a civil penalty, they must also include provision for a right of appeal to a court or tribunal against the imposition of the penalty.
- (8) Regulations under this section are subject to the negative procedure.
- (9) In this section—
- “consumer” and “disconnected” have the same meaning as in Schedule 2B to the Gas Act 1986 (see paragraph 1(1) of that Schedule);
  - “gas transporter” means—
    - (a) a gas transporter within the meaning of Part 1 of the Gas Act 1986 (see section 7 of that Act), or
    - (b) any other person who—
      - (i) is conducting a hydrogen grid conversion trial, and
      - (ii) does not require a licence under section 7 of the Gas Act 1986 as a result of an exemption under section 6A of that Act;
  - “hydrogen grid conversion trial” and “trial location” have the same meaning as in [section 153](#);
  - “specified” means specified by regulations.

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**Commencement Information**

**I2** S. 154 in force at Royal Assent, see [s. 334\(2\)\(d\)](#)

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