



# Energy Act 2023

## 2023 CHAPTER 52

### PART 2

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

### CHAPTER 3

#### STRATEGY AND POLICY STATEMENT

#### 101 Review

- (1) The Secretary of State must review the CCUS strategy and policy statement if a period of 5 years has elapsed since the relevant time.
- (2) In this section “relevant time”, in relation to the CCUS strategy and policy statement, means—
  - (a) the time when the statement was first designated under [section 99](#), or
  - (b) if later, the time when a review of the statement under this section last took place.
- (3) A review under [subsection \(1\)](#) must take place as soon as reasonably practicable after the end of the 5 year period.
- (4) The Secretary of State may review the CCUS strategy and policy statement at any other time if—
  - (a) a Parliamentary general election has taken place since the relevant time,
  - (b) the economic regulator has given notice to the Secretary of State under [section 100\(6\)](#) since the relevant time,
  - (c) a significant change in the policy of His Majesty’s government with regard to carbon dioxide capture, usage and storage has occurred since the relevant time,

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- (d) the Secretary of State has commenced a review under section 134 of the Energy Act 2013 since the relevant time,
  - (e) the Parliamentary approval requirement in relation to an amended statement was not met on the last review (see [subsection \(13\)](#)).
- (5) The Secretary of State may determine that a significant change in the government’s policy with regard to carbon dioxide capture, usage and storage has occurred for the purposes of [subsection \(4\)\(c\)](#) only if—
- (a) the change was not anticipated at the relevant time, and
  - (b) if the change had been so anticipated, it appears to the Secretary of State likely that the statement would have been different in a material way.
- (6) On a review under this section the Secretary of State may—
- (a) amend the statement (including by replacing the whole or part of the statement with new content),
  - (b) leave the statement as it is, or
  - (c) withdraw the statement’s designation as the strategy and policy statement.
- (7) The amendment of a statement under [subsection \(6\)\(a\)](#) has effect only if the Secretary of State designates under [section 99](#) the amended statement as the strategy and policy statement (and the procedural requirements under [section 102](#) apply in relation to any such designation).
- (8) For the purposes of this section, corrections of clerical or typographical errors are not to be treated as amendments made to the statement.
- (9) The designation of a statement as the strategy and policy statement ceases to have effect upon a subsequent designation of an amended statement as the strategy and policy statement in accordance with [subsection \(7\)](#).
- (10) Before proceeding under [subsection \(6\)\(b\)](#) or [\(c\)](#) 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.
- (11) For the purposes of [subsection \(10\)](#), the “appropriate consultees” are—
- (a) the economic regulator;
  - (b) so far as the decision as to whether or not to proceed relates to Scottish devolved matters, the Scottish Ministers;
  - (c) so far as that decision relates to Welsh devolved matters, the Welsh Ministers;
  - (d) so far as that decision relates to Northern Ireland devolved matters, the Department for the Economy in Northern Ireland.
- (12) For the purposes of [subsection \(2\)\(b\)](#), a review of a statement takes place—
- (a) where the decision on the review is to amend the statement under [subsection \(6\)\(a\)](#)—
    - (i) at the time when the amended statement is designated as the CCUS strategy and policy statement under [section 99](#), or

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- (ii) if the amended statement is not so designated, at the time when the amended statement was laid before Parliament for approval under [section 102\(9\)](#);
  - (b) where the decision on the review is to leave the statement as it is under [subsection \(6\)\(b\)](#), at the time when that decision is taken.
- (13) For the purposes of [subsection \(4\)\(e\)](#), the Parliamentary approval requirement in relation to an amended statement was not met on the last review if—
  - (a) on the last review of the strategy and policy statement to be held under this section, an amended statement was laid before Parliament for approval under [section 102\(9\)](#), but
  - (b) the amended statement was not designated because such approval was not given.
- (14) For the purposes of this section—
  - (a) something relates to Welsh devolved matters so far as it relates to any matter provision about which 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) something relates to Scottish devolved matters so far as it relates to any matter provision about which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
  - (c) something relates to Northern Ireland devolved matters so far as it relates to any matter provision about which—
    - (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.

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#### Commencement Information

**II** [S. 101](#) in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

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