



Energy Act 2023

2023 CHAPTER 52

PART 1

LICENSING OF CARBON DIOXIDE TRANSPORT AND STORAGE

CHAPTER 1

LICENSING OF ACTIVITIES

Other functions of the economic regulator

30 Duty to carry out impact assessment

- (1) This section applies where—
- (a) the economic regulator is proposing to do anything for the purposes of, or in connection with, the carrying out of any function exercisable by it under or by virtue of this Part, and
 - (b) it appears to the economic regulator that the proposal is important;
- but this section does not apply if it appears to the economic regulator that the urgency of the matter makes it impracticable or inappropriate for the economic regulator to comply with the requirements of this section.
- (2) A proposal is important for the purposes of this section only if its implementation would be likely to do one or more of the following—
- (a) involve a major change in the activities carried on by the economic regulator;
 - (b) have a significant impact on persons engaged in the capture, transportation or storage of carbon dioxide;
 - (c) have a significant impact on persons engaged in commercial activities connected with the capture, transportation or storage of carbon dioxide;
 - (d) have a significant impact on the general public in the United Kingdom or in a part of the United Kingdom;

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 30. (See end of Document for details)

- (e) have significant effects on the environment.
- (3) Before implementing its proposal, the economic regulator must either—
 - (a) carry out and publish an assessment of the likely impact of implementing the proposal, or
 - (b) publish a statement setting out its reasons for thinking that it is unnecessary for it to carry out an assessment.
- (4) An assessment carried out under this section must—
 - (a) include an assessment of the likely effects on the environment of implementing the proposal, and
 - (b) relate to such other matters as the economic regulator considers appropriate.
- (5) In determining the matters to which an assessment under this section should relate, the economic regulator must have regard to such general guidance relating to the carrying out of impact assessments as it considers appropriate.
- (6) An assessment carried out under this section may take such form as the economic regulator considers appropriate.
- (7) Where the economic regulator publishes an assessment under this section—
 - (a) it must provide an opportunity of making representations to the economic regulator about its proposal to members of the public and other persons who, in the economic regulator’s opinion, are likely to be affected to a significant extent by the proposal’s implementation,
 - (b) the published assessment must be accompanied by a statement setting out how representations may be made, and
 - (c) the economic regulator must not implement its proposal unless the period for making representations about the proposal has expired and it has considered all the representations that were made in that period.
- (8) Where the economic regulator is required (apart from this section)—
 - (a) to consult about a proposal to which this section applies, or
 - (b) to give a person an opportunity of making representations about it,
 the requirements of this section are in addition to, but may be performed contemporaneously with, the other requirements.
- (9) Every report under [section 41](#) (annual reports on transport and storage licensing functions) must set out—
 - (a) a list of the assessments under this section carried out during the financial year to which the report relates, and
 - (b) a summary of the decisions taken during that year in relation to proposals to which assessments carried out in that year or previous financial years relate.
- (10) The publication of anything under this section must be in such manner as the economic regulator considers appropriate for bringing it to the attention of the persons who, in the economic regulator’s opinion, are likely to be affected if its proposal is implemented.

Commencement Information

II S. 30 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

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