



Energy Act 2023

2023 CHAPTER 52

PART 2

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

CHAPTER 1

REVENUE SUPPORT CONTRACTS

Carbon capture

67 Designation of carbon capture counterparty

- (1) The Secretary of State may by notice given to a person designate the person to be—
 - (a) a counterparty for carbon capture revenue support contracts;
 - (b) a counterparty for any one or more descriptions of carbon capture revenue support contract.
- (2) A “carbon capture revenue support contract” is a contract to which a carbon capture counterparty is a party and which was entered into by a carbon capture counterparty in pursuance of a direction given to it under [section 68\(1\)](#) or a notification given to it under [section 75\(2\)](#).
- (3) A person designated under [subsection \(1\)](#) is referred to in this Chapter as a “carbon capture 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—
 - (a) exercise the power under paragraph (a) of [subsection \(1\)](#) so that more than one designation has effect under that paragraph;

*Changes to legislation: There are currently no known outstanding effects
for the Energy Act 2023, Section 67. (See end of Document for details)*

- (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.
- (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 86](#) to ensure the transfer of all rights and liabilities under any carbon capture revenue support contract to which the person who has ceased to be a carbon capture counterparty was a party.
- (7) In this section—
 - “carbon capture entity” means a person who carries on (or is to carry on) in the United Kingdom, with a view to the storage of carbon dioxide, activities of capturing carbon dioxide (or any substance consisting primarily of carbon dioxide) that—
 - (a) has been produced by commercial or industrial activities,
 - (b) is in the atmosphere, or
 - (c) has dissolved in sea water;
 - “storage”, in relation to carbon dioxide, means any storage with a view to the permanent containment of carbon dioxide.
- (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 Gas Importation and Storage Zone (within the meaning given by section 1 of the Energy Act 2008).

Commencement Information

II [S. 67](#) in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Section 67.