STATUTORY INSTRUMENTS

2026 No. 846 (C. 72)

ENERGY

The Energy Act 2023 (Commencement No. 5, Saving Provisions) Regulations 2026

Made - - - - *16th July 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 334(1) and (7) of the Energy Act 2023(**a**).

Citation and interpretation

1.—(1) These Regulations may be cited as the Energy Act 2023 (Commencement No. 5, Saving Provisions) Regulations 2026.

(2) In these Regulations—

"the 2012 Regulations" means the Offshore (Oil and Gas) Installation and Pipeline Abandonment Fees Regulations 2012(**b**);

"the appointed day" means 30th September 2026;

"proposal to revise a relevant abandonment programme" means an abandonment programme in relation to an offshore installation, or for a submarine pipeline that is not a carbon capture and storage pipeline;

"relevant abandonment programme" means an abandonment programme in relation to—

(a) an offshore installation, or

(b) a submarine pipeline that is not a carbon capture and storage pipeline.

(3) For the purposes of the definition of "relevant abandonment programme" in paragraph (2)—

(a) "abandonment programme", "offshore installation" and "submarine pipeline" have the meanings given in section 45 of the Petroleum Act 1998(**c**), and

(b) "carbon capture and storage pipeline" has the meaning given in regulation 1(4) of the 2012 Regulations.

(**a**) 2023 c. 52.
(**b**) S.I. 2012/949.
(**c**) 1998 c. 17. The definition of "submarine pipeline" in section 45 of the Petroleum Act 1998 was amended by section 110 of and paragraph 11 of Schedule 5 to the Energy Act 2008 (c. 32) and by section 324(3) of and paragraph 8 of Schedule 8 to the Marine and Coastal Access Act 2009 (c. 23).

Commencement of section 299(3) to (7) of the Energy Act 2023

2. Section 299(3) to (7) of the Energy Act 2023(**a**) (amendment of provisions in the Petroleum Act 1998 concerning fees relating to abandonment programmes(**b**)) comes into force on the appointed day.

Saving Provision

3.—(1) Notwithstanding the coming into force of section 299(3) to (7) of the Energy Act 2023, the legislation specified in paragraph (2) continues to have effect on and after the appointed day as it had effect immediately before that day, for the purposes of paragraphs (3) and (4).

(2) The legislation is—

(a) sections 29(5) and 34(4) of the Petroleum Act 1998, and

(b) the 2012 Regulations.

(3) A fee relating to the submission of a relevant abandonment programme must be determined and notified in accordance with the 2012 Regulations and paid in accordance with section 29(5) of the Petroleum Act 1998 where, before the appointed day—

(a) the Secretary of State has received a request to determine a fee relating to that submission, under regulation 3(1)(a) of the 2012 Regulations, or

(b) the Secretary of State has published(**c**) a draft of that programme.

(4) A fee relating to a proposal to revise a relevant abandonment programme must be determined and notified in accordance with the 2012 Regulations and paid in accordance with section 34(4) of the Petroleum Act 1998 where, before the appointed day, the Secretary of State has received a request to determine a fee relating to that proposal, under regulation 3(1)(b) of the 2012 Regulations.

Michael Shanks
Minister of State
16th July 2026 Department for Energy Security and Net Zero

(**a**) 2023 c. 52

(**b**) Sections 29(5), 33(4), 34(4) and 39 of the Petroleum Act 1998 are the provisions amended or repealed and are in Part 4 of that Act. Part 4 of the Petroleum Act 1998 was applied in relation to a carbon storage installation by section 30(1) of the Energy Act 2008 (c. 32) and that subsection was amended by section 107(4) of the Energy Act 2011 (c. 16), section 84(3) of and Schedule 2 to the Energy Act 2016 (c. 20), and section 95(2) of the Energy Act 2023 (c. 52).

(**c**) Draft abandonment programmes are published on www.gov.uk/guidance/oil-and-gas-decommissioning-of-offshore-installations-and-pipelines, prior to the submission of abandonment programme under section 29(5) of the Petroleum Act 1998.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force section 299(3) to (7) of the Energy Act 2023 (c. 52) ("the 2023 Act"). These are the fifth set of regulations commencing provisions of the 2023 Act.

These Regulations bring section 299(3) to (7) of the Petroleum Act 1998 (c. 17) ("the 1998 Act") into force. Those provisions repeal the Secretary of State's powers to charge fees under sections 29 and 34 of the 1998 Act, as well as to make related regulations. They also amend the way in which the Secretary of State may recover expenditure incurred under section 33 of the 1998 Act. These changes are made in consequence of the introduction of the new charging regime in section 38C of the 1998 Act. The Secretary of State made the Offshore (Oil and Gas) Installation and Pipeline Abandonment Fees Regulations 2012 (S.I. 2012/949) ("the 2012 Regulations") under the powers in sections 29 and 34 of the 1998 Act, which these Regulations repeal. The 2012 Regulations determine the fees payable when an abandonment programme (as defined in section 29(1) of the 1998 Act) is submitted to the Secretary of State for approval, or a revision to an abandonment programme is proposed. Although Part 4 of the 1998 Act applies in relation to a carbon storage installation by virtue of section 30 of the Energy Act 2008, the 2012 Regulations do not apply in relation to a carbon storage installation or a carbon capture and storage pipeline (as that term is defined in those Regulations).

Regulation 3 ensures that sections 29(5), 34(4) and 39 of the 1998 Act and the 2012 Regulations remain in operation for the purposes of certain situations in paragraphs (3) and (4).

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Energy Act 2023 have been brought into force by Commencement Regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.I. No.*
Sections 103 to 106	11th January 2024	S.I. 2024/32
Section 156	10th September 2024	S.I. 2024/890
Sections 161 to 165	31st January 2024	S.I. 2024/32
Section 166(1)	31st January 2024	S.I. 2024/32
Section 166(2)	1st October 2024	S.I. 2024/957
Section 166(3) to (10)	31st January 2024	S.I. 2024/32
Section 167	31st January 2024	S.I. 2024/32
Section 168(1)	31st January 2024	S.I. 2024/32
Section 168(2)	1st October 2024	S.I. 2024/957
Section 168(3) to (5)	31st January 2024	S.I. 2024/32
Sections 171 to 173	31st January 2024	S.I. 2024/32
Sections 176 to 179	31st January 2024	S.I. 2024/32
Sections 182 to 201	10th September 2024	S.I. 2024/890
Section 209	10th September 2024	S.I. 2024/890
Sections 238 to 249	11th January 2024	S.I. 2024/32
Sections 267 to 289	11th January 2024	S.I. 2024/32
Sections 296 to 298	11th January 2024	S.I. 2024/32
Section 299(1) and (2)	11th January 2024	S.I. 2024/32
Sections 300 and 301	11th January 2024	S.I. 2024/32
Section 302	10th September 2024	S.I. 2024/890

Section 304(3) (partially)(**a**)	11th January 2024	S.I. 2024/32
Section 304 (insofar as not already in force)	2nd December 2025	S.I. 2025/1173
Section 310	31st January 2024	S.I. 2024/32
Schedule 6	11th January 2024	S.I. 2024/32
Schedule 11 paragraphs 1 and 2	1st October 2024	S.I. 2024/957
Schedule 11 paragraph 3	31st January 2024	S.I. 2024/32
Schedule 11 paragraphs 4 and 5	1st October 2024	S.I. 2024/957
Schedule 11 paragraphs 6, 7 and 8	31st January 2024	S.I. 2024/32
Schedule 12	10th September 2024	S.I. 2024/890
Schedule 13	10th September 2024	S.I. 2024/890
Schedule 14	10th September 2024	S.I. 2024/890
Schedule 19	11th January 2024	S.I. 2024/32
Schedule 20	11th January 2024	S.I. 2024/32
Schedule 21	11th January 2024	S.I. 2024/32

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(**a**) Sections 303 and 304 were originally brought into force by S.I. 2024/32 but the commencement of those sections (other than section 304(3) for certain purposes) was revoked by S.I. 2024/98.

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