



Energy Act 2004

2004 CHAPTER 20

PART 2

SUSTAINABILITY AND RENEWABLE ENERGY SOURCES

CHAPTER 1

SUSTAINABLE ENERGY

81 Reports under section 1 of Sustainable Energy Act 2003

(1) Section 1 of the Sustainable Energy Act 2003 (c. 30) (annual reports on progress towards sustainable energy aims) is amended as follows.

(2) After subsection (1) insert—

“(1A) The report must include, in particular, all such information as the Secretary of State considers appropriate about—

- (a) things done during the reporting period for the purposes of the development or the bringing into use of any of the energy sources or technologies mentioned in subsection (1B);
- (b) things done during that period for the purpose of ensuring the maintenance of the scientific and engineering expertise available in the United Kingdom that is necessary for the development of potential energy sources (including sources of nuclear energy); and
- (c) things done during that period for the purpose of achieving the energy efficiency aims designated under sections 2 and 3.

(1B) The energy sources and technologies referred to in subsection (1A)(a) are—

- (a) clean coal technology;
- (b) coal mine methane;
- (c) biomass;
- (d) biofuels;

Status: Point in time view as at 05/10/2004.

Changes to legislation: Energy Act 2004, Chapter 1 is up to date with all changes known to be in force on or before 01 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (e) fuel cells;
- (f) photovoltaics;
- (g) wave and tidal generation;
- (h) hydrogeneration;
- (i) microgeneration;
- (j) geothermal sources; and
- (k) other sources of energy, and technologies for the production of energy, the use of which would, in the opinion of the Secretary of State, cut the United Kingdom’s carbon emissions.

(1C) The references in subsection (1A) to things done during the reporting period include references to proposals of the Secretary of State published during that period.”

(3) In subsection (2) for “subsection (1)” substitute “ subsections (1) to (1C) ”.

Commencement Information

II S. 81 in force at 5.10.2004 by [S.I. 2004/2575](#), art. 2(1), [Sch. 1](#)

82 Microgeneration

- (1) The Secretary of State—
 - (a) must prepare a strategy for the promotion of microgeneration in Great Britain; and
 - (b) may from time to time revise it.
- (2) The Secretary of State—
 - (a) must publish the strategy within 18 months after the commencement of this section; and
 - (b) if he revises it, must publish the revised strategy.
- (3) In preparing or revising the strategy, the Secretary of State must consider the contribution that is capable of being made by microgeneration to—
 - (a) cutting emissions of greenhouse gases in Great Britain;
 - (b) reducing the number of people living in fuel poverty in Great Britain;
 - (c) reducing the demands on transmission systems and distribution systems situated in Great Britain;
 - (d) reducing the need for those systems to be modified;
 - (e) enhancing the availability of electricity and heat for consumers in Great Britain.
- (4) Before preparing or revising the strategy, the Secretary of State must consult such persons appearing to him to represent the producers and suppliers of plant used for microgeneration, and such other persons, as he considers appropriate.
- (5) The Secretary of State must take reasonable steps to secure the implementation of the strategy in the form in which it has most recently been published.
- (6) For the purposes of this section “microgeneration” means the use for the generation of electricity or the production of heat of any plant—

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- (a) which in generating electricity or (as the case may be) producing heat, relies wholly or mainly on a source of energy or a technology mentioned in subsection (7); and
 - (b) the capacity of which to generate electricity or (as the case may be) to produce heat does not exceed the capacity mentioned in subsection (8).
- (7) Those sources of energy and technologies are—
- (a) biomass;
 - (b) biofuels;
 - (c) fuel cells;
 - (d) photovoltaics;
 - (e) water (including waves and tides);
 - (f) wind;
 - (g) solar power;
 - (h) geothermal sources;
 - (i) combined heat and power systems;
 - (j) other sources of energy and technologies for the generation of electricity or the production of heat, the use of which would, in the opinion of the Secretary of State, cut emissions of greenhouse gases in Great Britain.
- (8) That capacity is—
- (a) in relation to the generation of electricity, 50 kilowatts;
 - (b) in relation to the production of heat, 45 kilowatts thermal.
- (9) In this section—
- “consumers” includes both existing and future consumers;
 - “distribution system” and “transmission system” have the same meanings as in Part 1 of the 1989 Act;
 - “fuel poverty” has the same meaning as in section 1 of the Sustainable Energy Act 2003 (c. 30);
 - “greenhouse gases” means—
 - (a) carbon dioxide;
 - (b) methane;
 - (c) nitrous oxide;
 - (d) hydrofluorocarbons;
 - (e) perfluorocarbons;
 - (f) sulphur hexafluoride;
 - “plant” includes any equipment, apparatus or appliance.

Commencement Information

I2 S. 82 in force at 5.10.2004 by [S.I. 2004/2575](#), art. 2(1), [Sch. 1](#)

83 Sustainable development

In each of section 4AA of the Gas Act 1986 (c. 44) and section 3A of the 1989 Act (the principal objective and general duties of the Secretary of State and the Authority), in subsection (5)—

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- (a) for the “and” at the end of paragraph (b) substitute—
 - “(ba) to contribute to the achievement of sustainable development; and”;
- (b) for “and shall” substitute “ and (so far as not otherwise required to do so by this subsection) shall ”.

Commencement Information

I3 S. 83 in force at 5.10.2004 by S.I. 2004/2575, art. 2(1), Sch. 1

Status:

Point in time view as at 05/10/2004.

Changes to legislation:

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