



Climate Change and Sustainable Energy Act 2006

2006 CHAPTER 19

Miscellaneous and final provisions

26 Interpretation

(1) In this Act—

“fuel poverty” shall be construed in accordance with the provisions of section 1 of the Warm Homes and Energy Conservation Act 2000 (c. 31);

“greenhouse gas” means any of the following—

- (a) carbon dioxide;
- (b) methane;
- (c) nitrous oxide;
- (d) hydrofluorocarbons;
- (e) perfluorocarbons;
- (f) sulphur hexafluoride;

“microgeneration” means the use for the generation of electricity or the production of heat of any plant (which, for this purpose, includes any equipment, apparatus or appliance)—

- (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 (2), 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 (3);

“public authority” has the same meaning as in section 6 of the Human Rights Act 1998 (c. 42).

(2) Those sources of energy and technologies are—

- (a) biomass;
- (b) biofuels;
- (c) fuel cells;

Changes to legislation: Climate Change and Sustainable Energy Act 2006, Section 26 is up to date with all changes known to be in force on or before 15 August 2023. 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) View outstanding changes

- (d) photovoltaics;
 - (e) water (including waves and tides);
 - (f) wind;
 - (g) solar power;
 - (h) geothermal sources;
 - [^{F1}(ha) heat from air, water or the ground;]
 - (i) combined heat and power systems.
- (3) That capacity is—
- (a) in relation to the generation of electricity, 50 kilowatts;
 - (b) in relation to the production of heat, 45 kilowatts thermal.
- (4) The Secretary of State may by order amend subsection (2) by adding to the sources of energy and technologies for the time being listed any other source of energy or technology for the generation of electricity or production of heat if he considers that the use of that source of energy or technology would cut emissions of greenhouse gases in Great Britain.
- (5) The power to make an order under subsection (4) —
- (a) is exercisable by statutory instrument, and
 - (b) includes power to make such supplemental or consequential provision (including provision modifying this section) and such transitional or saving provision as the Secretary of State thinks fit.
- (6) No order under that subsection may be made unless a draft of the order—
- (a) has been laid before Parliament, and
 - (b) has been approved by a resolution of each House.

Textual Amendments

- F1** S. 26(2)(ha) inserted (23.7.2008) by Climate Change and Sustainable Energy Act 2006 (Sources of Energy and Technologies) Order 2008 (S.I. 2008/1767), arts. 1, 2

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3A inserted by [2008 c. 27 s. 81\(2\)](#)