

SCHEDULES

SCHEDULE 4

Section 50

TRADING SCHEMES: POWERS TO REQUIRE INFORMATION

Introductory

- 1 (1) The powers conferred by this Schedule are exercisable by the following authorities—
- (a) the Secretary of State;
 - (b) the Scottish Ministers;
 - (c) the relevant Northern Ireland department;
 - (d) the Welsh Ministers;
 - (e) the Environment Agency;
 - (f) the Scottish Environment Protection Agency.
- (2) References in this Schedule to an “environmental authority” are to any of those authorities.

Information from electricity suppliers and distributors

- 2 (1) An environmental authority may, for the purposes of enabling a trading scheme to be established, by notice require an electricity supplier or electricity distributor to provide any of the following information—
- (a) information about the electricity meters and metering systems for which the supplier or distributor is responsible, including (in particular) their locations and any identifying features;
 - (b) information about the persons to whom electricity measured by those meters or systems is supplied or who purchase such electricity;
 - (c) information about the consumption by those persons of that electricity;
 - (d) any other information that the environmental authority considers necessary for identifying the potential participants in the scheme.
- (2) An “electricity supplier”—
- (a) in relation to England and Wales and Scotland means an authorised supplier within the meaning of the Electricity Act 1989 (c. 29) (see section 64(1) of that Act);
 - (b) in relation to Northern Ireland means—
 - (i) an electricity supplier within the meaning of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231) (N.I. 1) (see Article 3 of that Order), or
 - (ii) a person who may supply electricity to premises without a licence by virtue of an exemption under Article 9 of that Order.
- (3) An “electricity distributor”—

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- (a) in relation to England and Wales and Scotland means an authorised distributor within the meaning of the Electricity Act 1989 (see section 64(1) of that Act);
 - (b) in relation to Northern Ireland means an electricity distributor within the meaning of the Electricity (Northern Ireland) Order 1992 (see Article 3 of that Order).
- (4) References in this Schedule to an electricity supplier or electricity distributor include an agent of such a supplier or distributor.

Information from potential participants in a trading scheme

- 3 (1) An environmental authority may, for the purposes of enabling a trading scheme to be established, by notice require a potential participant in the scheme to provide any of the following information—
- (a) information about whether the criteria specified in the notice are met by the potential participant, either alone or together with any other person or persons;
 - (b) information identifying any potential co-participant;
 - (c) contact details for the potential participant and any potential co-participant;
 - (d) information about the meters that measure electricity supplied to or purchased by the potential participant or any potential co-participant;
 - (e) information about the consumption of electricity by the potential participant and any potential co-participant;
 - (f) information about any climate change agreement (within the meaning of Schedule 6 to the Finance Act 2000 (c. 17)) entered into by or on behalf of the potential participant or any potential co-participant.
- (2) A “potential participant”, in relation to a trading scheme, means a person who the environmental authority considers—
- (a) will or may be a participant in the scheme, or
 - (b) will or may fall to be treated together with any other person or persons (a “potential co-participant”) as such a participant.

Requirements for a valid notice

- 4 (1) A notice under this Schedule must comply with the following requirements.
- (2) The notice must—
- (a) be in writing,
 - (b) specify the information to be provided,
 - (c) specify the name and address of the person to whom the information is to be provided,
 - (d) specify the date by which the information is to be provided, and
 - (e) explain the consequences of failure to comply with the notice.
- (3) An environmental authority must not give a notice requiring information from a person unless—
- (a) the authority has previously sent the person a request in writing for the information, and

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- (b) the person has failed to provide the information within the period of 28 days beginning with the day on which the request was sent.

Failure to comply with notice etc an offence

- 5 (1) A person who—
- (a) fails without reasonable excuse to comply with a notice under this Schedule, or
 - (b) provides information in response to such a notice that the person knows or suspects to be false or misleading,
- commits an offence.
- (2) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Disclosure of information

- 6 (1) This paragraph applies to information obtained by an environmental authority (whether or not pursuant to a notice under this Schedule) from—
- (a) an electricity supplier or electricity distributor, or
 - (b) a potential participant,
- for the purposes of enabling a trading scheme to be established.
- (2) The information may be disclosed for the purposes of or in connection with the establishment, operation or enforcement of a trading scheme—
- (a) by an environmental authority to another environmental authority or the administrator of the scheme, or
 - (b) by the administrator of the scheme to any other administrator of the scheme or an environmental authority.
- (3) This does not affect any other right to disclose information within sub-paragraph (1) apart from this paragraph.