

EXPLANATORY NOTES

ENERGY ACT 2011

INTRODUCTION

OVERVIEW OF THE STRUCTURE OF THE ACT

SUMMARY AND BACKGROUND

TERRITORIAL EXTENT AND APPLICATION

COMMENTARY ON SECTIONS

PART 1: ENERGY EFFICIENCY

Chapter 1: Green Deal

Introductory

Section 1: Green Deal plans

Section 2: Green deal plans: supplementary

Section 3: Framework regulations

Green Deal plan

Section 4: Assessment of the property etc

Section 5: Terms of plan etc

Section 6: Consents and redress etc

Section 7: Installation of improvements

Section 8: Confirmation of plan

Section 9: Confirmation of plan: supplementary provision for England and Wales

Section 10: Confirmation of plan: supplementary provision for Scotland

Section 11: Updating information produced under section 8

Disclosure of green deal plan etc

Section 12: Disclosure of Green Deal plan etc in connection with sale or letting out

These notes refer to the Energy Act 2011 (c.16)

Section 13: Disclosure of Green Deal plan in connection with other transactions etc

Section 14: Acknowledgement of Green Deal plan on sale or letting out

Section 15: Acknowledgement of Green Deal plan in connection with other transactions etc

Section 16: Sanctions for non-compliance with obligations under sections 12 to 15

Modifying energy licences etc

Section 17: Power to modify energy licences in connection with green deal payments

Section 18: Power to modify energy supply licences to make provision as to default in green deal payments

Section 19: Power to modify energy supply licences to require provision of information

Section 20: Power to modify energy supply licences to make provision as to consumer protection

Section 21: Powers under sections 17 to 20: consultation

Section 22: Powers under section 17 to 20: supplementary

Gas and electricity codes

Section 23: Recovering green deal payments: gas suppliers

Section 24: Recovering Green Deal payments: electricity suppliers

Modifying consumer credit legislation

Section 25: Exemption from Consumer Credit Act 1974 in relation to credit to business debtors

Section 26: Energy suppliers not to be treated as carrying on ancillary credit business

Section 27: Duties to give debtors information and statements.

Section 28: Exemption from requirement to give notice of sums in arrears

Section 29: Early repayment of Green Deal finance

Section 30: Power to amend Consumer Credit Act 1974

Delegation of functions

Section 31: Delegation and conferring of functions

Section 32: Exercise of scheme functions on behalf of the Secretary of State or a public body

Section 33: Duty to report

General

Section 34: Power of Secretary of State to deal with special circumstances

Section 35: Appeals

Section 36: Funding for energy efficiency advice

Section 37: Preparatory expenditure: framework regulations

Section 38: Green deal installation apprenticeships

Section 39: Parliamentary procedure in relation to code of practice

Section 40: Regulations and orders

Section 41: Crown application: Chapter 1

Chapter 2: Private Rented Sector (England and Wales)

Introductory

Section 42: Meaning of ‘domestic PR property’ and ‘non-domestic PR property’: England and Wales

Domestic energy efficiency regulations

Section 43: Domestic energy efficiency regulations

Section 44: Further provision about domestic energy efficiency regulations

Section 45: Sanctions for the purposes of domestic energy efficiency regulations

Tenants’ energy efficiency improvements regulations

Section 46: Tenants’ energy efficiency improvements regulations

Section 47: Further provision about tenants’ energy efficiency improvements regulations

Section 48: Sanctions for the purposes of tenants’ energy efficiency improvements regulations

Non-domestic energy efficiency improvements regulations

Section 49: Non-domestic energy efficiency regulations

Section 50: Further provision about non-domestic energy efficiency regulations

Section 51: Sanctions for the purposes of non-domestic energy efficiency regulations

General

Section 52: Regulations and orders: Chapter 2

Section 53: Crown application: Chapter 2

Chapter 3: Private Rented Sector: Scotland

Summary and Background

Section 66: Promotion of reductions in carbon emissions: gas transporters and suppliers

Section 67: Promotion of reductions in carbon emissions: electricity generators, distributors and suppliers

Section 68: Promotion of reductions in home-heating costs: gas transporters and suppliers

Section 69: Promotion of reductions in home-heating costs: electricity distributors and suppliers

Section 70: Overall home-heating cost reduction targets

Section 71: Power of Secretary of State to require information: carbon emissions reduction targets and home-heating cost reduction targets

Section 72: Minor and consequential amendments

Chapter 5: Information about Energy Consumption, Efficiency and Tariffs

Section 73: Smart meters

Section 74: Access to register of energy performance certificates etc: England and Wales and Section 75: Access to register of energy performance certificates: Scotland

Section 76: Power to modify energy supply licences: information about tariffs

Section 77: Power to modify energy supply licences: procedure and supplemental

Section 78: General duties of the Secretary of State

PART 2: SECURITY OF ENERGY SUPPLIES

Chapter 1: Electricity Supply

Section 79: Annual Report by Gas and Electricity Markets Authority on security of electricity supply

Section 80: Annual report by Secretary of State on security of energy supplies

Chapter 2: Gas Supply

Section 81: Power of the Gas and Electricity Markets Authority to direct a modification of the Uniform Network Code

Chapter 3: Upstream Petroleum Infrastructure

Section 82: Acquisition of rights to use upstream petroleum infrastructure

Section 83: Power of Secretary of State to give a notice under section 82(11) on own initiative

Section 84: Compulsory modification of upstream petroleum infrastructure

Section 85: Variation of notices under sections 82 and 84

Section 86: Publication of notices and variations

Section 87: Powers of Secretary of State to require information

Section 88: Enforcement

Section 89: Minor, consequential and supplemental provision

Section 90: Interpretation

Section 91: Meaning of “associate” for the purposes of section 82

Chapter 4: Downstream Gas Processing Facilities

Section 92: Acquisition of rights to use gas processing facilities for downstream purposes

Chapter 5: Special Administration

Section 93: Amendment of section 166 of the Energy Act 2004

Special administration under this Chapter

Section 94: Energy supply company administration orders

Section 95: Objectives of an energy supply company administration

Section 96: Application of certain provisions of the Energy Act 2004 in relation to esc administration orders

Section 97: Conduct of administration, transfer schemes etc

Section 98: Modifications of particular or standard conditions

Section 99: Licence conditions to secure funding of energy supply company administration

Section 100: Modifications under the Enterprise Act 2002

Section 101: Power to make further modifications of insolvency legislation

Section 102: Interpretation of Chapter 5

Chapter 6: Continental Shelf

Section 103: Revocation etc of designations under Continental Shelf Act 1964

PART 3: MEASURES FOR REDUCING CARBON EMISSIONS

Section 104: Offshore transmission and distribution of electricity: extension of time for licence modifications and property scheme applications

Section 105: Regulation of security of nuclear construction sites

Section 106: Agreement about modifying decommissioning programme

Section 107: Abandonment: infrastructure converted for CCS demonstration projects

Section 108: Carbon dioxide pipelines: powers of compulsory acquisition

Section 109: Contribution to carbon budgeting under the Climate Change Act 2008

Section 110: Energy efficiency aim

Section 111: Adjustment of electricity transmission charges

Section 112: Electricity from renewable sources: National Park authorities and Broads Authority

Northern Ireland: renewable heat incentives

Section 113: Renewable heat incentives in Northern Ireland

Section 114: Power for Gas and Electricity Markets Authority to act on behalf of Northern Ireland authority in connection with scheme under section 113

PART 4: COAL AUTHORITY

Sections 115 and 116: Additional powers of the Coal Authority (England and Wales) and powers of the Coal Authority: Scotland

PART 5: MISCELLANEOUS AND GENERAL

Section 117: Amendment of section 137 of the Energy Act 2004

Section 118: Amendment and repeal of measures relating to home energy efficiency

Section 119: Consultation

Section 120: Extent

Commencement

Section 121: Commencement

These notes refer to the Energy Act 2011 (c.16)

Section 122: Short title

HANSARD

ANNEX A: GLOSSARY