



Energy Act 2011

2011 CHAPTER 16

PART 1

ENERGY EFFICIENCY

CHAPTER 1

GREEN DEAL

VALID FROM 21/03/2012

Green deal plan

4 Assessment of property etc

- (1) For the purposes of section 1(4)(c) the conditions as to assessment of the property and other matters are—
 - (a) the conditions set out in subsections (2) to (9), and
 - (b) such other conditions (whether relating to the green deal assessor, the green deal provider, the improver or any other person) as are specified in the framework regulations.
- (2) The first condition is that a qualifying assessment of the property has been carried out by a person authorised by virtue of the framework regulations to act as a green deal assessor.
- (3) The second condition is that the green deal assessor has recommended the energy efficiency improvements.
- (4) The third condition is that the green deal provider has given an estimate, on the basis specified in the framework regulations, of the savings likely to be made on the energy bills for the property if the improvements are carried out.

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- (5) The fourth condition is that the green deal provider has given an estimate, on the basis specified in the framework regulations, of the period over which the savings mentioned in subsection (4) are likely to be made.
- (6) The fifth condition is that the green deal provider is authorised by virtue of the framework regulations to act as a green deal provider.
- (7) The sixth condition is that the green deal provider has offered to carry out the improvements on the basis that the whole or part of the cost will be repaid in instalments over a period after the improvements have been made.
- (8) The seventh condition is that the green deal provider meets any requirement specified in the framework regulations as to the relationship between—
 - (a) the estimated total of the proposed instalments, and
 - (b) the estimate mentioned in subsection (4).
- (9) The eighth condition is that the green deal provider meets any requirement specified in the framework regulations as to the relationship between—
 - (a) the period for which the instalments are proposed to be paid, and
 - (b) the period estimated under subsection (5).
- (10) In subsection (2) the reference to a qualifying assessment is to be read in accordance with section 3(9).

5 Terms of plan etc

- (1) For the purposes of section 1(4)(d), the conditions as to the terms of the plan and other matters are—
 - (a) the conditions set out in subsections (2) to (4), and
 - (b) such other conditions as are specified in the framework regulations.
- (2) The first condition is that the plan includes the following terms—
 - (a) a term in which the improver agrees to—
 - (i) the amounts of the payments in instalments and the intervals at which, and period for which, they are payable;
 - (ii) such other matters as are specified in the regulations;
 - (b) a term in which the improver confirms that any necessary permissions or consents have been obtained in respect of the improvements;
 - (c) a term providing that the green deal provider may not take a charge over any person's property by way of security for payments;
 - (d) a term providing that the green deal plan does not prevent the bill payer from changing the intervals at which energy bills are to be paid.
- (3) The second condition is that the plan does not include any of the following terms—
 - (a) a term making a person liable to make any payments under the green deal plan otherwise than in respect of the period for which the person is the bill payer in relation to the property;
 - (b) a term requiring the bill payer to make in any circumstances an early repayment of the whole or part of the amount outstanding under the green deal plan (except in accordance with the framework regulations or regulations under section 34, or provision made under them);

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- (c) a term providing for money to be advanced to the improver (except in accordance with the framework regulations or provision made under them).
- (4) The third condition is that the agreements mentioned in paragraph (a) of subsection (2) and the permissions and consents mentioned in paragraph (b) of that subsection have not been withdrawn before the end of the period of 14 days beginning with the last day on which they were given.
- (5) The conditions which may be specified in the framework regulations by virtue of subsection (1)(b) include, in particular—
 - (a) a condition that the plan includes a term so specified enabling the early repayment of the whole or part of the amount outstanding under the plan and making provision as to the calculation of the amount payable and any fee,
 - (b) a condition that the plan includes a term so specified guaranteeing the improvements and making provision as to who is to benefit from the guarantee,
 - (c) a condition that the plan includes a term so specified as to how any problems with the improvements installed, or arising in connection with the installation of them, are to be dealt with, and
 - (d) a condition requiring the agreements mentioned in subsection (2)(a) to be in the form specified in the framework regulations.
- (6) References in this section to the agreements mentioned in subsection (2)(a) include references to the consent required by virtue of section 6(2)(a).

6 Consents and redress etc

- (1) The framework regulations may make provision for dealing with cases where—
 - (a) at the time when a plan is entered into the improver and the bill payer are different persons;
 - (b) the bill payer at the time when a plan is entered into is a different person from the bill payer at any subsequent time (a “subsequent bill payer”).
- (2) Provision which may be made by virtue of subsection (1) includes—
 - (a) provision requiring the term included in the plan by virtue of section 5(2)(a)(i) to be one to which the bill payer mentioned in subsection (1)(a) has consented, and
 - (b) provision as to the terms of the plan which are to bind or benefit that bill payer or a subsequent bill payer.
- (3) Subsection (1) is subject to section 1(6).
- (4) The framework regulations may make provision for the purpose of providing redress in cases where a permission or consent mentioned in section 5(2)(b) was not obtained or was improperly obtained.
- (5) Provision included in framework regulations by virtue of subsection (4) may, in particular, enable the Secretary of State to—
 - (a) require a green deal provider to suspend or cancel the liability of a bill payer to make payments under a green deal plan;
 - (b) require a green deal provider to refund any such payments that have already been made;

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- (c) require an improver to pay compensation to the green deal provider in respect of the suspension, cancellation or refund.

7 Installation of improvements

- (1) For the purposes of section 1(5)(a) improvements are installed in accordance with this section if the following three conditions are met.
- (2) The first condition is that the person carrying out the installation of the improvements is authorised by virtue of the framework regulations to act as a green deal installer.
- (3) The second condition is that any product installed in making the improvements—
 - (a) meets the standard specified in the code of practice in relation to the product or description of product, or
 - (b) is listed in a document which—
 - (i) is issued by the Secretary of State or a person authorised by the Secretary of State in connection with the code, and
 - (ii) is referred to in the code as listing the products which are to be taken as meeting the required standard.
- (4) In specifying the standard in relation to a product or description of product for the purposes of subsection (3)(a), the code of practice may make provision as to the testing and certification of the product or description of product.
- (5) The third condition is that the carrying out of the installation meets the standard specified in the code of practice.
- (6) In this section references to the code of practice are to the code of practice issued for the purposes of the scheme under the framework regulations.

8 Confirmation of plan

- (1) For the purposes of section 1(5)(b) an arrangement is confirmed in accordance with this section if the following two conditions are met.
- (2) The first condition is that the relevant energy supplier notifies the bill payer—
 - (a) that payments for the energy efficiency improvements to the property are to be included in the energy bills for the property from the date specified in the notification, and
 - (b) of the amounts of those payments and the period for which they are to be made.
- (3) The date mentioned in subsection (2)(a) must not fall earlier than the end of the period specified in the framework regulations.
- (4) The second condition is that, as soon as practicable after the improvements have been installed, the green deal provider takes one or more of the following actions as required by the framework regulations in the circumstances—
 - (a) producing a document containing such information in connection with the plan as is specified in the regulations in the form so specified,
 - (b) securing that a document of a description specified in the regulations is produced, or
 - (c) securing that a document of such a description is updated.

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(5) The reference in this section to securing that a document is updated includes a reference to securing that a document is replaced by a document of the same description.

(6) Sections 9 and 10 make further provision in relation to the second condition.

9 Confirmation of plan: supplementary provision for England and Wales

(1) Subsection (2) applies if, by virtue of section 8(4)(b) or (c), the framework regulations specify a document of a description which is required to be produced under the 2007 Regulations or the 2010 Regulations.

(2) The Secretary of State may by regulations make provision amending the 2007 Regulations or the 2010 Regulations or both (as the case may require) in connection with a document required to be produced or updated by virtue of section 8(4)(b) or (c).

(3) The amendments made by virtue of subsection (2) may, in particular, include amendments for the purpose of requiring a document to contain additional or updated information in connection with the plan or the improvements installed under the plan.

(4) In this section—

“the 2007 Regulations” means the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (S.I. 2007/991);

“the 2010 Regulations” means the Building Regulations 2010 (S.I. 2010/2214).

VALID FROM 22/06/2012

10 Confirmation of plan: supplementary provision for Scotland

(1) Subsection (2) applies if, by virtue of section 8(4)(b) or (c), the framework regulations specify a document of a description which is required to be produced under the 2008 Regulations.

(2) The Scottish Ministers may by regulations make provision amending the 2008 Regulations in connection with a document required to be produced or updated by virtue of section 8(4)(b) or (c).

(3) The amendments made by virtue of subsection (2) may, in particular, include amendments for the purpose of requiring a document to contain additional or updated information in connection with the plan or the improvements installed under the plan.

(4) In this section “the 2008 Regulations” means the Energy Performance of Buildings (Scotland) Regulations 2008 (S.S.I. 2008/309).

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11 Updating information produced under section 8

- (1) The framework regulations may make provision as to the circumstances in which a document produced for the purposes of section 8(4)(a) is required to be updated in accordance with the regulations.
- (2) Subsection (6) applies if one or more of the first, second or third conditions is met.
- (3) The first condition is that—
 - (a) by virtue of section 8(4)(b) or (c), the framework regulations specify a document of a description which is required to be produced under the 2007 Regulations or the 2010 Regulations, and
 - (b) provision is made in the 2007 Regulations or the 2010 Regulations or both by virtue of section 9(3) to require a document of that description to contain additional or updated information.
- (4) The second condition is that—
 - (a) by virtue of section 8(4)(b) or (c), the framework regulations specify a document of a description which is required to be produced under the 2008 Regulations, and
 - (b) provision is made in the 2008 Regulations by virtue of section 10(3) to require a document of that description to contain additional or updated information.
- (5) The third condition is that, by virtue of section 8(4)(b) or (c), the framework regulations specify a document of a description other than one falling within subsection (3) or (4).
- (6) The framework regulations may make provision as to the circumstances in which a document of a description falling within subsection (3), (4) or (5) (as the case may require) is required to be updated or further updated in accordance with provision made by the Secretary of State in the regulations.
- (7) In subsection (3) “the 2007 Regulations” and “the 2010 Regulations” have the same meaning as in section 9.
- (8) In subsection (4) “the 2008 Regulations” has the same meaning as in section 10.
- (9) In this section references to a document being required to be updated or further updated include references to a document being required to be replaced by a document of the same description.

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