



# Energy Act 2011

## 2011 CHAPTER 16

### PART 1

#### ENERGY EFFICIENCY

#### CHAPTER 5

##### INFORMATION ABOUT ENERGY CONSUMPTION, EFFICIENCY AND TARIFFS

##### *Smart meters*

### 73 Smart meters

- (1) Section 88 of the Energy Act 2008 (power to modify licence conditions etc: smart meters) is amended in accordance with subsections (2) to (6).
- (2) In subsection (1)(a) (type of licence that may be modified)—
  - (a) for “6(1)(c)” substitute “ 6(1)(b), (c) ”;
  - (b) before “distribution” insert “ transmission, ”.
- (3) In subsection (3) (non-exhaustive list of modifications that may be made) after paragraph (j) insert—
  - “(ja) provision requiring the holder of a licence to supply information to the Secretary of State or the Authority (or both) so as to enable them to assess any matter relating to the provision, installation, or operation of meters;”.
- (4) In subsection (4) (further provision about the manner in which the power may be exercised) in paragraph (a) after “relation to” insert “ different areas or ”.
- (5) In subsection (5) (period after which the power may not be exercised) for the words from “the end of the period of 5 years” to the end substitute “ 1 November 2018 ”.
- (6) In subsection (6)(c) for “6(1)(c)” substitute “ 6(1)(b), (c) ”.

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- (7) In section 56FB of the Electricity Act 1989 (supplemental provision about the power to provide for activities connected with smart meters to be licensable activities) in subsection (2) (period after which the power may not be exercised) for the words from “the end of the period of 5 years” to the end substitute “ 1 November 2018 ”.
- (8) In section 41HB of the Gas Act 1986 (supplemental provision about the power to provide for activities connected with smart meters to be licensable activities) in subsection (2) (period after which the power may not be exercised) for the words from “the end of the period of 5 years” to the end substitute “ 1 November 2018 ”.

### *Energy performance certificates*

#### **74 Access to register of energy performance certificates etc: England and Wales**

- (1) The Secretary of State may make regulations for the purpose of authorising the person keeping a register to disclose, in accordance with the provision made in the regulations, the documents or data entered onto the register.
- (2) The power under subsection (1) may be exercised, in particular, to make provision—
- (a) excluding a document or data, or a specified part of a document or data, from disclosure where the document or data relates to a specified description of buildings;
  - (b) excluding a document or data, or a specified part of a document or data, from disclosure to a specified description of persons;
  - (c) restricting the number of disclosures made to a specified description of persons;
  - (d) for a disclosure made to a specified description of persons to be subject to specified conditions;
  - (e) as to the sanctions for non-compliance with any condition specified by virtue of paragraph (d) (including sanctions preventing or restricting future disclosures);
  - (f) in consequence of any provision which is made by virtue of paragraphs (a) to (e).
- (3) In subsection (1) “a register” means a register maintained under Part 6 of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (S.I. 2007/991).
- (4) In subsection (2) “specified” means specified in the regulations made under this section.
- (5) Regulations under this section may make different provision for different cases or circumstances or for different purposes.
- (6) Regulations under this section are subject to the negative procedure.
- (7) For the purposes of this section a reference to the disclosure of a document or data includes a reference to disclosure of information derived from the document or data.

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## **75 Access to register of energy performance certificates etc: Scotland**

- (1) The Scottish Ministers may make regulations for the purpose of authorising or requiring the person keeping a register to disclose, in accordance with the provision made in the regulations, the documents or data entered onto the register.
- (2) The power under subsection (1) may be exercised, in particular, to make provision—
  - (a) excluding a document or data, or a specified part of a document or data, from disclosure where the document or data relates to a specified description of buildings;
  - (b) excluding a document or data, or a specified part of a document or data, from disclosure to a specified description of persons;
  - (c) restricting the number of disclosures made to a specified description of persons;
  - (d) for a disclosure made to a specified description of persons to be subject to specified conditions;
  - (e) as to the sanctions for non-compliance with any condition specified by virtue of paragraph (d) (including sanctions preventing or restricting future disclosures);
  - (f) in consequence of any provision which is made by virtue of paragraphs (a) to (e).
- (3) In subsection (1) “a register” means a register maintained under regulation 10 of the Energy Performance of Buildings (Scotland) Regulations 2008 (S.S.I. 2008/309).
- (4) In subsection (2) “specified” means specified in the regulations made under this section.
- (5) Regulations under this section may make different provision for different cases or circumstances or for different purposes.
- (6) Regulations under this section are subject to the negative procedure.
- (7) For the purposes of this section a reference to the disclosure of a document or data includes a reference to disclosure of information derived from the document or data.

### *Information about tariffs*

## **76 Power to modify energy supply licences: information about tariffs**

- (1) The Secretary of State may modify—
  - (a) a condition of a particular licence under section 7A(1) of the Gas Act 1986 (supply licences);
  - (b) the standard conditions incorporated in licences under that provision by virtue of section 8 of that Act;
  - (c) a condition of a particular licence under section 6(1)(d) of the Electricity Act 1989 (supply licences);
  - (d) the standard conditions incorporated in licences under that provision by virtue of section 8A of that Act.

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- (2) The power under subsection (1) may be exercised for the purpose only of securing that a licence holder provides a customer on a domestic tariff with information about one or more of the licence holder's lowest domestic tariffs.
- (3) The information to be provided about a tariff by virtue of subsection (2) may, in particular, include information about—
  - (a) the amount of the tariff;
  - (b) the amount the customer would have paid or saved in relation to any past period if the customer had been on the tariff for that period;
  - (c) the amount the customer would be likely to pay or save in relation to any future period if the customer were on the tariff for that period;
  - (d) where to find further information about the tariff;
  - (e) how to switch to it.
- (4) Modifications under subsection (1) may, in particular, include provision regarding—
  - (a) which one or more domestic tariffs of a licence holder are its lowest domestic tariffs;
  - (b) which of its lowest domestic tariffs a licence holder must provide information about;
  - (c) how and when the information must be provided;
  - (d) the form in which it must be provided.
- (5) The power under subsection (1)—
  - (a) may be exercised generally, only in relation to specified cases or subject to exceptions (including provision for a case to be excepted only so long as specified conditions are satisfied);
  - (b) may be exercised differently in different cases or circumstances;
  - (c) includes a power to make consequential modifications.
- (6) Provision included in licences by virtue of the power may make different provision for different cases.
- (7) The power under subsection (1) may not be exercised after 1 November 2018.
- (8) In this section—
  - “domestic supply contract” means a contract for the supply of gas or electricity by a licence holder to a customer at domestic premises wholly or mainly for domestic purposes;
  - “domestic tariff” means a tariff under a domestic supply contract.

## 77 **Power to modify energy supply licences: procedure and supplemental**

- (1) Before making a modification, the Secretary of State must consult—
  - (a) the holder of any licence being modified,
  - (b) the Gas and Electricity Markets Authority, and
  - (c) such other persons as the Secretary of State considers appropriate.
- (2) The Secretary of State must publish details of any modifications as soon as reasonably practicable after they are made.

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- (3) A modification of part of a standard condition of a particular licence does not prevent any other part of the condition from continuing to be regarded as a standard condition for the purposes of Part 1 of the Gas Act 1986 or Part 1 of the Electricity Act 1989.
- (4) Where the Secretary of State makes a modification of the standard conditions of a licence of any type, the Gas and Electricity Markets Authority must make the same modification of those standard conditions for the purposes of their incorporation in licences of that type granted after that time.
- (5) In section 33(1) of the Utilities Act 2000 (standard conditions of electricity licences), in paragraph (f) (as inserted by section 22(7) of this Act), after “Part 1” insert “ or section 76 ”.
- (6) In section 81(2) of the Utilities Act 2000 (standard conditions of gas licences), after “Part 1” (as inserted by section 22(8) of this Act) insert “ or section 76 ”.
- (7) In this section “modification” means a modification under section 76.

## **78 General duties of the Secretary of State**

- (1) Sections 4AA to 4B of the Gas Act 1986 (principal objective and general duties) apply in relation to functions of the Secretary of State under section 76 or 77 of this Act with respect to holders of licences under section 7A(1) of that Act as they apply in relation to functions of the Secretary of State under Part 1 of that Act.
- (2) Sections 3A to 3D of the Electricity Act 1989 (principal objective and general duties) apply in relation to functions of the Secretary of State under section 76 or 77 of this Act with respect to holders of licences under section 6(1)(d) of that Act as they apply in relation to functions of the Secretary of State under Part 1 of that Act.

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