

Energy Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Before Clause 1

BARONESS BLAKE OF LEEDS
LORD LENNIE

Before Clause 1, insert the following new Clause—

“PART A1

PURPOSE AND STRATEGY AND POLICY STATEMENT

Purpose

- (1) The principal purpose of this Act is—
 - (a) to increase the resilience and reliability of energy systems across the United Kingdom,
 - (b) to support the delivery of the United Kingdom’s climate change commitments, and
 - (c) to reform the United Kingdom’s energy system while minimising costs to consumers and protecting them from unfair pricing.
- (2) In performing functions under this Act, the relevant persons and bodies must have regard to—
 - (a) the principal purpose set out in subsection (1),
 - (b) the Secretary of State’s duties under sections 1 and 4(1)(b) of the Climate Change Act 2008 (carbon targets and budgets) and international obligations contained within Article 2 of the Paris Agreement under the United Nations Framework Convention on Climate Change,
 - (c) the desirability of reducing costs to consumers and alleviating fuel poverty, and
 - (d) the desirability of securing a diverse and viable long-term energy supply.
- (3) In this section “the relevant persons and bodies” means—
 - (a) the Secretary of State;
 - (b) any public authority.”

Member's explanatory statement

This amendment, along with other new clauses before Clause 1, add a new Part setting out the purpose of the Bill and a requirement for a Strategy and Policy Statement in line with this Act.

BARONESS BLAKE OF LEEDS
LORD LENNIE

Before Clause 1, insert the following new Clause –

“Strategy and policy statement

- (1) The Secretary of State must, within 12 months of this Act being passed, designate a statement as the strategy and policy statement for the purposes of this Act.
- (2) The strategy and policy statement is a statement prepared by the Secretary of State that sets out –
 - (a) the strategic priorities, and other main considerations, of Her Majesty’s Government in formulating its energy policy for Great Britain (“strategic priorities”),
 - (b) the particular outcomes to be achieved as a result of the implementation of that policy (“policy outcomes”), and
 - (c) the roles and responsibilities of persons (whether the Secretary of State, the GEMA or other persons) who are involved in implementing that policy or who have other functions that are affected by it.
- (3) The strategy and policy statement must have regard to the purposes listed in section (*Purpose*)(2).
- (4) The Secretary of State must publish the strategy and policy statement in such manner as the Secretary of State considers appropriate.
- (5) For the purposes of this section, energy policy “for Great Britain” includes such policy for –
 - (a) the territorial sea adjacent to Great Britain, and
 - (b) areas designated under section 1(7) of the Continental Shelf Act 1964.
- (6) The GEMA must have regard to the strategic priorities set out in the strategy and policy statement when carrying out regulatory functions.
- (7) The Secretary of State and the GEMA must carry out their respective regulatory functions in the manner which the Secretary of State or the GEMA (as the case may be) considers is best calculated to further the delivery of the policy outcomes.
- (8) The GEMA must give notice to the Secretary of State if at any time the GEMA concludes that a policy outcome contained in the strategy and policy statement is not realistically achievable.
- (9) A notice under subsection (8) must include –
 - (a) the grounds on which the conclusion was reached;
 - (b) what (if anything) the GEMA is doing, or proposes to do, for the purpose of furthering the delivery of the outcome so far as reasonably practicable.”

BARONESS BLAKE OF LEEDS
LORD LENNIE

Before Clause 1, insert the following new Clause –

“Strategy and policy statement review

- (1) The Secretary of State must review the strategy and policy statement if a period of 5 years has elapsed since the relevant time.
- (2) The “relevant time”, in relation to the strategy and policy statement, means –
 - (a) the time when the statement was first designated under this Part, or
 - (b) if later, the time when a review of the statement under this section last took place.
- (3) A review under subsection (1) must take place as soon as reasonably practicable after the end of the 5-year period.
- (4) The Secretary of State must review the strategy and policy statement at any other time if –
 - (a) a parliamentary general election has taken place since the relevant time,
 - (b) the GEMA has given notice to the Secretary of State under subsection (8) of section (*Strategy and policy statement*) since the relevant time,
 - (c) a significant change in the energy policy of Her Majesty’s Government has occurred since the relevant time, or
 - (d) the parliamentary approval requirement in relation to an amended statement was not met on the last review (see subsection (12)).
- (5) The Secretary of State may determine that a significant change in the Government’s energy policy has occurred for the purposes of subsection (4)(c) only if –
 - (a) the change was not anticipated at the relevant time, and
 - (b) if the change had been so anticipated, it appears to the Secretary of State likely that the statement would have been different in a material way.
- (6) On a review under this section the Secretary of State may –
 - (a) amend the statement (including by replacing the whole or part of the statement with new content),
 - (b) leave the statement as it is, or
 - (c) withdraw the statement’s designation as the strategy and policy statement.
- (7) The amendment of a statement under subsection (6)(a) has effect only if the Secretary of State designates under the previous section the amended statement as the strategy and policy statement.
- (8) For the purposes of this section, corrections of clerical or typographical errors are not to be treated as amendments made to the statement.
- (9) The designation of a statement as the strategy and policy statement ceases to have effect upon a subsequent designation of an amended statement as the strategy and policy statement in accordance with subsection (7).

- (10) The Secretary of State must consult the following persons before proceeding under subsection (6)(b) or (c) –
- (a) the GEMA,
 - (b) the Scottish Ministers,
 - (c) the Welsh Ministers, and
 - (d) such other persons as the Secretary of State considers appropriate.
- (11) For the purposes of subsection (2)(b), a review of a statement takes place –
- (a) in the case of a decision on the review to amend the statement under subsection (6)(a) –
 - (i) at the time when the amended statement is designated as the strategy and policy statement under section (*Strategy and policy statement*), or
 - (ii) if the amended statement is not so designated, at the time when the amended statement was laid before Parliament for approval under subsection (7) of section (*Strategy and policy statement procedural requirements*);
 - (b) in the case of a decision on the review to leave the statement as it is under subsection (6)(b), at the time when that decision is taken.
- (12) For the purposes of subsection (4)(d), the parliamentary approval requirement in relation to an amended statement was not met on the last review if –
- (a) on the last review of the strategy and policy statement held under this section, an amended statement was laid before Parliament for approval under subsection (7) of section (*Strategy and policy statement procedural requirements*), but
 - (b) the amended statement was not designated because such approval was not given.”

BARONESS BLAKE OF LEEDS
LORD LENNIE

Before Clause 1, insert the following new Clause –

“Strategy and policy statement procedural requirements

- (1) This section sets out the requirements that must be satisfied in relation to a statement before the Secretary of State may designate it as the strategy and policy statement.
- (2) In this section references to a statement include references to a statement as amended following a review under subsection (6)(a) of section (*Strategy and policy statement review*).
- (3) The Secretary of State must first –
 - (a) prepare a draft of the statement, and
 - (b) issue the draft to the required consultees for the purpose of consulting them about it.
- (4) The “required consultees” are –

- (a) the GEMA,
 - (b) the Scottish Ministers, and
 - (c) the Welsh Ministers.
- (5) The Secretary of State must then –
- (a) make such revisions to the draft as the Secretary of State considers appropriate as a result of responses to the consultation under subsection (3)(b), and
 - (b) issue the revised draft for the purposes of further consultation about it to the required consultees and to such other persons as the Secretary of State considers appropriate.
- (6) The Secretary of State must then –
- (a) make any further revisions to the draft that the Secretary of State considers appropriate as a result of responses to the consultation under subsection (5)(b), and
 - (b) prepare a report summarising those responses and the changes (if any) that the Secretary of State has made to the draft as a result.
- (7) The Secretary of State must lay before Parliament –
- (a) the statement as revised under subsection (6)(a), and
 - (b) the report prepared under subsection (6)(b).
- (8) The statement as laid under subsection (7)(a) must be approved by a resolution of each House of Parliament before the Secretary of State may designate it as the strategy and policy statement.
- (9) The requirement under subsection (3)(a) to prepare a draft of a statement may be satisfied by preparation carried out before, as well as preparation carried out after, the passing of this Act.”

Clause 242

BARONESS BLAKE OF LEEDS
LORD LENNIE

Clause 242, page 205, line 15, at end insert –

“(za) Part A1;”

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