

Energy Bill [HL]

FIFTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 19th July 2022, as follows –

Clauses 1 to 16	Schedule 11
Schedule 1	Clause 153
Clauses 17 to 21	Schedule 12
Schedule 2	Clause 154
Clauses 22 to 52	Schedule 13
Schedule 3	Clauses 155 to 160
Clauses 53 and 54	Schedule 14
Schedule 4	Clauses 161 to 168
Clauses 55 to 92	Schedule 15
Schedule 5	Clauses 169 to 197
Clauses 93 to 125	Schedule 16
Schedule 6	Clauses 198 to 219
Clause 126	Schedule 17
Schedule 7	Clauses 220 to 228
Clauses 127 to 130	Schedule 18
Schedule 8	Clauses 229 to 233
Clauses 131 to 151	Schedule 19
Schedules 9 and 10	Clauses 234 to 243
Clause 152	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 165

LORD CALLANAN

161AA Clause 165, page 139, line 32, at end insert “(and includes any appliance the main purpose of which is to heat or cool the liquid or gas)”

Member's explanatory statement

This amendment amends the definition of “heat network” to include any appliance connected to a heat network where the main purpose of that appliance is to provide heating or cooling for the network.

LORD CALLANAN

161AB Clause 165, page 139, line 34, leave out “district”

Member's explanatory statement

This amendment (together with the amendment in the name of Lord Callanan at page 139, line 35) widens the provision made by Clause 165(3) about the treatment of heat pumps so that it applies in relation to communal heat networks (as well as district heat networks).

LORD CALLANAN

161AC Clause 165, page 139, line 35, after “buildings” insert “or premises”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Callanan at page 139, line 34.

Clause 166

LORD WHITTY

161B Clause 166, page 140, line 12, at end insert –

“(3A) The central role of the Regulator in relation to heat networks is to ensure that customers of heat networks have at least equivalent consumer protection to customers of other forms of energy.

(3B) The Regulator must have regard to the need for ensuring regulations are supportive of, and compatible with, the United Kingdom’s climate change commitments.”

Clause 168

LORD CALLANAN

161BA Clause 168, page 141, line 8, at end insert –

“(2A) The provision made in Schedule 15 is without prejudice to the generality of subsection (1).”

Member's explanatory statement

This amendment makes it clear that the breadth of the power under Clause 168 is not affected by the detailed provisions made by Schedule 15.

Schedule 15

LORD CALLANAN

161BB Schedule 15, page 286, leave out lines 25 and 26

Member's explanatory statement

This amendment omits a definition that is no longer needed as a consequence of the amendments in the name of Lord Callanan at page 292, line 6 and at page 303, line 35.

LORD CALLANAN

161BC Schedule 15, page 286, line 28, at end insert –

““enforcement undertaking” has the meaning given by paragraph 39(2);”

Member's explanatory statement

This amendment inserts a definition signposting the definition of “enforcement undertaking” in paragraph 39 of Schedule 15.

LORD CALLANAN

161BD Schedule 15, page 287, line 2, at end insert –

““relevant requirement” has the meaning given by paragraph 38;”

Member's explanatory statement

This amendment inserts a definition signposting the definition of “relevant requirement” in paragraph 38 of Schedule 15.

LORD WHITTY

161C Schedule 15, page 287, line 12, at end insert “so that consumer protection for such consumers is at least equivalent to that for other energy consumers.”

LORD LENNIE
BARONESS BLAKE OF LEEDS

161CA★ Schedule 15, page 287, line 17, at end insert “and specifically in functioning systems that deliver heat efficiently;”

Member's explanatory statement

This amendment would ensure that regulation covers systems that are operational but are operating inefficiently to the detriment of customers.

LORD WHITTY

161D Schedule 15, page 287, line 23, at end insert –

“(5) The regulations must be supportive of, and compatible with, the United Kingdom’s climate change objectives.”

LORD CALLANAN

- 161E** Schedule 15, page 288, line 25, leave out “in the United Kingdom and elsewhere” and insert “in the part or parts of the United Kingdom in relation to which the Regulator has functions under the regulations”

Member's explanatory statement

This amendment limits any requirement on a Regulator of heat networks to keep under review the carrying on of activities connected with heat networks to those activities carried on in the part or parts of the United Kingdom for which that Regulator is responsible.

LORD CALLANAN

- 161F** Schedule 15, page 290, line 32, after “sub-paragraph” insert “(2)(b) or”

Member's explanatory statement

This amendment (together with the amendment in the name of Lord Callanan at page 290, line 33) enables regulations made under Clause 168 to provide for the Regulator to specify information that must be provided by an applicant for a heat network authorisation.

LORD CALLANAN

- 161G** Schedule 15, page 290, line 33, leave out “sub-paragraph (4)” and insert “that sub-paragraph”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Callanan at page 290, line 32.

LORD CALLANAN

- 161H** Schedule 15, page 291, line 14, at end insert—

- “(2A) The regulations may, in particular, provide for conditions to be included in a heat network authorisation requiring the person who holds the authorisation—
- (a) to comply with the provisions of a particular designated document;
 - (b) to enter into governance arrangements with the person who is from time to time the licensed code manager for that designated document and to comply with those arrangements;
 - (c) to provide funding for the person who is from time to time the licensed code manager for that designated document.”

Member's explanatory statement

This amendment enables regulations to provide for conditions to be included in heat network authorisations requiring their holders to comply with designated documents for purposes not limited to those concerning technical standards.

LORD CALLANAN

161I Schedule 15, page 291, line 16, at end insert –

“(za) conditions about the terms on which premises are connected to a relevant heat network (whether for the purpose of supplying heating, cooling or hot water to premises, or supplying thermal energy to a relevant heat network);”

Member's explanatory statement

This amendment enables heat network authorisations to include conditions about the terms on which premises are connected to a relevant heat network, whether a connection is for the purpose of supplying heating, cooling or hot water to premises, or for the purpose of supplying thermal energy to a relevant heat network.

BARONESS WORTHINGTON

162 Schedule 15, page 291, line 38, at end insert –

“(fa) conditions about the source of the heating;”

Member's explanatory statement

This amendment seeks to probe whether the Regulator can set requirements about the source of heating – for example, in relation to imported wood pellets or heavy fuel oil – as well as emissions of targeted greenhouse gases.

LORD CALLANAN

162A Schedule 15, page 292, line 2, leave out “expenses” and insert “costs”

Member's explanatory statement

This amendment ensures consistency with the reference to costs in the amendments in the name of Lord Callanan to Clause 170.

LORD CALLANAN

162B Schedule 15, page 292, line 4, leave out “in regulations made by virtue of” and insert “of the sort referred to in”

Member's explanatory statement

This amendment clarifies the drafting of a reference to the sorts of condition that regulations may provide may be included in heat network authorisations.

LORD CALLANAN

162C Schedule 15, page 292, line 6, leave out “domestic”

Member's explanatory statement

This amendment enables regulations to provide for a price cap in relation to the charges imposed on any heat network consumer, whether domestic or not.

LORD CALLANAN

- 162D** Schedule 15, page 292, line 11, leave out “in regulations made by virtue of” and insert “of the sort referred to in”

Member's explanatory statement

This amendment clarifies the drafting of a reference to the sorts of condition that regulations may provide may be included in heat network authorisations.

LORD CALLANAN

- 162E** Schedule 15, page 292, line 20, at end insert –

- “(6) The regulations may, in particular, provide for conditions to be included in a heat network authorisation that –
- (a) in relation to England and Wales or Scotland, impose on the person who holds the authorisation a requirement of a kind that may be imposed under section 7(3) of the Electricity Act 1989 on the holder of a licence under section 6(1) of that Act;
 - (b) in relation to Northern Ireland, impose on the person who holds the authorisation a requirement of a kind that may be imposed under Article 11(3) of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)) on the holder of a licence under Article 10(1) of that Order.”

Member's explanatory statement

This amendment enables regulations to provide for heat network authorisations to include conditions imposing any requirement of a kind that may under section 7(3) of the Electricity Act 1989 (or under Article 11(3) of the Electricity (Northern Ireland) Order 1992) be imposed on licence holders under that Act (or that Order).

LORD CALLANAN

- 162F** Schedule 15, page 292, line 31, leave out paragraph 16

Member's explanatory statement

This amendment removes provision duplicated by the amendments in the name of Lord Callanan at page 291, line 14 and at page 292, line 20.

LORD CALLANAN

- 162G** Schedule 15, page 293, line 2, leave out “in regulations made by virtue of” and insert “of the sort referred to in”

Member's explanatory statement

This amendment clarifies the drafting of a reference to the sorts of condition that regulations may provide may be included in heat network authorisations.

LORD CALLANAN

- 162H** Schedule 15, page 293, line 8, leave out “in regulations made by virtue of” and insert “of the sort referred to in”

Member's explanatory statement

This amendment clarifies the drafting of a reference to the sorts of condition that regulations may provide may be included in heat network authorisations.

LORD CALLANAN

- 162I** Schedule 15, page 293, line 25, at end insert –

“(3) In sub-paragraphs (1) and (2), a reference to the modification of a condition includes a reference to the revocation of a condition.”

Member's explanatory statement

This amendment ensures that regulations may provide for the Regulator to revoke conditions included in heat network authorisations.

LORD CALLANAN

- 162J** Schedule 15, page 293, line 25, at end insert –

“(4) The regulations may provide for the conditions of a heat network authorisation –

- (a) to have effect or cease to have effect at such times and in such circumstances as may be determined by or under the conditions;
- (b) to be modified in such manner as may be specified in the conditions at such times and in such circumstances as may be so determined.”

Member's explanatory statement

This amendment ensures that regulations may provide for conditions included in heat network authorisations to come into effect, cease to have effect or be modified in accordance with the conditions.

LORD CALLANAN

- 162K** Schedule 15, page 293, line 30, leave out from “provide” to end of line 31 and insert –

“(a) for the revocation of a heat network authorisation by the Regulator;

- (b) for a heat network authorisation to cease to have effect in circumstances specified in or determined under the authorisation.”

Member's explanatory statement

This amendment enables regulations to provide for a heat network authorisation to be revoked by the Regulator or to cease to have effect in accordance with the terms on which it was conferred.

LORD CALLANAN

- 162L** Schedule 15, page 293, line 32, after “(1)” insert “(a)”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Callanan at page 293, line 30.

LORD CALLANAN

- 162M** Schedule 15, page 295, line 2, leave out “about technical standards”

Member's explanatory statement

This amendment (together with others in the name of Lord Callanan in relation to Schedule 15) ensures that the purposes for which a document may be designated are not limited to those concerning technical standards.

LORD CALLANAN

- 162N** Schedule 15, page 295, line 2, leave out “such as” and insert “including”

Member's explanatory statement

See the explanatory statement to the first amendment in the name of Lord Callanan at page 295, line 2.

LORD CALLANAN

- 162O** Schedule 15, page 295, line 3, leave out “technical”

Member's explanatory statement

See the explanatory statement to the first amendment in the name of Lord Callanan at page 295, line 2.

LORD CALLANAN

- 162P** Schedule 15, page 296, line 29, leave out from “the” to “the” in line 30 and insert “provisions of”

Member's explanatory statement

See the explanatory statement to the first amendment in the name of Lord Callanan at page 295, line 2.

LORD CALLANAN

162Q Schedule 15, page 296, line 32, at end insert –

“(ba) conditions about functions of the Regulator in connection with the modification of a designated document;”

Member's explanatory statement

This amendment enables regulations to provide for a code manager licence to include conditions about the role of the Regulator in the modification of designated documents.

LORD CALLANAN

162R Schedule 15, page 296, line 41, at end insert –

“(4) The regulations may, in particular, provide for conditions to be included in a code manager licence that –

- (a) in relation to England and Wales or Scotland, impose on the person who holds the licence a requirement of a kind that may be imposed under section 7(3) of the Electricity Act 1989 on the holder of a licence under section 6(1) of that Act;
- (b) in relation to Northern Ireland, impose on the person who holds the licence a requirement of a kind that may be imposed under Article 11(3) of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)) on the holder of a licence under Article 10(1) of that Order.”

Member's explanatory statement

This amendment enables regulations to provide for code manager licences to include conditions imposing any requirement of a kind that may under section 7(3) of the Electricity Act 1989 (or under Article 11(3) of the Electricity (Northern Ireland) Order 1992) be imposed on licence holders under that Act (or that Order).

LORD CALLANAN

162S Schedule 15, page 296, line 43, leave out “expenses” and insert “costs”

Member's explanatory statement

This amendment ensures consistency with the reference to costs in the amendments in the name of Lord Callanan to Clause 170.

LORD CALLANAN

162T Schedule 15, page 297, line 9, at end insert –

“(3) In sub-paragraphs (1) and (2), a reference to the modification of a condition includes a reference to the revocation of a condition.”

Member's explanatory statement

This amendment ensures that regulations may provide for the Regulator to revoke conditions included in code manager licences.

LORD CALLANAN

162U Schedule 15, page 297, line 9, at end insert –

“(4) The regulations may provide for the conditions of a code manager licence –
(a) to have effect or cease to have effect at such times and in such circumstances as may be determined by or under the conditions;
(b) to be modified in such manner as may be specified in the conditions at such times and in such circumstances as may be so determined.”

Member's explanatory statement

This amendment ensures that regulations may provide for conditions included in code manager licences to come into effect, cease to have effect or be modified in accordance with the conditions.

LORD CALLANAN

162V Schedule 15, page 297, line 14, at end insert “by the Regulator;

(b) for a code manager licence to cease to have effect in circumstances specified in or determined under the licence.”

Member's explanatory statement

This amendment enables regulations to provide for a code manager licence to be revoked by the Regulator or to cease to have effect in accordance with the terms on which it was conferred.

LORD CALLANAN

162W Schedule 15, page 297, line 15, after “(1)” insert “(a)”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Callanan at page 297, line 14.

LORD CALLANAN

- 162X** Schedule 15, page 298, line 7, after “(6)” insert “(including provision about the information that must be provided to the Regulator by a person applying for a licence)”

Member's explanatory statement

This amendment enables regulations made by the Regulator about applications for installation and maintenance licences, so far as relating to England and Wales, to include provision about the information that must be provided to the Regulator by a person making an application.

LORD CALLANAN

- 162Y** Schedule 15, page 298, line 28, leave out “or road”

Member's explanatory statement

This amendment omits a reference to “road” that is not necessary in light of the meaning “street” has in paragraph 33.

LORD CALLANAN

- 162YA** Schedule 15, page 299, leave out lines 10 to 15

Member's explanatory statement

This amendment omits the definition of “road”, which is not necessary in light of the definition of “street” for the purposes of paragraph 33.

LORD CALLANAN

- 162YB** Schedule 15, page 299, line 23, leave out “canal or tramway” and insert “tramway or waterway”

Member's explanatory statement

This amendment broadens the definition of “transport land”, in relation to rights that may be conferred on a person by an installation and maintenance licence, to include waterways other than canals.

LORD CALLANAN

- 162YC** Schedule 15, page 299, line 24, leave out “canal or tramway” and insert “tramway or waterway”

Member's explanatory statement

See the explanatory statement to the amendment in the name of Lord Callanan at page 299, line 23.

LORD CALLANAN

162YD Schedule 15, page 299, line 38, leave out “a code manager” and insert “an installation and maintenance”

Member's explanatory statement

This amendment corrects a reference in paragraph 34(2)(d) to the wrong type of licence.

LORD CALLANAN

162YE Schedule 15, page 300, line 6, at end insert—

“(4) The regulations may, in particular, provide for conditions to be included in an installation and maintenance licence that—

- (a) in relation to England and Wales or Scotland, impose on the person who holds the licence a requirement of a kind that may be imposed under section 7(3) of the Electricity Act 1989 on the holder of a licence under section 6(1) of that Act;
- (b) in relation to Northern Ireland, impose on the person who holds the licence a requirement of a kind that may be imposed under Article 11(3) of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)) on the holder of a licence under Article 10(1) of that Order.”

Member's explanatory statement

This amendment enables regulations to provide for installation and maintenance licences to include conditions imposing any requirement of a kind that may under section 7(3) of the Electricity Act 1989 (or under Article 11(3) of the Electricity (Northern Ireland) Order 1992) be imposed on licence holders under that Act (or that Order).

LORD CALLANAN

162YF Schedule 15, page 300, line 18, at end insert—

“(3) In sub-paragraphs (1) and (2), a reference to the modification of a condition includes a reference to the revocation of a condition.”

Member's explanatory statement

This amendment ensures that regulations may provide for the Regulator to revoke conditions included in installation and maintenance licences.

LORD CALLANAN

162YG Schedule 15, page 300, line 18, at end insert—

“(4) The regulations may provide for the conditions of an installation and maintenance licence—

- (a) to have effect or cease to have effect at such times and in such circumstances as may be determined by or under the conditions;

- (b) to be modified in such manner as may be specified in the conditions at such times and in such circumstances as may be so determined.”

Member's explanatory statement

This amendment ensures that regulations may provide for conditions included in installation and maintenance licences to come into effect, cease to have effect or be modified in accordance with the conditions.

LORD CALLANAN

162YH Schedule 15, page 300, line 23, leave out from “provide” to end of line 24 and insert—

- “(a) for the revocation of an installation and maintenance licence by the Regulator;
(b) for an installation and maintenance licence to cease to have effect in circumstances specified in or determined under the licence.”

Member's explanatory statement

This amendment enables regulations to provide for an installation and maintenance licence to be revoked by the Regulator or to cease to have effect in accordance with the terms on which it was conferred.

LORD CALLANAN

162YI Schedule 15, page 300, line 25, after “(1)” insert “(a)”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Callanan at page 300, line 23.

LORD CALLANAN

162YJ Schedule 15, page 300, line 32, at end insert “or relevant requirements”

Member's explanatory statement

This amendment (together with other amendments to Part 6 of Schedule 15 in the name of Lord Callanan) provides that regulations under Clause 168 may make provision about the enforcement of requirements contained in regulations, as well as about the enforcement of conditions contained in heat network authorisations and other licences.

LORD CALLANAN

162YK Schedule 15, page 300, line 36, after “condition” insert “or requirement”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Callanan at page 300, line 32.

LORD CALLANAN

162YL Schedule 15, page 300, line 37, leave out “an” and insert “a final”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Callanan at page 300, line 38.

LORD CALLANAN

162YM Schedule 15, page 300, line 37, leave out “containing such provision as is required” and insert “requiring the person to take such steps as the Regulator considers appropriate”

Member's explanatory statement

This amendment clarifies that regulations making provision for the Regulator to make orders for the purposes of securing compliance may impose requirements to take such steps as the Regulator considers appropriate.

LORD CALLANAN

162YN Schedule 15, page 300, line 38, after “condition” insert “or requirement”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Callanan at page 300, line 32.

LORD CALLANAN

162YO Schedule 15, page 300, line 38, at end insert –

“(aa) in a case where it appears to the Regulator that a relevant person is contravening or is likely to contravene a relevant condition or requirement, to make a provisional order requiring the person to take such steps as the Regulator considers appropriate for the purpose of securing compliance with the relevant condition or requirement;”

Member's explanatory statement

This amendment clarifies that regulations may provide for a lower standard of proof to apply to provisional orders made by the Regulator.

LORD CALLANAN

162YP Schedule 15, page 301, line 2, after “condition” insert “or requirement”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Callanan at page 300, line 32.

LORD CALLANAN

162YQ Schedule 15, page 301, line 4, after “condition” insert “or requirement”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Callanan at page 300, line 32.

LORD CALLANAN

162YR Schedule 15, page 301, line 4, leave out “regulated” and insert “relevant”

Member's explanatory statement

This amendment corrects a typographical error.

LORD CALLANAN

162YS Schedule 15, page 301, line 10, after “condition” insert “or requirement”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Callanan at page 300, line 32.

LORD CALLANAN

162YT Schedule 15, page 301, line 24, after “condition” insert “or requirement”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Callanan at page 300, line 32.

LORD CALLANAN

162YU Schedule 15, page 301, line 33, at end insert –

““relevant requirement”, in relation to a relevant person, means a requirement imposed on the person by or under the regulations or by regulations made by the Regulator by virtue of any provision of this Schedule;”

Member's explanatory statement

This amendment defines “relevant requirement”, for the purposes of paragraph 38 of Schedule 15, as any requirement imposed by regulations made under clause 168 or by regulations made by the Regulator by virtue of any provision of Schedule 15.

LORD CALLANAN

162YV Schedule 15, page 301, line 35, leave out “(a)”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Callanan at page 300, line 38.

LORD CALLANAN

162YW Schedule 15, page 301, line 36, leave out paragraph (a)

Member's explanatory statement

This amendment omits provision superseded by the amendment in the name of Lord Callanan at page 300, line 38.

LORD CALLANAN

162YX Schedule 15, page 301, line 38, leave out “an order made on a provisional basis” and insert “a provisional order”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Callanan at page 300, line 38.

LORD CALLANAN

162YY Schedule 15, page 302, line 5, at end insert –

“(f) make provision enabling the Regulator to accept an enforcement undertaking from a relevant person and about the consequences of accepting such an undertaking.

(2) An “enforcement undertaking” is an undertaking to take, within the period specified in the undertaking, such action as may be so specified to secure compliance with a relevant condition or requirement.”

Member's explanatory statement

This amendment (together with the amendment in the name of Lord Callanan at page 302, line 21) gives the Regulator power to make regulations allowing it to accept enforcement undertakings instead of taking enforcement action.

LORD CALLANAN

162YYA Schedule 15, page 302, line 5, at end insert –

“(3) Except as provided by the regulations, the validity of an order made by virtue of paragraph 38(2)(a) or (aa) is not to be questioned in any legal proceedings.”

Member's explanatory statement

This amendment provides that the validity of an order made by virtue of paragraph 38(2)(a) or (aa) of Schedule 15 may not be challenged in legal proceedings except as provided by regulations.

LORD CALLANAN

162YYB Schedule 15, page 302, line 16, at end insert—

“(ea) make provision about payment of a penalty (and any interest) in instalments;”

Member's explanatory statement

This amendment provides that regulations under Clause 168 may provide for payment of a penalty in instalments.

LORD CALLANAN

162YYC Schedule 15, page 302, line 21, at end insert—

“(g) make provision enabling the Regulator to accept an enforcement undertaking from a relevant person and about the consequences of accepting such an undertaking.”

Member's explanatory statement

See the explanatory statement for the first amendment in the name of Lord Callanan at page 302, line 5.

LORD CALLANAN

162YYD Schedule 15, page 302, line 25, at end insert—

“(3) Except as provided by the regulations, the validity of a penalty imposed by virtue of paragraph 38 is not to be questioned in any legal proceedings.”

Member's explanatory statement

This amendment provides that the validity of a penalty imposed by virtue of paragraph 38 of Schedule 15 may not be challenged in legal proceedings except as provided by regulations.

LORD CALLANAN

162YYE Schedule 15, page 302, line 37, leave out “regulated” and insert “relevant”

Member's explanatory statement

This amendment corrects a typographical error.

LORD CALLANAN

162YYF Schedule 15, page 303, line 1, at end insert –

“(ea) make provision about payment of compensation (and any interest) in instalments;”

Member's explanatory statement

This amendment provides that regulations made under Clause 168 may provide for payment in instalments of sums under a consumer redress order.

LORD CALLANAN

162YYG Schedule 15, page 303, line 2, at end insert –

“(g) make provision enabling the Regulator to accept an enforcement undertaking from a relevant person and about the consequences of accepting such an undertaking.”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Callanan at page 302, line 5.

LORD CALLANAN

162YYH Schedule 15, page 303, line 7, at end insert –

“(3) Except as provided by the regulations, the validity of a consumer redress order is not to be questioned in any legal proceedings.”

Member's explanatory statement

This amendment provides that the validity of a consumer redress order (imposed by virtue of paragraph 38(2)(c) of Schedule 15) may not be challenged in legal proceedings except as provided by regulations.

LORD CALLANAN

162YYI Schedule 15, page 303, line 35, leave out “domestic”

Member's explanatory statement

This amendment ensures that the language of paragraph 43(1) is consistent with that used in paragraph 14(4)(b) in order that regulations may make provision about how the Regulator is to determine whether charges payable by any consumer are disproportionate, rather than only domestic consumers.

LORD CALLANAN

162YYJ Schedule 15, page 304, line 5, leave out sub-paragraph (1) and insert –

- “(1) The regulations may make provision conferring powers on the Regulator or imposing requirements on any person, for the purposes of or in connection with enabling the Regulator –
- (a) to monitor and secure compliance with relevant conditions or requirements;
 - (b) to make an order in respect of the contravention of a relevant condition or requirement;
 - (c) to enforce relevant conditions or requirements;
 - (d) to make a determination under provision made by virtue of paragraph 43(1).”

Member's explanatory statement

This amendment (together with the amendment in the name of Lord Callanan at page 304, line 24) allows regulations to confer powers on the Regulator or to impose requirements on any person for purposes connected to the enforcement of relevant conditions or requirements.

LORD CALLANAN

162YYK Schedule 15, page 304, line 18, leave out sub-paragraph (3) and insert –

- “(3) Regulations made by virtue of sub-paragraph (1) may, in particular –
- (a) confer powers to enter premises for the purposes of exercising powers conferred by the regulations;
 - (b) make provision about the circumstances in which a warrant is required to exercise a power conferred by virtue of paragraph (a);
 - (c) make provision for the issuing of such a warrant where conditions specified in the regulations are satisfied.”

Member's explanatory statement

This amendment clarifies that regulations made by virtue of paragraph 44(1) may confer powers to enter premises and make provision about circumstances in which a warrant is required.

LORD CALLANAN

162YYL Schedule 15, page 304, line 24, at end insert –

- “(5) Regulations made by virtue of sub-paragraph (1) may, in particular, impose requirements relating to –
- (a) the keeping of records by relevant persons;
 - (b) the provision of information by relevant persons and others;
 - (c) the audit and verification of that information.”

Member's explanatory statement

See the explanatory statement to the amendment in the name of Lord Callanan at page 304, line 5.

LORD CALLANAN

162YYM Schedule 15, page 307, line 35, at end insert –

“(1A) Regulations made by virtue of this paragraph may make provision relating to the connection of premises to a relevant heat network whether a connection is for the purpose of –

- (a) supplying heating, cooling or hot water to premises, or
- (b) supplying thermal energy to a relevant heat network.”

Member's explanatory statement

This amendment enables regulations to make provision about the connection of premises to relevant heat networks whether a connection is for the purpose of supplying heating, cooling or hot water to premises, or for the purpose of supplying thermal energy to a relevant heat network.

LORD CALLANAN

162YYN Schedule 15, page 308, line 6, leave out “expenses” and insert “costs”

Member's explanatory statement

This amendment ensures consistency with the reference to costs in the amendments in the name of Lord Callanan to Clause 170.

LORD CALLANAN

162YYO Schedule 15, page 310, line 30, at end insert –

“(1A) The regulations may provide for sections 24 and 25 of the Consumers, Estate Agents and Redress Act 2007 (provision of information to consumer advocacy bodies) to apply in relation to relevant persons as they apply to regulated providers within the meaning of section 25 of that Act, with such modifications as appear to the appropriate authority to be appropriate.”

Member's explanatory statement

This amendment provides that requirements relating to the provision of information to consumer advocacy bodies, imposed by sections 24 and 25 of the Consumers, Estate Agents and Redress Act 2007, may be imposed on holders of heat network authorisations and others by regulations under Clause 168.

LORD CALLANAN

- 162YYP** Schedule 15, page 311, line 3, leave out from “schemes)” to end of line 6 and insert –
- “(a) to apply in relation to heat network consumers in England, Wales or Scotland as it applies in relation to gas or electricity consumers, with such modifications as appear to the Secretary of State to be appropriate;
 - (b) to apply in relation to relevant persons in England, Wales or Scotland as it applies in relation to regulated providers within the meaning of that Part, with such modifications as appear to the Secretary of State to be appropriate.”

Member's explanatory statement

This amendment provides that requirements relating to complaints handling and redress schemes, imposed by Part 2 of the Consumers, Estate Agents and Redress Act 2007, may be imposed on holders of heat network authorisations and others by regulations under Clause 168.

LORD CALLANAN

- 162YYQ** Schedule 15, page 311, line 34, leave out “expenses” and insert “costs”

Member's explanatory statement

This amendment ensures consistency with the reference to costs in the amendments in the name of Lord Callanan to Clause 170.

LORD CALLANAN

- 162YYR** Schedule 15, page 312, line 7, leave out “expenses” and insert “costs”

Member's explanatory statement

This amendment ensures consistency with the reference to costs in the amendments in the name of Lord Callanan to Clause 170.

LORD CALLANAN

- 162YYS** Schedule 15, page 312, line 13, leave out “expenses” and insert “costs”

Member's explanatory statement

This amendment ensures consistency with the reference to costs in the amendments in the name of Lord Callanan to Clause 170.

LORD CALLANAN

- 162YYT** Schedule 15, page 312, line 19, leave out “expenses” and insert “costs”

Member's explanatory statement

This amendment ensures consistency with the reference to costs in the amendments in the name of Lord Callanan to Clause 170.

Clause 169

LORD CALLANAN

162YYU Clause 169, page 142, line 30, at end insert –

“(ba) regulations under section 168 which create an offence or provide for an increase in the penalty for an existing offence;”

Member's explanatory statement

This amendment provides that regulations made by the Department for the Economy in Northern Ireland that create an offence, or provide for an increased penalty for an existing offence, may not be made unless a draft has been laid before and approved by a resolution of the Northern Ireland Assembly.

Clause 170

LORD CALLANAN

162YYV Clause 170, page 142, line 36, leave out from “to” to end of line 37 and insert “costs within subsection (1A)”***Member's explanatory statement***

This amendment (together with the amendment in the name of Lord Callanan at page 142, line 37) clarifies the heat network-related costs that can be charged to holders of gas or electricity licences in England, Wales and Scotland.

LORD CALLANAN

162YYW Clause 170, page 142, line 37, at end insert –

- “(1A) The costs within this subsection are –
- (a) costs of the GEMA –
 - (i) under regulations made under section 168, or
 - (ii) in its capacity as the licensing authority for the purposes of the Heat Networks (Scotland) Act 2021 (asp 9), if the GEMA is designated as such under section 171(1) of this Act,
 - (b) costs of a person other than the GEMA in carrying out, by virtue of section 166(2) or paragraph 5 of Schedule 15, functions of the Regulator,
 - (c) costs of holders of licences issued under Part 4 of Schedule 15 (code manager licences),
 - (d) costs incurred by the Secretary of State in giving financial assistance under regulations made by virtue of paragraph 51 of Schedule 15 (special administration regime),
 - (e) costs incurred by a person or body in providing, or arranging for the provision of, consumer advocacy and advice in relation to heat network consumers, and

- (f) costs not within any of paragraphs (a) to (e) incurred by a person in exercising a function in relation to heat networks in England, Wales or Scotland (whether by virtue of regulations under section 168 or otherwise).”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Callanan at page 142, line 36.

LORD CALLANAN

- 162YYX** Clause 170, page 143, line 1, leave out from “to” to end of line 2 and insert “costs within subsection (3)”

Member's explanatory statement

This amendment (together with the amendment in the name of Lord Callanan at page 143, line 2) clarifies the heat network-related costs that can be charged to holders of gas or electricity licences in Northern Ireland.

LORD CALLANAN

- 162YYY** Clause 170, page 143, line 2, at end insert –

“(3) The costs within this subsection are –

- (a) costs of the NIAUR under regulations made under section 168,
- (b) costs of a person other than the NIAUR in carrying out, by virtue of section 166(3) or paragraph 5 of Schedule 15, functions of the Regulator,
- (c) costs incurred by the Department in giving financial assistance under regulations made by virtue of paragraph 51 of Schedule 15 (special administration regime),
- (d) costs incurred by a person or body in providing, or arranging for the provision of, consumer advocacy and advice in relation to heat network consumers, and
- (e) costs not within any of paragraphs (a) to (d) incurred by a person in exercising a function in relation to heat networks in Northern Ireland (whether by virtue of regulations under section 168 or otherwise).”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Callanan at page 143, line 1.

Clause 175

LORD LENNIE
BARONESS BLAKE OF LEEDS

- 162YYYYZA★** Clause 175, page 144, line 28, after “State” insert “or the GEMA”

Member's explanatory statement

This amendment would ensure that the GEMA may be designated as the regulator for heat network zones.

Clause 176

LORD CALLANAN

162YYYYA Clause 176, page 145, line 29, at end insert –

“(b) to designate a person as a zone coordinator where a local authority (or local authorities) fail to comply with a requirement imposed by virtue of paragraph (a).”

Member's explanatory statement

This amendment enables the Heat Networks Zones Authority to designate a zone coordinator where a local authority (or authorities) fail to comply with a requirement to make such a designation.

Clause 177

LORD CALLANAN

162YYYYB Clause 177, page 146, line 5, after “coordinators” insert “or the Authority”

Member's explanatory statement

This amendment enables zones regulations to provide for areas to be designated as heat network zones by the Heat Network Zones Authority as well as by zone coordinators.

LORD CALLANAN

162YYYYC Clause 177, page 146, line 13, after “coordinators” insert “or the Authority”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Callanan at page 146, line 5.

LORD CALLANAN

162YYYYD Clause 177, page 146, line 22, after “coordinator” insert “or the Authority”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Callanan at page 146, line 5.

LORD CALLANAN

162YYYYE Clause 177, page 146, line 24, after “coordinator” insert “or the Authority”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Callanan at page 146, line 5.

LORD CALLANAN

162YYYYF Clause 177, page 146, line 26, after “coordinators” insert “or the Authority”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Callanan at page 146, line 5.

LORD CALLANAN

162YYYYG Clause 177, page 146, line 32, after “coordinators” insert “or the Authority”

Member's explanatory statement

This amendment enables regulations made by virtue of Clause 177(1)(c) to impose requirements as to consultation on the Authority as well as on zone coordinators.

Clause 178

LORD TEVERSON

163 Clause 178, page 146, line 35, leave out “may” and insert “must”

Member's explanatory statement

This amendment would require regulations under this section to be made.

LORD TEVERSON

164 Clause 178, page 146, line 39, leave out “may” and insert “must”

Member's explanatory statement

This amendment makes the requirements for regulations under this section mandatory.

LORD TEVERSON

165 Clause 178, page 146, line 41, at end insert “including demonstrating consistency with the latest Strategy and Policy Statement and with relevant local authority plans to achieve a net zero local energy system”

Member's explanatory statement

This amendment seeks to ensure the co-ordination and delivery of heat delivery networks at a local level.

Clause 180

LORD CALLANAN

165A Clause 180, page 149, line 9, at end insert –

“(ga) make provision about the terms on which thermal energy is supplied to a district heat network in pursuance of regulations made by virtue of paragraph (f) or (g) (including in particular provision about the amount that may be charged);”

Member's explanatory statement

This amendment enables regulations to make provision about the terms on which thermal energy is supplied to a district heat network where the supply is enabled by a requirement imposed on a person by a zone coordinator or where the thermal energy is generated by machinery or other equipment of specified types.

Clause 181

LORD TEVERSON

166 Clause 181, page 150, line 37, at end insert –

“(d) require zone coordinators to demonstrate how heat network delivery fits into an overall delivery plan for a net zero local energy system.”

Member's explanatory statement

This amendment seeks to ensure the co-ordination and delivery of heat delivery networks at a local level.

After Clause 184

LORD RAVENSDALE

167 After Clause 184, insert the following new Clause –

“Extension of heat network zones to relevant heating appliances

Regulations about relevant heating appliances

- (1) The Secretary of State may by regulations apply some or all of the provisions applicable to relevant district heat networks in this Chapter to one or more types of relevant heating appliance.
- (2) “Relevant heating appliance” has the meaning given in section 98(3).
- (3) Regulations under this section are subject to the affirmative procedure.”

Member's explanatory statement

This amendment enables the extension of the Bill's zoning provisions applicable to heat networks to heat pumps.

After Clause 185

LORD RAVENSDALE

168 After Clause 185, insert the following new Clause –

“PART 7A**LOCAL AREA ENERGY PLANS****Duty to provide guidance**

- (1) The Secretary of State must publish guidance for local authorities on local area energy planning within 12 months of this Act being passed.
- (2) The guidance in subsection (1) may include, but is not limited to, guidance on –
 - (a) contributing towards meeting the targets set under –
 - (i) Part 1 of the Climate Change Act 2008 (UK net zero emissions target and budgeting), and
 - (ii) sections 1 to 3 of the Environment Act 2021 (environmental targets);
 - (b) adapting to any current or predicted impacts of climate change identified in the most recent report under section 56 of the Climate Change Act 2008 (report on impact of climate change);
 - (c) the data and assumptions used in creating a local area energy plan;
 - (d) the roles and responsibilities of those involved in creating a local area energy plan;
 - (e) the minimum standards for a local area energy plan.
- (3) Local authorities must have regard to the guidance produced under subsection (1) when developing local area energy plans.
- (4) In this section, “local authority” has the meaning given in section 176.”

Member's explanatory statement

This amendment provides guidance for local authorities to help them produce Local Area Energy Plans. It aims to widen the roll out of Local Area Energy Plans among local authorities and help better define the role of local authorities in delivering the future energy system.

Clause 186

LORD CALLANAN

169 Clause 186, page 154, line 18, leave out from “future” to end and insert “flow of electricity into or out of itself”

Member's explanatory statement

This amendment amends the reference to electrical energy in the definition of “energy smart appliance” that applies for the purposes of Part 8.

LORD CALLANAN

- 170 Clause 186, page 154, line 24, after “sent” insert “via a relevant electronic communications network to an energy smart appliance”

Member's explanatory statement

This amendment, together with the amendment in the name of Lord Callanan at page 154, line 25, amends the definition of “load control signal” that applies for the purposes of Part 8 so that it includes a digital communication sent to an energy smart appliance even if the communication is not received by the appliance.

LORD CALLANAN

- 171 Clause 186, page 154, line 25, leave out from “adjustment” to end of line 26

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Callanan at page 154, line 24.

LORD CALLANAN

- 172 Clause 186, page 154, line 26, at end insert –

- “(4A) For the purposes of subsection (2) an adjustment to the flow of electricity into or out of an appliance is made in response to a load control signal whether it is made in response to –
- (a) the sending of the signal, or
 - (b) the sending of the signal and one or more additional factors.”

Member's explanatory statement

This amendment glosses the definition of “energy smart appliance” that applies for the purposes of Part 8 to make it clear that a load control signal may be one of a number of factors in response to which an adjustment is made.

Clause 187

LORD CALLANAN

- 173 Clause 187, page 155, line 6, after “cleaning” insert “tableware”

Member's explanatory statement

This amendment, together with the other amendment in the name of Lord Callanan at page 155, line 6, amends the list of purposes of energy smart appliances about which regulations may be made so that it includes appliances for cleaning tableware and washing or drying textiles but not other cleaning appliances.

LORD CALLANAN

174 Clause 187, page 155, line 6, at end insert –

“(ba) washing or drying textiles;”

Member's explanatory statement

See the explanatory statement to the other amendment in the name of Lord Callanan at page 155, line 6.

LORD CALLANAN

175 Clause 187, page 155, line 7, leave out paragraph (c) and insert –

“(c) storing energy that –

(i) was converted from electricity, and

(ii) is stored for the purpose of its future reconversion into electricity;”

Member's explanatory statement

This amendment amends the list referred to in the amendment in the name of Lord Callanan at page 155, line 6 so as to refer to electricity storage using language consistent with that used in Clause 162 of the Bill.

LORD CALLANAN

176 Clause 187, page 155, line 8, leave out paragraph (d) and insert –

“(d) heating;”

Member's explanatory statement

This amendment amends the list referred to in the amendment in the name of Lord Callanan at page 155, line 6 to remove unnecessary words from the entry referring to heating.

BARONESS RANDERSON

177 Clause 187, page 155, line 22, at end insert –

“(e) consumers are easily able to operate the smart appliances and use them at times of the day that are appropriate for their individual need and maximise their ability to utilise green energy.”

Member's explanatory statement

This amendment seeks to ensure that consumers are able to easily operate smart appliances and are not locked into using them at times that may not maximise their individual ability to utilise green energy.

LORD CALLANAN

178 Clause 187, page 155, line 30, at end insert –

“(ca) make provision about the recall of appliances to prevent, or in response to, non-compliance with the regulations;”

Member's explanatory statement

This amendment enables energy smart regulations to make provision about the recall of appliances.

LORD CALLANAN

179 Clause 187, page 155, line 30, at end insert –

“(cb) make provision for the Secretary of State to issue guidance about prohibitions or requirements imposed by or under the regulations;”

Member's explanatory statement

This amendment enables energy smart regulations to provide for the Secretary of State to issue guidance about prohibitions or requirements imposed by or under the regulations.

LORD CALLANAN

180 Clause 187, page 155, line 33, leave out “selling” and insert “supplying”

Member's explanatory statement

This amendment amends the list of persons on whom energy smart regulations may impose prohibitions or requirements so as to include persons who supply energy smart appliances by means including but not limited to selling them.

LORD TEVERSON

181 Clause 187, page 155, line 34, at end insert –

“(5A) When making regulations under subsection (1), the Secretary of State must make a statement outlining how consumers will be able to derive the full system value of their energy smart appliances at the location where they are being used.”

Member's explanatory statement

This amendment would require the Secretary of State to explain how markets will be developed and implemented that allow efficient use of resources including at local level.

Clause 188

LORD CALLANAN

182 Clause 188, page 156, line 24, at end insert –

“(3A) The reference in subsection (3)(b)(ii) to electrical heating appliances includes a reference to heat pumps.”

Member's explanatory statement

This amendment glosses the definition of “relevant appliance” so as to clarify that heat pumps without the energy smart function, or that are not compatible with the energy smart function of another appliance, are relevant appliances about which provision by virtue of Clause 187(4)(c) may be made.

Clause 189

LORD CALLANAN

183 Clause 189, page 156, line 41, at end insert –

“(iii) take specified steps to remedy non-compliance;”

Member's explanatory statement

This amendment enables energy smart regulations to make provision about steps that must be taken to remedy non-compliance (without an enforcement authority imposing a requirement under provision made by virtue of Clause 189(5)).

LORD CALLANAN

184 Clause 189, page 156, line 41, at end insert –

“(ba) requiring persons to supply evidence of their compliance to enforcement authorities;”

Member's explanatory statement

This amendment enables energy smart regulations to make provision requiring persons to supply evidence of their compliance to enforcement authorities.

LORD CALLANAN

185 Clause 189, page 157, line 4, at end insert –

“(ea) conferring powers to enable the testing of energy smart appliances by enforcement authorities, including powers to require the provision of sample appliances and powers to make test purchases;”

Member's explanatory statement

This amendment enables energy smart regulations to confer the powers necessary to enable enforcement authorities to test energy smart appliances.

LORD CALLANAN

186 Clause 189, page 157, line 23, at end insert –

“(d) recall appliances to prevent, or in response to, non-compliance with energy smart regulations.”

Member's explanatory statement

This amendment enables energy smart regulations to allow enforcement authorities, by written notice, to require persons to recall energy smart appliances.

LORD CALLANAN

187 Clause 189, page 157, line 32, at end insert –

“(7A) Energy smart regulations may make provision to enable an enforcement authority to accept an enforcement undertaking from a person where the authority has reasonable grounds to suspect that the person has failed to comply with any prohibition or requirement imposed by or under the regulations.

(7B) An “enforcement undertaking” is an undertaking to take such action to secure compliance with the regulations as may be specified in the undertaking within such period as may be so specified.

(7C) Provision made by virtue of subsection (7A) must include provision that unless the person from whom the undertaking was accepted has failed to comply with the undertaking or any part of it –

(a) that person may not at any time be convicted of an offence in respect of the act or omission to which the undertaking relates, and

(b) the enforcement authority may not impose on that person any penalty which it would otherwise have power to impose under the regulations.

(7D) Provision made by virtue of subsection (7A) may include any provision of a kind mentioned in section 50(5) of the Regulatory Enforcement and Sanctions Act 2008.”

Member's explanatory statement

This amendment enables energy smart regulations to make provision enabling an enforcement authority to accept enforcement undertakings.

LORD CALLANAN

188 Clause 189, page 157, line 35, at end insert –

“(9) Energy smart regulations may provide for an enforcement authority to issue guidance about the enforcement of the regulations and the exercise by the authority of its functions under the regulations.”

Member's explanatory statement

This amendment enables energy smart regulations to provide for an enforcement authority to issue guidance about the enforcement of the regulations and about the exercise of its functions.

Clause 192

LORD CALLANAN

189 Clause 192, page 159, line 12, at end insert –

“(1A) Energy smart regulations may make provision about the sharing of information between an enforcement authority and the GEMA for the purposes of their functions in relation to energy smart appliances and load control.”

Member's explanatory statement

This amendment enables energy smart regulations to make provision to facilitate information sharing between any enforcement authority designated under the regulations and the Gas and Electricity Markets Authority (and vice versa).

Clause 196

LORD CALLANAN

190 Clause 196, page 162, line 23, leave out subsection (8)

Member's explanatory statement

This amendment omits a provision that is superseded by new Clause (Section (Modifications of licences etc): supplementary).

Schedule 16

LORD CALLANAN

191 Schedule 16, page 315, line 11, after “enactment” insert “, including any enactment comprised in, or an instrument made under, an Act of the Scottish Parliament”

Member's explanatory statement

This amendment enables provision made by regulations under section 56FBA of the Electricity Act 1989 (inserted by the Bill) to include amendments to Acts of the Scottish Parliament and Scottish Statutory Instruments (which are not within the meaning of “enactment” given by the Interpretation Act 1978).

Before Clause 198

BARONESS HAYMAN
 LORD WHITTY
 BARONESS SHEEHAN
 LORD BOURNE OF ABERYSTWYTH

192 Before Clause 198, insert the following new Clause—

“National Energy Demand Reduction Strategy

- (1) The Secretary of State must, before the end of the period of 12 months beginning with the day on which this Act is passed, publish an Energy Demand Reduction Strategy, to include but not limited to the following—
- (a) achieving a low-carbon heat target, of 100% of installations of relevant heating appliances being low-carbon by 1 January 2035;
 - (b) achieving an energy-efficiency target, of all UK homes and buildings attaining a minimum EPC C rating by 2028;
 - (c) interim targets relating to the targets in paragraphs (a) and (b), and the development of skills to achieve them, at not less than three-yearly intervals;
 - (d) a programme of public engagement and a single source of advice provided by the Government to raise awareness of and encourage energy demand reduction.
- (2) The Secretary of State must, in developing the Government’s strategy on reducing energy demand, consult the Climate Change Committee and its sub-committee on adaptation.”

Member's explanatory statement

This is a new Clause which requires the Secretary of State to publish a National Energy Demand Reduction Strategy to provide for delivery of low carbon heat and energy efficiency targets for all UK homes and buildings.

After Clause 198

LORD FOSTER OF BATH
 THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH

193 [*Withdrawn*]

BARONESS BENNETT OF MANOR CASTLE
As an amendment to Amendment 193

194 [*Withdrawn*]

BARONESS BENNETT OF MANOR CASTLE
As an amendment to Amendment 193

195 [Withdrawn]

LORD FOSTER OF BATH
THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH

196 [Withdrawn]

LORD FOSTER OF BATH
THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH

197 After Clause 198, insert the following new Clause –

“Mortgage lenders

- (1) Within six months of the passing of this Act the Secretary of State must by regulations require all mortgage lenders to ensure that by 31 December 2030 the average energy performance level of their domestic portfolios is at least EPC Band C.
- (2) The Secretary of State may by regulations require mortgage lenders to provide the Secretary of State with information regarding the energy performance of properties in their portfolio.”

Member's explanatory statement

This new Clause requires the Secretary of State to make regulations requiring all mortgage lenders to ensure by the end of December 2030 that the average energy performance of their portfolios is at least EPC band C.

LORD FOSTER OF BATH
THE LORD BISHOP OF ST EDMUNDSBURY AND IPSWICH

198 [Withdrawn]

LORD FOSTER OF BATH

198A After Clause 198, insert the following new Clause –

“Energy performance regulations relating to existing premises

- (1) Within six months of the passing of this Act the Secretary of State must make regulations requiring the Secretary of State to ensure that subject to subsections (2) and (3) all domestic properties achieve at least EPC Band C by 2035 where practical, cost-effective and affordable.
- (2) The duty imposed by regulations under subsection (1) does not apply to a domestic property where any of the following exemptions apply –
 - (a) an occupant or anyone else whose permission is needed for works needed be carried out has explicitly refused such permission,
 - (b) it is not technically feasible to fulfil the duty,

- (c) the cost of carrying out works to fulfil the duty would exceed £20,000, or
 - (d) an earlier date is specified by any other section of this Act, in which case such earlier date applies.
- (3) The Secretary of State may by regulations add to or change the exemptions in subsection (2).
- (4) The Secretary of State may by regulations define the terms “practical”, “cost-effective” and “affordable”.

Member's explanatory statement

This Clause requires the Secretary of State to ensure that all households achieve an energy performance certificate band C by 2035 (with specified exemptions), in accordance with numerous government commitments.

LORD FOSTER OF BATH

198B After Clause 198, insert the following new Clause –

“Energy performance regulations relating to existing premises

- (1) Within six months of the passing of this Act the Secretary of State must make regulations –
- (a) amending the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (S.I. 2015/962) to require that, subject to subsection (2), all tenancies have an energy performance certificate (EPC) of at least Band C by 31 December 2028,
 - (b) requiring all social landlords to ensure that –
 - (i) a significant proportion of their tenancies have at least an EPC Band C by 2030, and
 - (ii) all their tenancies have at least an EPC Band C by 2035, subject to subsection (2),
 - (c) requiring the Secretary of State to ensure, subject to subsection (2), that all fuel poor households have an EPC of at least Band C by 31 December 2030, and
 - (d) requiring that, subject to subsection (2), all rented non-domestic premises have an EPC of at least Band B by 31 November 2030.
- (2) Exemptions to subsection (1) apply where –
- (a) the occupier of any premises whose permission is needed to carry out works refuses to give such permission;
 - (b) it is not technically feasible to improve the energy performance of the premises to the level of EPC Band C;
 - (c) in the case of subsection (1)(a), (b) and (d), the cost of improving the energy performance of the premises to the level of EPC Band C would meet an affordability exemption to be specified by the Secretary of State;
 - (d) in the case of subsection (1)(c) the cost of improving the energy performance of the premises to the level of EPC Band C would exceed £20,000, in which

case the premises must have their energy performance improved to the level of an EPC Band which that cost would achieve.”

Member's explanatory statement

This amendment would require the Secretary of State to make regulations relating to energy performance in existing premises.

After Clause 201

LORD CALLANAN

199 After Clause 201, insert the following new Clause –

“PART 9A

ENERGY SAVINGS OPPORTUNITY SCHEMES

Energy savings opportunity schemes

- (1) The Secretary of State may by regulations (“ESOS regulations”) make provision for the establishment and operation of one or more energy savings opportunity schemes.
- (2) An “energy savings opportunity scheme” is a scheme under which obligations are imposed on undertakings to which the scheme applies for one or more of the ESOS purposes.
- (3) The ESOS purposes are –
 - (a) enabling or requiring the energy consumption for which an undertaking is responsible, or the greenhouse gas emissions resulting from that consumption, to be assessed, audited, reported and published;
 - (b) enabling or requiring possible energy savings or emissions reductions to be identified and recommended;
 - (c) enabling or requiring the costs and benefits of possible energy savings or emissions reductions to be assessed;
 - (d) encouraging or requiring undertakings to produce plans or set targets for achieving energy savings or emissions reductions;
 - (e) encouraging or requiring undertakings to take action for the purpose of achieving energy savings or emissions reductions;
 - (f) encouraging or requiring undertakings to achieve energy savings or emissions reductions.
- (4) An energy saving is a reduction in the energy consumption for which an undertaking is responsible.
- (5) An emissions reduction is a reduction in the greenhouse gas emissions that result from the energy consumption for which an undertaking is responsible (whether or not that consumption is also reduced).
- (6) ESOS regulations may make provision about determining –

- (a) the energy consumption for which an undertaking is responsible;
 - (b) the greenhouse gas emissions resulting from that consumption.
- (7) ESOS regulations may –
- (a) impose requirements on any person;
 - (b) confer functions on any person;
 - (c) provide for a person to exercise discretion in dealing with any matter.
- (8) The provision made by this Part is without prejudice to the generality of subsection (1).
- (9) For the purposes of this Part –
- (a) the scheme established by the Energy Savings Opportunity Scheme Regulations 2014 (S.I. 2014/1643) is to be treated as having been established by provision made under subsection (1);
 - (b) a reference to a scheme administrator includes a reference to a compliance body within the meaning given by those Regulations.”

Member's explanatory statement

This new Clause is the first Clause in a new Part 9A of the Bill (also containing the 12 other new Clauses inserted after Clause 201 by amendments in the name of Lord Callanan) making provision about Energy Savings Opportunity Schemes. The new Clause gives the Secretary of State the power to make regulations about Energy Savings Opportunity Schemes.

LORD CALLANAN

200

After Clause 201, insert the following new Clause –

“Application of energy savings opportunity schemes

- (1) ESOS regulations may provide for –
- (a) an energy savings opportunity scheme to apply to specified descriptions of undertakings;
 - (b) specified descriptions of undertakings to be excluded from the application of the scheme.
- (2) ESOS regulations may make provision about circumstances in which –
- (a) two or more participants are to be treated for the purposes of the regulations as if they were a single participant;
 - (b) an obligation imposed under the regulations on one participant is to be treated as if it had been imposed on a different participant.
- (3) The provisions of this Part relating to energy consumption apply to energy consumed by assets located, or activities carried on –
- (a) wholly or partly in the United Kingdom;
 - (b) wholly or partly in an offshore area;
 - (c) where subsection (4) applies, elsewhere.

- (4) ESOS regulations may make provision about circumstances in which the energy consumption for which a participant is, for the purposes of the regulations, responsible may include energy consumed by –
 - (a) assets located elsewhere than in the United Kingdom or an offshore area, or
 - (b) activities carried on elsewhere than in the United Kingdom or an offshore area.
- (5) The provisions of this Part relating to greenhouse gas emissions apply to the emissions resulting from energy consumption to which this Part applies whether such emissions occur in the United Kingdom, in an offshore area or elsewhere.
- (6) ESOS regulations may make provision about the attribution of energy consumption to participants, including in particular provision about the treatment for the purposes of the regulations of –
 - (a) a participant’s consumption of energy generated by that participant;
 - (b) energy consumption by a person over whom a participant has control or influence;
 - (c) energy consumption shared between a participant and one or more other participants or other persons;
 - (d) energy consumed by assets held on trust by or for a participant.
- (7) In this section, “offshore area” means –
 - (a) waters landward of the seaward limit of the territorial sea adjacent to the United Kingdom,
 - (b) any designated area within the meaning of section 1(7) of the Continental Shelf Act 1964, and
 - (c) any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009,and includes the places above those areas and the bed and subsoil of the sea within those areas.”

Member's explanatory statement

This new Clause makes provision about the application of regulations made under the first of the new Clauses in the name of Lord Callanan inserted after Clause 201.

LORD CALLANAN

201 After Clause 201, insert the following new Clause –

“Requirement for assessment of energy consumption

- (1) ESOS regulations may require the carrying out of assessments of –
 - (a) a participant’s energy consumption;
 - (b) the greenhouse gas emissions resulting from that consumption.Such an assessment is referred to as an “ESOS assessment”.
- (2) The provision that may be made by virtue of subsection (1) includes in particular provision about –

- (a) the frequency of ESOS assessments;
 - (b) the period or periods to which assessments must relate;
 - (c) how assessments are to be carried out;
 - (d) the information that must be provided or obtained for the purposes of an assessment;
 - (e) the matters that must be taken into account in an assessment;
 - (f) record-keeping in relation to an assessment.
- (3) ESOS regulations may make provision requiring an ESOS assessment, or specified parts of an ESOS assessment, to be carried out, approved or audited by a person appointed by a participant (referred to as “an assessor”).
- (4) Regulations made by virtue of subsection (1) may include provision enabling or requiring an ESOS assessment to include recommendations relating to energy savings or emissions reductions.
- (5) The provision that may be made by virtue of subsection (4) includes in particular provision about—
- (a) the matters about which recommendations may, must, or must not be made;
 - (b) the matters that must be taken into account in making a recommendation;
 - (c) the carrying out of a cost-benefit analysis before including a recommendation in a report.
- (6) “Cost-benefit analysis”, in relation to a recommendation or requirement to take action, means—
- (a) an estimate of the likely costs to a participant of acting in accordance with the recommendation or requirement;
 - (b) an estimate of the energy savings or emissions reductions likely to result from such action;
 - (c) an analysis of the costs referred to in paragraph (a) together with an analysis of the savings or reductions referred to in paragraph (b) and of any other benefits likely to arise.
- (7) ESOS regulations may make provision about the reporting of ESOS assessments, including in particular provision—
- (a) about the production of written reports;
 - (b) about the form and content of such reports;
 - (c) about the dissemination of such reports within an undertaking and between related undertakings.
- (8) ESOS regulations may make provision requiring a participant to notify a scheme administrator of specified matters relating to the participant’s compliance with requirements imposed by virtue of this section and may in particular include provision—
- (a) about the procedure for giving such notice;
 - (b) about the form and content of notices;
 - (c) about the publication of certain information contained within a notice;
 - (d) requiring a participant to justify its choice of assessor.

- (9) ESOS regulations may provide for any requirement imposed by virtue of subsection (1) –
 - (a) to be treated as having been complied with by a participant in specified circumstances, or
 - (b) not to apply to a participant in specified circumstances.”

Member's explanatory statement

This new Clause enables regulations made under the first of the new Clauses in the name of Lord Callanan inserted after Clause 201 to make provision about the assessment of the energy consumption of participants in an energy savings opportunity scheme and of the greenhouse gas emissions resulting from that consumption.

LORD CALLANAN

202 After Clause 201, insert the following new Clause –

“Assessors

- (1) ESOS regulations may confer functions on an assessor in relation to assessing, monitoring and reporting on compliance with requirements imposed by the regulations.
- (2) ESOS regulations may provide that a participant may only appoint as an assessor a person of a specified description.
- (3) A description may be specified for the purposes of subsection (2) by reference to any criteria, including by reference to –
 - (a) a person’s competence, qualifications or experience;
 - (b) a person’s inclusion in a designated list or register;
 - (c) a person’s membership of a designated body;
 - (d) a person’s participation in an designated accreditation scheme;
 - (e) a person’s relationship to a participant.
- (4) For the purposes of this section, “designated” means designated by the Secretary of State or a scheme administrator in accordance with ESOS regulations.
- (5) A body may only be designated for the purposes of this section if the body is willing to be so designated.
- (6) ESOS regulations may make provision about –
 - (a) the giving of designations for the purposes of subsection (4);
 - (b) reviewing such designations;
 - (c) circumstances in which such a designation may be removed;
 - (d) maintaining and publishing a list of such designations.
- (7) ESOS regulations may make provision enabling a list or register of persons who may, or who may not, be appointed as an assessor for the purposes of subsection (2) to be maintained by –
 - (a) a designated body;
 - (b) a scheme administrator;

- (c) the Secretary of State.
- (8) ESOS regulations may confer functions or impose requirements on a person responsible for maintaining a designated list or register and may in particular include provision—
 - (a) about the process for including a person in a list or register;
 - (b) about the details to be included in a list or register;
 - (c) for ensuring those details remain up to date;
 - (d) about the publication of a list or register;
 - (e) for the purpose of ensuring that a person included in a list or register continues to meet the criteria for appointment as an assessor;
 - (f) for the purpose of ensuring the quality of ESOS assessments;
 - (g) about the temporary or permanent removal of a person from a list or register in specified circumstances.
- (9) The regulations may make provision authorising a scheme administrator to share reports, notices or other information relating to an energy savings opportunity scheme with a designated body for the purposes referred to in subsection (8)(e) or (f).
- (10) ESOS regulations may make provision—
 - (a) enabling the Secretary of State or a scheme administrator to give a direction relating to the maintenance of a list or register;
 - (b) requiring a person responsible for maintaining a list or register to comply with such a direction.”

Member's explanatory statement

This new Clause enables regulations made under the first of the new Clauses in the name of Lord Callanan inserted after Clause 201 to make provision about the persons who may be required to carry out, approve or audit some or all of an assessment carried out for the purposes of an energy savings opportunity scheme; and about the maintenance of lists of persons who may be appointed for those purposes.

LORD CALLANAN

203

After Clause 201, insert the following new Clause—

“ESOS action plans

- (1) ESOS regulations may require participants to produce ESOS action plans.
- (2) An “ESOS action plan” is a written statement of—
 - (a) any action a participant proposes to take for the purpose of achieving energy savings or emissions reductions;
 - (b) any energy savings or emissions reductions targets a participant intends to achieve.
- (3) Where an ESOS action plan does not include any proposals for taking such action or any such targets, provision made by virtue of subsection (1) may require that a participant include an explanation in the plan.

- (4) ESOS regulations may make provision about the production of ESOS action plans, including in particular provision about—
 - (a) when a participant must produce a plan;
 - (b) the period to which a plan must relate;
 - (c) the form and content of a plan;
 - (d) the matters that must be taken into account in producing a plan.
- (5) ESOS regulations may make provision about the publication of ESOS action plans.”

Member's explanatory statement

This new Clause enables regulations made under the first of the new Clauses in the name of Lord Callanan inserted after Clause 201 to make provision about action plans for achieving energy savings or emissions reductions.

LORD CALLANAN

204

After Clause 201, insert the following new Clause—

“Action to achieve energy savings or emissions reductions

- (1) ESOS regulations may make provision—
 - (a) imposing requirements (other than the requirements referred to in paragraph (b)) on participants so as to encourage them to—
 - (i) take specified action for the purpose of achieving energy savings or emissions reductions, or
 - (ii) achieve specified energy savings or emissions reductions, or
 - (b) requiring participants to—
 - (i) take specified action for the purpose of achieving energy savings or emissions reductions, or
 - (ii) achieve specified energy savings or emissions reductions.
- (2) The kinds of action that may be specified for the purposes of subsection (1) are—
 - (a) taking action in accordance with a recommendation made in an ESOS assessment;
 - (b) taking action in accordance with an ESOS action plan;
 - (c) taking any other action of a specified kind;
 - (d) taking action to achieve a target included in an ESOS action plan;
 - (e) taking action to achieve any other specified outcome;
 - (f) adopting processes, practices or systems of a specified kind;
 - (g) conforming to specified standards.
- (3) The provision that may be made by virtue of subsection (1)(a) includes in particular—
 - (a) provision requiring a participant to report—
 - (i) on whether the participant has taken the specified action, or on the steps taken by the participant towards doing so, or

- (ii) on whether the participant has achieved the specified energy savings or emissions reductions, or on the progress made by the participant towards doing so;
 - (b) provision requiring a participant to provide an explanation for any of the matters mentioned in paragraph (a).
- (4) Provision made by virtue of subsection (1)(b) may include a requirement for a participant to report on action taken or energy savings or emissions reductions achieved.
- (5) Regulations made by virtue of subsection (1) may make provision –
 - (a) requiring participants to produce and retain evidence;
 - (b) about the verification of matters about which the participant has reported;
 - (c) about the publication of reports.
- (6) ESOS regulations may –
 - (a) specify the requirements imposed on a participant by virtue of subsection (1) by reference to a cost-benefit analysis;
 - (b) specify circumstances in which a participant is required to take action;
 - (c) impose a requirement to take a specified action on all participants in an energy savings opportunity scheme, or on all participants of a specified description.”

Member's explanatory statement

This new Clause enables regulations made under the first of the new Clauses in the name of Lord Callanan inserted after Clause 201 to require, or to impose requirements to encourage, participants in an energy savings opportunity scheme to achieve energy savings or emissions reductions.

LORD CALLANAN

205

After Clause 201, insert the following new Clause –

“Scheme administration

- (1) ESOS regulations may appoint one or more public authorities to carry out functions with respect to –
 - (a) administering an energy savings opportunity scheme;
 - (b) monitoring compliance with, and enforcing requirements imposed by, the regulations.
- (2) A person appointed by virtue of subsection (1) is referred to as a “scheme administrator”.
- (3) The regulations may make provision for a scheme administrator to authorise another person to exercise specified functions of the scheme administrator.
- (4) Regulations made by virtue of subsection (1) may in particular include provision about –
 - (a) the obtaining of information by, and the provision of information to, a scheme administrator;

- (b) the determination by a scheme administrator of information in default of its being provided;
 - (c) the auditing and verification of information;
 - (d) the keeping, production and inspection of records;
 - (e) the determination by a scheme administrator of whether an undertaking is a participant in an energy savings opportunity scheme;
 - (f) cooperation and information sharing between scheme administrators.
- (5) ESOS regulations may make provision imposing requirements on a participant relating to the provision of such facilities and services, including transport and accommodation, as may be necessary to facilitate the carrying out of any of the scheme administrator's functions.
- (6) ESOS regulations may confer functions on a scheme administrator in relation to the publication of information relating to an energy savings opportunity scheme or its participants.
- (7) ESOS regulations may make provision –
- (a) about the giving of guidance by a scheme administrator or the Secretary of State in connection with the operation of an energy savings opportunity scheme;
 - (b) requiring specified persons to have regard to such guidance.
- (8) ESOS regulations may make provision requiring the payment by participants to the scheme administrator of fees for or in connection with the carrying out by the scheme administrator of the scheme administrator's functions.
- (9) ESOS regulations may confer a power on a national authority to require a scheme administrator to provide the authority with such information –
- (a) relating to an energy savings opportunity scheme, and
 - (b) relevant to the exercise of the authority's functions,
- as the authority requests.
- (10) In this section –
- “national authority” means –
 - (a) the Secretary of State;
 - (b) the Welsh Ministers;
 - (c) the Scottish Ministers;
 - (d) the Department for the Economy in Northern Ireland;
 - “public authority” means a person with functions of a public nature.”

Member's explanatory statement

This new Clause enables regulations made under the first of the new Clauses in the name of Lord Callanan inserted after Clause 201 to make provision about the administration of energy savings opportunity schemes.

LORD CALLANAN

206 After Clause 201, insert the following new Clause –

“Enforcement, penalties and offences

- (1) ESOS regulations may authorise a scheme administrator –
 - (a) to require the production of documents or the provision of information by any person;
 - (b) to question the officers of an undertaking;
 - (c) to enter premises with a warrant;
 - (d) to inspect premises and anything on premises and when doing so –
 - (i) to take measurements, photographs, recordings or copies;
 - (ii) to seize documents or records;
 - (iii) to require any person at the premises to provide facilities and assistance to the extent that is within that person’s control;
 - (e) to issue a notice requiring a participant to take steps specified in the notice for the purpose of –
 - (i) demonstrating compliance with requirements imposed by or under ESOS regulations, or
 - (ii) remedying a failure to comply with such requirements.
- (2) ESOS regulations may make provision requiring a participant to give notice to a scheme administrator where the participant is unlikely to comply, or has failed to comply, with a requirement imposed by or under the regulations.
- (3) ESOS regulations may provide that a person is liable to one or more penalties in respect of –
 - (a) a failure to comply with a requirement imposed on the person by or under the regulations;
 - (b) making a false or misleading statement in connection with an energy savings opportunity scheme.
- (4) The provision that may be made by virtue of subsection (3) includes provision –
 - (a) for the publication of specified information relating to the failure to comply;
 - (b) authorising a scheme administrator to impose a financial penalty.
- (5) Where by virtue of subsection (3) ESOS regulations provide for the imposition of a financial penalty, the regulations –
 - (a) must provide for the penalty to be paid to the scheme administrator or such other person as the regulations may specify;
 - (b) may specify the amount of the penalty or provide for the amount to be determined by the scheme administrator in accordance with the regulations;
 - (c) may provide for the payment of a further penalty (of an amount specified by or determined in accordance with the regulations) for each day on which the failure to comply is not remedied;
 - (d) may specify how the penalty may be recovered.

- (6) ESOS regulations may create offences relating to energy savings opportunity schemes.
- (7) Regulations made by virtue of subsection (6) may provide for an offence created by the regulations to be triable –
 - (a) only summarily, or
 - (b) either summarily or on indictment.
- (8) Regulations made by virtue of subsection (6) may provide for an offence created by the regulations to be punishable with a fine.
- (9) Regulations may –
 - (a) provide for defences against offences;
 - (b) make provision about matters of procedure and evidence in proceedings relating to offences;
 - (c) include provision about the liability of a director, manager, secretary or other officer of a body corporate, or a partner of a Scottish partnership, or of a person purporting to act in such a capacity, where an offence under the regulations –
 - (i) is committed with the consent or connivance of such a person, or
 - (ii) is attributable to neglect on the part of such a person.
- (10) References in this section to a scheme administrator include references to a person authorised by a scheme administrator in accordance with provision in ESOS regulations made by virtue of section (*Scheme administration*)(3).”

Member's explanatory statement

This new Clause enables regulations made under the first of the new Clauses in the name of Lord Callanan inserted after Clause 201 to make provision for the enforcement of those regulations.

LORD CALLANAN

207

After Clause 201, insert the following new Clause –

“Appeals

- (1) ESOS regulations may confer rights of appeal against –
 - (a) decisions made in relation to an energy savings opportunity scheme, and
 - (b) penalties imposed or enforcement action taken for failure to comply with the requirements of the regulations.
- (2) The regulations must specify the court, tribunal or person who is to hear and determine an appeal.
- (3) The provision that may be made by virtue of subsection (1) includes, in particular, provision about –
 - (a) the grounds on which an appeal may be made;
 - (b) the procedure for making an appeal (including any fee which may be payable);

- (c) suspending the effect of any decision, penalty or enforcement action pending determination of the appeal;
- (d) the powers of the court, tribunal or person to which an appeal is made.”

Member's explanatory statement

This new Clause enables regulations made under the first of the new Clauses in the name of Lord Callanan inserted after Clause 201 to make provision about appeals.

LORD CALLANAN

208

After Clause 201, insert the following new Clause –

“ESOS regulations: procedure etc

- (1) Before making ESOS regulations, the Secretary of State must consult –
 - (a) such persons likely to be affected by the regulations as the Secretary of State considers appropriate;
 - (b) to the extent that the regulations contain provision within Welsh devolved competence, the Welsh Ministers;
 - (c) to the extent that the regulations contain provision within Scottish devolved competence, the Scottish Ministers;
 - (d) to the extent that the regulations contain provision within Northern Ireland devolved competence, the Department for the Economy in Northern Ireland.
- (2) Subsection (1) may be satisfied by consultation before this section comes into force (as well as by consultation after that time).
- (3) ESOS regulations may make consequential provision including provision amending or repealing primary legislation.
- (4) ESOS regulations may create exceptions to any requirement imposed by the regulations.
- (5) ESOS regulations may –
 - (a) make provision about application to the Crown;
 - (b) to the extent that they bind the Crown, restrict or modify the application of the regulations.
- (6) ESOS regulations containing any of the following (with or without other provision) are subject to the affirmative procedure –
 - (a) provision extending the descriptions of undertaking to which the regulations apply;
 - (b) provision made by virtue of section (*Action to achieve energy savings or emissions reductions*)(1)(b) of a kind not previously provided for in ESOS regulations;
 - (c) provision conferring on a scheme administrator enforcement powers of a kind not previously provided for in ESOS regulations;
 - (d) provision creating penalties;

- (e) provision increasing the amount of financial penalties by more than is necessary to reflect changes in the value of money;
 - (f) provision creating an offence or increasing the fine for an existing offence;
 - (g) provision for the payment of a new fee;
 - (h) provision amending or repealing primary legislation.
- (7) Any other ESOS regulations are subject to the negative procedure.
- (8) In this section, “primary legislation” means –
- (a) an Act,
 - (b) an Act of the Scottish Parliament,
 - (c) a Measure or Act of Senedd Cymru, or
 - (d) Northern Ireland legislation.”

Member's explanatory statement

This new Clause makes provision about the procedure for making regulations about Energy Savings Opportunity Schemes under the first of the new Clauses in the name of Lord Callanan inserted after Clause 201.

LORD CALLANAN

209 After Clause 201, insert the following new Clause –

“Directions to scheme administrators

- (1) The Secretary of State may give directions to a scheme administrator.
- (2) The power to give directions under this section includes a power to vary or revoke the directions.
- (3) A scheme administrator must comply with any direction given to it under this section.”

Member's explanatory statement

This new Clause enables the Secretary of State to give directions to a scheme administrator under an Energy Savings Opportunity Scheme.

LORD CALLANAN

210 After Clause 201, insert the following new Clause –

“Financial assistance to scheme administrators and participants

- (1) The Secretary of State may give, or arrange for the giving of, financial assistance to –
 - (a) scheme administrators;
 - (b) participants.
- (2) “Financial assistance” means grants, loans, guarantees or indemnities, or any other kind of financial assistance.

- (3) Financial assistance under this section may be given subject to such conditions as may be determined by, or in accordance with arrangements made by, the Secretary of State.”

Member's explanatory statement

This new Clause enables the Secretary of State to provide financial assistance to scheme administrators under, and participants in, an Energy Savings Opportunity Scheme.

LORD CALLANAN

211 After Clause 201, insert the following new Clause –

“Interpretation

- (1) In this Part –
- “assessor” has the meaning given by section (*Requirement for assessment of energy consumption*)(3);
 - “cost benefit analysis” has the meaning given by section (*Requirement for assessment of energy consumption*)(6);
 - “emissions reduction” has the meaning given by section (*Energy savings opportunity schemes*)(5);
 - “energy consumption” has the meaning given by ESOS regulations;
 - “energy saving” has the meaning given by section (*Energy savings opportunity schemes*)(4);
 - “energy savings opportunity scheme” has the meaning given by section (*Energy savings opportunity schemes*)(2);
 - “ESOS action plan” has the meaning given by section (*ESOS action plans*)(2);
 - “ESOS assessment” has the meaning given by section (*Requirement for assessment of energy consumption*)(1);
 - “ESOS regulations” means regulations made under section (*Energy savings opportunity schemes*)(1);
 - “greenhouse gas” has the meaning given by section 92 of the Climate Change Act 2008;
 - “participant” means an undertaking to which an energy savings opportunity scheme applies;
 - “related undertaking”, in relation to a participant, means a fellow subsidiary undertaking of, or a group undertaking in relation to, that participant;
 - “scheme administrator” has the meaning given by section (*Scheme administration*)(2);
 - “specified” means specified in ESOS regulations;
 - “undertaking”, “group undertaking” and “fellow subsidiary undertaking” have the meanings given by section 1161 of the Companies Act 2006.
- (2) For the purposes of this Part, provision –
- (a) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);

- (b) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
- (c) is within Northern Ireland devolved competence if that provision –
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.”

Member's explanatory statement

This new Clause makes provision about the interpretation of the new Clauses in the name of Lord Callanan to be inserted as a new Part 9A after Clause 201.

LORD FOSTER OF BATH

212 After Clause 201, insert the following new Clause –

“Display Energy Certificates

- (1) The Secretary of State must collect data to identify public buildings which require a Display Energy Certificate (a “DEC”) under the Energy Performance of Buildings (England and Wales) Regulations 2012 (S.I. 2012/3118).
- (2) Information collected under subsection (1) must identify –
 - (a) those buildings that have and display a DEC; and
 - (b) those buildings that do not have or display a DEC.
- (3) The Secretary of State must publish the data collected pursuant to subsections (1) and (2) annually in a report to Parliament.”

Member's explanatory statement

This new Clause requires the Secretary of State to collect and publish a list of those public buildings that hold and display DECs and those that do not.

Clause 203

BARONESS WORTHINGTON

213 Clause 203, page 166, line 29, after “storing” insert “gas,”

BARONESS WORTHINGTON

214 Clause 203, page 166, line 30, after “handling” insert “gas,”

BARONESS WORTHINGTON

215 Clause 203, page 166, line 31, after “of” insert “gas,”

BARONESS WORTHINGTON

216 Clause 203, page 166, line 32, after “transporting” insert “gas,”

BARONESS WORTHINGTON

217 Clause 203, page 166, line 33, after “conveying” insert “gas,”

BARONESS WORTHINGTON

218 Clause 203, page 166, line 34, after “producing” insert “gas,”

BARONESS WORTHINGTON

219 Clause 203, page 167, line 3, at end insert –

“(c) gas.”

Clause 222

BARONESS WORTHINGTON

220 Clause 222, page 182, line 4, leave out paragraph (a)

Member's explanatory statement

This amendment removes the power for the Secretary of State to make grants on behalf of firms involved in refining, transport and storage of oil and biofuels.

BARONESS WORTHINGTON

221 Clause 222, page 182, line 10, leave out paragraph (f)

Member's explanatory statement

This amendment removes the power for the Secretary of State to incur expenditure on behalf of firms involved in refining, transport and storage of oil and biofuels.

BARONESS WORTHINGTON

222 Clause 222, page 182, line 16, at end insert –

“(6) As soon as is reasonably practicable the Secretary of State must lay before Parliament information on the purpose, amount, recipient and terms of financial assistance provided.”

Member's explanatory statement

This amendment imposes a duty on the Secretary of State to update Parliament on other forms of financial assistance provided to firms involved in refining, transport and storage of oil and biofuels.

After Clause 227

BARONESS SHEEHAN

222A After Clause 227, insert the following new Clause –**“Transparency of decommissioning costs**

- (1) The Secretary of State must publish, within 6 months of this Act coming into force and not less than every 3 years thereafter, a statement on decommissioning offshore installations that includes –
 - (a) a list of decommissioning relief agreements in force and the qualifying companies which are parties to each agreement,
 - (b) the estimated likely range of the total future amount of tax relief to be granted in respect of any decommissioning expenditure under existing decommissioning relief agreements under –
 - (i) current oil, gas and decommissioning prices, and
 - (ii) expected future oil, gas and decommissioning prices, in current prices and as a proportion of tax revenue paid by qualifying companies which are parties to those agreements;
 - (c) an assessment of how the estimates under paragraph (b) would be affected by world oil and gas prices equal to the lowest cost of global oil and gas production.
- (2) In this section –

“decommissioning relief agreement” and “qualifying company” have the meanings given in section 80 of the Finance Act 2013;

“offshore installation” has the meaning given in section 44 of the Petroleum Act 1998.”

Member's explanatory statement

This amendment is intended to bring greater transparency to the future taxpayer liability in respect of decommissioning relief agreements.

After Clause 229

LORD TEVERSON

223 After Clause 229, insert the following new Clause –**“Prohibition on hydraulic fracturing**

- (1) Associated hydraulic fracturing is prohibited.
- (2) “Associated hydraulic fracturing” has the meaning given by section 4B of the Petroleum Act 1998.
- (3) The Secretary of State may by regulations make consequential provision in connection with this section.”

Member's explanatory statement

This amendment would introduce a permanent ban on fracking.

LORD MOYLAN
LORD WEST OF SPITHEAD
LORD FROST

224 After Clause 229, insert the following new Clause –

“Requirement for strategy to increase domestic gas production

Within six months of the day on which this Act is passed, the Secretary of State must produce a strategy for increasing domestic gas production so as to reduce dependence on foreign supplies to less than 25% of domestic consumption from 2025 and each year thereafter.”

Member's explanatory statement

This amendment requires the Government to produce a strategy for increasing domestic gas production so as to reduce dependency on foreign supplies.

LORD MOYLAN
LORD WEST OF SPITHEAD
LORD FROST
BARONESS MCINTOSH OF PICKERING

225 After Clause 229, insert the following new Clause –

“Requirement for strategy for gas storage facilities

Within six months of the day on which this Act is passed, the Secretary of State must produce a strategy for the construction and operation of gas storage facilities physically located within Great Britain that are capable of holding 25% of forecast domestic consumption each year beyond 2025.”

Member's explanatory statement

This amendment requires the Government to produce a strategy for the storage of gas for domestic consumption.

LORD LILLEY
LORD MOYLAN
LORD STRATHCARRON

226 After Clause 229, insert the following new Clause –

“Noise and vibration standards for hydraulic fracturing

After section 4A(8) of the Petroleum Act 1988 insert the following new subsections–

“(9) Any consent granted to a licensee may only impose conditions relating to noise and vibration to the extent required to ensure compliance with BS

5228 as published (and not withdrawn) from time to time by the British Standards Institution.

- (10) In subsection (9) a consent includes—
- (a) a well consent;
 - (b) a hydraulic fracturing consent;
 - (c) an environmental permit; and
 - (d) a relevant planning permission.
- (11) The respective powers of the Secretary of State and the Welsh Ministers to make regulations under this Part are subject to subsection (9).”

Member's explanatory statement

This amendment would prevent the Secretary of State from adding noise and vibration conditions to an hydraulic fracturing consent or associated permissions more restrictive than the relevant British Standard requires.

BARONESS BENNETT OF MANOR CASTLE

227

After Clause 229, insert the following new Clause—

“Prohibition of the development of new oil and gas fields and issuing exploration licences

Within six months of the day on which this Act is passed, the Secretary of State must by regulations made by statutory instrument prohibit—

- (a) the development of new oil and gas fields, and
- (b) the release of new oil and gas exploration licences.”

Clause 230

BARONESS BENNETT OF MANOR CASTLE

Baroness Bennett of Manor Castle gives notice of her intention to oppose the Question that Clause 230 stand part of the Bill.

Member's explanatory statement

This is probing and seeks to establish Government's intentions in inserting this Clause.

After Clause 237

LORD TEVERSON
BARONESS SHEEHAN

228 After Clause 237, insert the following new Clause –

“Net Zero duty

(1) In section 4AA of the Gas Act 1986, after subsection (1) insert –

“(1ZA) In exercising its functions in relation to the principal objective the Authority has a duty to assist the delivery of greenhouse gas emissions targets as set out in the Climate Change Act 2008.”

(2) In section 3A of the Electricity Act 1989, after subsection (1) insert –

“(1ZA) In exercising its functions in relation to the principal objective the Authority has a duty to assist the delivery of greenhouse gas emissions targets as set out in the Climate Change Act 2008.””

Member's explanatory statement

This amendment would place on the Gas and Electricity Markets Authority a duty to assist in the delivery of Net Zero.

LORD TEVERSON
BARONESS HAYMAN

229 After Clause 237, insert the following new Clause –

“Onshore wind power

(1) Within six months of the day on which this Act is passed, the Secretary of State must prepare a plan to increase significantly the proportion of the energy supply generated by onshore wind power in the United Kingdom, and lay the plan before Parliament.

(2) The plan must set out measures which the Secretary of State wishes to pursue which may include but are not limited to –

- (a) revising national planning guidance on onshore wind to increase the number of onshore wind installations,
- (b) improving infrastructure to ensure access to grid connections for existing onshore wind installations, and
- (c) increasing access to grants or subsidies to encourage new onshore wind installations.

(3) The Secretary of State must report annually to Parliament to provide an update on the progress in increasing onshore wind power.”

Member's explanatory statement

This amendment would require the Secretary of State to take steps to significantly increase the proportion of the UK energy supply generated by onshore wind power.

LORD MOYLAN
LORD WEST OF SPITHEAD
LORD FROST

230 After Clause 237, insert the following new Clause –

“Composition of domestic gas supply

Within six months of the day on which this Act is passed, the Secretary of State must lay a statement before Parliament on the question of whether the Gas Safety (Management) Regulations 1996 (S.I. 1996/551) can be safely amended to allow more efficient use of extracted natural gas.”

Member's explanatory statement

This amendment probes the Government's willingness to vary the composition of the domestic gas supply safely so as to make more efficient use of extracted natural gas.

LORD MOYLAN
LORD STRATHCARRON

231 After Clause 237, insert the following new Clause –

“Wholesale electricity pricing for carbon and non-carbon-based sources

Within six months of the day on which this Act is passed, the Secretary of State must lay a report before Parliament on proposals for amending the Energy Act 2004 and subsidiary legislation and arrangements so as to create separate wholesale pricing pools for carbon-based and non-carbon-based sources of electricity.”

Member's explanatory statement

This amendment probes the Government's intentions regarding altering the current system of pricing wholesale electricity based on the marginal cost of the last (and therefore most expensive) source of supply to be called on.

LORD TEVERSON
BARONESS BENNETT OF MANOR CASTLE
BARONESS SHEEHAN

232 After Clause 237, insert the following new Clause –

“Prohibition of new coal mines

Within six months of the day on which this Act is passed, the Secretary of State must by regulations prohibit the opening of new coal mines and the licensing of new coal mines by the Coal Authority or its successors, where the purpose of the mines is to provide coal for energy production.”

Member's explanatory statement

This amendment will prevent the opening of new coal mines in the England, where their purpose is to produce coal for energy production.

LORD TEVERSON

233 After Clause 237, insert the following new Clause –

“Carbon reduction

Within six months of the day on which this Act is passed the Secretary of State must introduce measures to reduce the carbon intensity of power supplied by the capacity market by prioritising –

- (a) demand side management,
- (b) the supply of renewable energy,
- (c) electricity storage and other non-carbon based energy storage systems.”

Member's explanatory statement

This is a probing amendment to explore the potential of decarbonising the capacity market.

LORD BRUCE OF BENNACHIE

234 After Clause 237, insert the following new Clause –

“Energy Efficiency Commission

- (1) Within six months of the date on which this Act is passed the Secretary of State must establish an Energy Efficiency Commission.
- (2) The role of the Energy Efficiency Commission is to advise on targets and timetables for effective ways of using energy more efficiently and conserving energy across –
 - (a) generators,
 - (b) industry,
 - (c) commercial developers and real estate managers,
 - (d) households,
 - (e) transport agencies, and
 - (f) any other relevant sectors,to ensure minimal wastage of energy, improved conservation and best practice towards achieving net zero.
- (3) The Energy Efficiency Commission must also advise the Secretary of State on targets set in relation to energy storage.”

Member's explanatory statement

This amendment would seek to establish an Energy Efficiency Commission to advise on targets and timetables for effective ways of using energy more efficiently.

LORD BRUCE OF BENNACHIE

235 After Clause 237, insert the following new Clause –

“Energy storage targets

- (1) Within six months of the day on which this Act is passed the Secretary of State must introduce energy storage targets.
- (2) The objective of the targets outlined in subsection (1) is to even out fluctuations in demand and generation supply, in particular from wind, solar, wave and tidal generation.
- (3) In setting the energy storage targets the Secretary of State must consult –
 - (a) generators,
 - (b) distributors, and
 - (c) any other relevant bodies with responsibility for advising on energy storage targets.”

Member's explanatory statement

This amendment would require the Secretary of State to set energy storage targets to even out fluctuations in demand and generation supply.

LORD TEVERSON
LORD OATES

236 After Clause 237, insert the following new Clause –

“Repeal of the Nuclear Energy (Financing) Act 2022

The Nuclear Energy (Financing) Act 2022 is repealed.”

Member's explanatory statement

This amendment would repeal the Nuclear Energy (Financing) Act 2022 which places a charge on consumer energy bills for the financing of nuclear energy generation projects.

BARONESS BENNETT OF MANOR CASTLE
LORD TEVERSON
BARONESS YOUNG OF OLD SCONE
BARONESS BOYCOTT

237 After Clause 237, insert the following new Clause –

“Community Electricity Export Guarantee Scheme

- (1) Within six months of the passing of this Act, the Secretary of State must by regulations require licensed energy suppliers with more than 150,000 customers (“eligible licensed suppliers”) to purchase electricity exports from sites including those operated by community groups that generate low carbon electricity with a capacity below 5MW.

- (2) Licensed energy suppliers with fewer than 150,000 customers may also purchase electricity exports from the sites defined above provided that they do so on the terms set out by the regulations.
- (3) The regulations must require that eligible licensed suppliers –
 - (a) offer a minimum export price set annually by the Gas and Electricity Markets Authority (“GEMA”),
 - (b) offer a minimum contract period of five years, and
 - (c) allow the exporting site to end the contract after no more than one year.
- (4) Within six months of the passing of this Act, GEMA must –
 - (a) set an annual minimum export price that has regard to current wholesale energy prices and inflation in energy prices and the wider economy,
 - (b) introduce a registration system for exporting sites wanting to access these export purchases,
 - (c) define specifications for the smart export meters required by such sites,
 - (d) define “low carbon energy” in such a way that it shall include renewable generation technology and may include other technology with extremely low carbon dioxide emissions,
 - (e) define requirements for an exporting site of less than 5MW to be registered as a Community Energy site and maintain a register of such sites.
- (5) To access the export purchase agreements defined in this section exporters must –
 - (a) register their site with GEMA,
 - (b) install a smart export meter that meets specifications defined by GEMA, and
 - (c) notify GEMA if their ownership structure meets the definition of a Community Energy site.
- (6) All licensed suppliers providing such purchase agreements must report annually to GEMA –
 - (a) the number and capacity of Community Energy sites that have been offered contracts to purchase electricity and the number of these that agreed those contracts,
 - (b) the total amount of electricity purchased under these agreements, and
 - (c) the price paid for that electricity.
- (7) OFGEM shall make and publish a report annually on the operation of the export purchase agreements, setting out –
 - (a) the number of Community Energy sites contracted with licensed energy suppliers under this section and the total amount of electricity purchased,
 - (b) the licensed suppliers contracting with Community Energy sites and the amount of electricity each has purchased,
 - (c) an assessment of how the mechanism is performing and the contribution it is making to delivering secure and low carbon electricity supplies, and
 - (d) recommendations on how the mechanism could be improved.”

Member's explanatory statement

This and related amendments aim to provide a framework to support the growth of community energy schemes and provide annual reporting on the success of the framework in increasing the number of such schemes.

BARONESS BENNETT OF MANOR CASTLE
LORD TEVERSON
BARONESS YOUNG OF OLD SCONE
BARONESS BOYCOTT

238

After Clause 237, insert the following new Clause –

“Community Electricity Supplier Services Scheme

- (1) Within six months of the passing of this Act, the Secretary of State must by regulations require licensed energy suppliers with more than 150,000 customers (“eligible licensed suppliers”) to offer a Community Electricity Service agreement to any registered Community Energy site under section (*Community Electricity Export Guarantee Scheme*) for the purposes of allowing that site to sell electricity to local consumers.
- (2) The Community Electricity Service agreement will require licensed suppliers to make a community energy tariff available to consumers local to the exporting site that has regard to the export price paid or that would be paid to that site under section (*Community Electricity Export Guarantee Scheme*).
- (3) The eligible licensed supplier may limit the total number of consumers the community energy tariff is available to such that the total annual energy sold under the tariff is broadly equivalent to the total annual energy generated by the site.
- (4) The eligible licensed supplier will be the registrant for the meters of any local consumer purchasing energy under the community tariff.
- (5) The eligible licensed supplier may charge a reasonable fee for the provision of services under this section provided that it has regard to distribution, licensing and regulatory costs and any guidance provided by GEMA.
- (6) The eligible licensed supplier shall return any money raised through the sale of energy under a tariff set up under this section to the Community Energy site, save for the fee allowed under subsection (5).
- (7) Eligible licensed suppliers must report annually to GEMA on –
 - (a) the number and capacity of community energy groups offered Community Electricity Service agreements and the number who have contracted to use them,
 - (b) the total amount of electricity purchased under these agreements, and
 - (c) the tariffs for each agreement.
- (8) GEMA must –

- (a) produce guidance on the level of community energy tariffs and on the reasonable charges that eligible suppliers may charge for Community Electricity Service Agreements,
- (b) make and publish a report annually on the operation of the export purchase agreements, setting out –
 - (i) the number of community projects contracted with licensed energy suppliers under this section and the total amount of electricity purchased,
 - (ii) the licensed suppliers contracting with community groups and the amount of electricity each has purchased,
 - (iii) an assessment of how the mechanism is performing and the contribution it is making to delivering secure and low carbon electricity supplies, and
 - (iv) recommendations for how Community Electricity Service agreements could be improved.”

Member's explanatory statement

This and related amendments would guarantee small energy generators a stable tariff for selling their energy based on current market rates and establish a local energy supply mechanism to enable community renewable generation schemes to sell directly to local people, along the lines of the Local Electricity Bill tabled in the last session of Parliament.

BARONESS MCINTOSH OF PICKERING

239 After Clause 237, insert the following new Clause –

“Household waste

- (1) Within 12 months of the passing of this Act, the Secretary of State must by regulations make provision to encourage the use of household waste as fuel for energy.
- (2) The regulations must ensure that energy created by such waste is used primarily by local communities where it is created.
- (3) Regulations under this section are subject to the affirmative procedure.”

LORD FOSTER OF BATH

240 After Clause 237, insert the following new Clause –

“Value added tax on energy-saving materials

In note 1 of Group 23 of Part 2 of Schedule 8 to the Value Added Tax Act 1994 (meaning of “energy-saving materials”), at the end insert –

- “(1) batteries used solely for the purpose of storing electricity generated by solar panels.””

Member's explanatory statement

This new Clause includes batteries used solely to store energy generated by solar panels in the list of energy saving materials subject to a zero VAT rate.

LORD RAVENSDALE

241 After Clause 237, insert the following new Clause –

“Renewable transport fuel obligations: nuclear energy

In section 132(4) of the Energy Act 2004, in the definition of "renewable source", after "the sun," insert "nuclear,".

Member's explanatory statement

This amendment is to make nuclear energy an eligible energy source for Renewable Transport Fuel Obligation (RTFO) support.

LORD RAVENSDALE
BARONESS WORTHINGTON

242 After Clause 237, insert the following new Clause –

“National electrification and power plan

- (1) Part 1 of the Energy Act 2013 is amended as follows.
- (2) In each place it appears, for “decarbonisation” substitute “decarbonisation and electrification”.
- (3) In section 1 (decarbonisation target range) –
 - (a) in subsection (1) after “level” insert “, and the proportion of primary energy consumption which consists of electricity generation in the UK is no less than the minimum permitted level,”;
 - (b) in subsection (2)–
 - (i) for “may” substitute “must”, and
 - (ii) for “a year” substitute “each year” ;
 - (c) in subsection (3) after “generation” add “and a range for the proportion of primary energy consumption which consists of electricity generation”;
 - (d) in subsection (5)–
 - (i) for “may” substitute “must”, and
 - (ii) in each place it appears, for “2030” substitute “2023”.
- (4) In section 2 (matters to be taken into account), after subsection (2)(b) insert –
 - “(ba) the opportunities to improve energy efficiency in respect of economic activities through the substitution of low-carbon electricity for other primary energy sources;”.
- (5) In section 3 (further duties of the Secretary of State) –

- (a) after subsection (1) insert –
- “(1A) The report required by subsection (1) must also publicly report on –
- (a) the expected volumes of installed capacity and energy produced by electricity energy source for each calendar year to 2035, and
 - (b) the expected proportion of primary energy consumption consisting of electricity generation in the UK for each calendar year to 2035.”;
- (b) in subsection (6)(a) after “level” insert “, and the proportion of primary energy consumption which consists of electricity generation in the UK is no less than the minimum permitted level,”;
- (c) in subsection (6)(b) after “level” insert “, or the proportion of primary energy consumption which consists of electricity generation in the UK was lower than the minimum permitted level,”.”

BARONESS HAYMAN
 BARONESS ALTMANN
 LORD HOLLICK
 BARONESS SHEEHAN

242A After Clause 237, insert the following new Clause –

“GEMA general duties relating to climate change

- (1) In section 3A(1A) of the Electricity Act 1989 (the principal objective and general duties of the Secretary of State and the Authority), for paragraph (a) substitute –
- “(a) their interests in enabling the Secretary of State to meet the targets set under Part 1 of the Climate Change Act 2008 (UK net zero emissions target and budgeting);”.
- (2) In section 4AA(1A) of the Gas Act 1986 (the principal objective and general duties of the Secretary of State and the Authority), for paragraph (a) substitute –
- “(a) their interests in enabling the Secretary of State to meet the targets set under Part 1 of the Climate Change Act 2008 (UK net zero emissions target and budgeting);”.

Member's explanatory statement

This amendment seeks to include within Ofgem's general duties a specific requirement to have regard to meeting the UK's net zero emissions target.

LORD RAVENSDALE

242B After Clause 237, insert the following new Clause –

“UK Green Taxonomy: nuclear strategy

- (1) In reviewing technical screening criteria for the UK Green Taxonomy, the Treasury must ensure that nuclear energy generation is specified as Taxonomy-aligned.
- (2) In this section “technical screening criteria” has the same meaning as in regulation 78 of the Securities Financing Transactions, Securitisation and Miscellaneous Amendments (EU Exit) Regulations 2020 (S.I. 2020/1385).”

Member's explanatory statement

The object of this probing amendment is to establish in this bill that nuclear power is classified as green, that is environmentally friendly, and that investment in nuclear will also be considered as green.

BARONESS MCINTOSH OF PICKERING

242C After Clause 237, insert the following new Clause –

“Impact of offshore wind farms on wildlife

No new offshore wind farms may be approved without an independent assessment of their impact on wildlife.”

BARONESS MCINTOSH OF PICKERING

242D After Clause 237, insert the following new Clause –

“Marine habitats: reducing effects of offshore wind developments

- (1) The Secretary of State may, by regulations, prohibit offshore wind developments in marine protected areas.
- (2) The Secretary of State may, by regulations, prevent consent being granted for an offshore wind development if the mitigation hierarchy has not been followed.
- (3) “Mitigation hierarchy” means a framework for developers to address harms to biodiversity and ecosystems caused by developments, based on the sequential and iterative application of actions to avoid, mitigate, and then compensate for, such harms.
- (4) Subsections (1) and (2) apply to –
 - (a) an offshore installation used for or in connection with wind energy generation;
 - (b) offshore infrastructure, including cables and pipelines, connected to such an installation;
 - (c) infrastructure connected to such an installation that is being decommissioned, has been decommissioned, or has been abandoned.

- (5) Regulations under this section are subject to the affirmative procedure.”

Member's explanatory statement

This new Clause would strengthen protection for marine protected areas from damage related to energy infrastructure and ensure the mitigation hierarchy is followed.

LORD LENNIE
BARONESS BLAKE OF LEEDS

242E After Clause 237, insert the following new Clause –

“Environmental and net zero remit for GEMA

Within six months after the passing of this Act, the Secretary of State must designate a statement as the strategy and policy statement according to the provisions of Part 5 of the Energy Act 2013 which gives GEMA a mandate for considering the role of energy in supporting the Government policy of achieving net zero.”

Member's explanatory statement

This amendment would require the Secretary of State to designate a statement giving Ofgem a mandate for considering the role of energy in supporting Government policy of achieving net zero.

LORD LENNIE
BARONESS BLAKE OF LEEDS

242F After Clause 237, insert the following new Clause –

“PART 12A

COMMUNITY ENERGY

Community Electricity export guarantee

- (1) Within 6 months of the passing of this Act, the Secretary of State must by regulations require licensed energy suppliers with more than 150,000 customers (“eligible licensed suppliers”) to purchase electricity exports from sites generating low carbon electricity with a capacity below 5MW, including community energy groups.
- (2) Licensed energy suppliers with fewer than 150,000 customers may also offer to purchase electricity exports from exporting sites below 5MW, including community owned energy groups on the terms set out by the regulations.
- (3) The regulations must require that eligible licensed suppliers –
 - (a) offer a minimum export price set annually by OFGEM,
 - (b) offer a minimum contract period of 5 years, and
 - (c) allow the exporting site to end the contract after no more than 1 year.
- (4) To access the export purchase agreements defined in this section exporters, including community energy groups, must –

- (a) register their site with OFGEM, and
 - (b) install a smart export meter that meets specifications defined by OFGEM.
- (5) Within 6 months of the passing of this Act, OFGEM must—
- (a) set an annual minimum export price that has regard to current wholesale energy prices and inflation in energy prices and the wider economy,
 - (b) introduce a registration system for exporting sites wanting to access these export purchases,
 - (c) define specifications for the smart export meters required by such sites,
 - (d) define requirements for an exporting site of less than 5MW to be registered as a Community Energy site.
- (6) Fossil fuelled local power plants with a capacity of less than 5MW shall not be eligible for participation in the Community Electricity export guarantee, with the exception of local combined heat and power plant that generates electricity ancillary to its purposes of providing heat for local heat networks.
- (7) “Fossil fuel” has the meaning set out in section 98(4).
- (8) All licensed suppliers providing such purchase agreements must report annually to OFGEM—
- (a) the number and capacity of community energy groups who have been offered contracts to purchase electricity and the number of these that agreed those contracts,
 - (b) the total amount of electricity purchased under these agreements, and
 - (c) the price paid for that electricity.
- (9) OFGEM must make and publish a report annually on the operation of the export purchase agreements, setting out—
- (a) the number of community projects contracted with licensed energy suppliers under this section and the total amount of electricity purchased,
 - (b) the licensed suppliers contracting with community groups and the amount of electricity each has purchased,
 - (c) an assessment of how the mechanism is performing and the contribution it is making to delivering secure and low carbon electricity supplies, and
 - (d) recommendations of how the mechanism could be improved.
- (10) Regulations under this section are subject to the affirmative procedure.”

LORD LENNIE
BARONESS BLAKE OF LEEDS

242G After Clause 237, insert the following new Clause—

“Community Electricity Supplier Services Scheme

- (1) Within 6 months of the passing of this Act, the Secretary of State must by regulations require licensed energy suppliers with more than 150,000 customers (“eligible licensed suppliers”) to offer a Community Electricity Service agreement to any exporting site registered as a Community Energy site and contracting with

- a licensed supplier under section (*Community Electricity export guarantee*) for the purposes of allowing that site to sell electricity to local consumers.
- (2) The Community Electricity Service agreement will require licensed suppliers to make a community energy tariff available to consumers local to the exporting site that has regard to the export price paid to that site.
 - (3) The eligible licensed supplier will be the registrant for the meters of any local consumer purchasing energy under the community tariff.
 - (4) Eligible licensed suppliers may charge a reasonable fee for the provision of services under this section provided that it has regard to distribution, licensing and regulatory costs and any guidance provided by OFGEM.
 - (5) Eligible licensed suppliers must report annually to OFGEM on—
 - (a) the number and capacity of community energy groups offered Community Electricity Service agreements and the number who have contracted to use them,
 - (b) the total amount of electricity purchased under these agreements, and
 - (c) the tariffs for each agreement.
 - (6) OFGEM must—
 - (a) produce guidance on reasonable charges that eligible suppliers may charge for Community Electricity Service agreements, and
 - (b) make and publish a report annually on the operation of the export purchase agreements, setting out—
 - (i) the number of community projects contracted with licensed energy suppliers under this section and the total amount of electricity purchased,
 - (ii) the licensed suppliers contracting with community groups and the amount of electricity each has purchased,
 - (iii) an assessment of how the mechanism is performing and the contribution it is making to delivering secure and low carbon electricity supplies, and
 - (iv) recommendations for how Community Electricity Service agreements could be improved.
 - (7) Regulations under this section are subject to the affirmative procedure.”

Member's explanatory statement

This new clause and another in the name of Lord Lennie sets up a Community Electricity export guarantee programme.

Clause 241

LORD CALLANAN

Member's explanatory statement

This amendment provides that the new Clauses in the name of Lord Callanan, to be inserted as a new Part after Clause 201, extend to England, and Wales, Scotland and Northern Ireland.

Clause 242

LORD CALLANAN

244 Clause 242, page 205, line 11, at end insert –

“(ba) Part 9A, except sections (*Directions to scheme administrators*) and (*Financial assistance to scheme administrators and participants*);”

Member's explanatory statement

This amendment provides that the new Clauses in the name of Lord Callanan which contain provision about ESOS regulations (but not those making provision about directions or financial assistance) come into force on the day on which this Bill is passed.

BARONESS BLAKE OF LEEDS
LORD LENNIE

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

“(za) Part A1;”

LORD CALLANAN

245A Clause 242, page 205, line 21, leave out “161” and insert “162”

Member's explanatory statement

In consequence of the notice given by Lord Callanan of his intention to oppose the Question that Clause 161 stand part of the Bill, this amendment removes the reference to that Clause from the list of provisions that are to come into force two months after Royal Assent.

LORD CALLANAN

246 Clause 242, page 205, line 22, at end insert –

“(ga) sections (*Directions to scheme administrators*) and (*Financial assistance to scheme administrators and participants*);”

Member's explanatory statement

This amendment provides that the new Clauses in the name of Lord Callanan which make provision about giving directions and financial assistance in relation to Energy Savings Opportunity Schemes come into force at the end of the period of 2 months beginning with the day on which this Bill is passed.

Title

LORD CALLANAN

247 In the Title, line 8, after “premises;” insert “about energy savings opportunity schemes;”

Member's explanatory statement

This amendment amends the long title to insert reference to the new Clauses in the name of Lord Callanan to be inserted as a new Part 9A after Clause 201.

Energy Bill [HL]

FIFTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

15 December 2022

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