

Energy Bill [HL]

SIXTH 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 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.

Before Clause 225

LORD CALLANAN

222ZA Before Clause 225, insert the following new Clause –

“CHAPTER 1

OFFSHORE WIND ELECTRICITY GENERATION

Meaning of “relevant offshore wind project”

In this Chapter, “relevant offshore wind project” means a project involving the planning, construction, operation or decommissioning of –

- (a) a generating station in the UK marine area, that generates electricity from wind, or
- (b) infrastructure, in the UK marine area, used or intended for use in connection with a generating station within paragraph (a).”

Member's explanatory statement

This new Clause, to be inserted as the beginning of a Chapter 1 for Part 11 of the Bill about offshore wind electricity generation, defines what is meant by “relevant offshore wind project”.

LORD CALLANAN

222ZB Before Clause 225, insert the following new Clause –

“Strategic compensation for adverse environmental effects

- (1) This section applies where a public authority is subject to one or more environmental compensation obligations in relation to one or more relevant offshore wind projects.
- (2) “Environmental compensation obligation” means –
 - (a) a statutory duty (however expressed) to secure that measures are taken to compensate for adverse environmental effects of a project, or
 - (b) a statutory condition (however expressed) requiring a public authority, before granting consent for the doing of an act by a person (“P”) in

connection with a project, to be satisfied that P will take or secure the taking of measures to compensate for adverse environmental effects of the act.

- (3) The public authority may determine that –
- (a) measures taken or secured by the authority in the exercise of any of its functions, or
 - (b) measures to be taken or secured by the authority in the exercise of any of its functions,
- are to count towards discharging the environmental compensation obligation or obligations to which the authority is subject.
- (4) In this Chapter, “adverse environmental effect” means –
- (a) anything that adversely affects the integrity of any site comprised in the national site network, or
 - (b) anything that hinders the achievement of the conservation objectives stated for a protected marine area.
- (5) The measures referred to in subsection (3) may be measures taken at the site or sites of the project or projects to which the measures relate or elsewhere.
- (6) In this section –
- “act” includes omission;
 - “the national site network” has the same meaning as in the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012);
 - “protected marine area” means an area designated under –
 - (a) section 116 of the Marine and Coastal Access Act 2009 or section 13 of the Marine Act (Northern Ireland) 2013 (c. 10 (N.I.)) (marine conservation zones), or
 - (b) section 67(1)(a) of the Marine (Scotland) Act 2010 (asp 5) (marine protected areas);
 - “statutory”, in relation to a duty or condition, means imposed by or under primary legislation.
- (7) For the purposes of subsection (3), a public authority (“authority A”) may, with the consent of another public authority (“authority B”), treat measures taken or secured (or to be taken or secured) by authority B as taken or secured (or to be taken or secured) by authority A in the exercise of any of its functions.
- (8) In subsection (4)(b), the reference to the conservation objectives stated for a protected marine area is a reference to the conservation objectives stated for the area pursuant to (as the case may be) section 117(2)(b) of the Marine and Coastal Access Act 2009, section 14(2)(b) of the Marine Act (Northern Ireland) 2013 or section 68(3)(b) of the Marine (Scotland) Act 2010.”

Member's explanatory statement

This new Clause provides that where a public authority is under obligations relating to the provision of environmental compensation in relation to one or more relevant offshore wind projects, the authority may allocate measures taken or secured by the authority towards the discharge of those obligations.

LORD CALLANAN

222ZC Before Clause 225, insert the following new Clause –

“Marine recovery fund

- (1) The Secretary of State may by regulations make provision for the establishment, operation and management of one or more marine recovery funds.
- (2) A marine recovery fund is a fund –
 - (a) into which payments may be made in respect of relevant offshore wind projects, and
 - (b) out of which payments may be made towards expenditure on measures to compensate for adverse environmental effects of one or more relevant offshore wind projects.
- (3) The following provisions of this section are without prejudice to the generality of subsection (1).
- (4) Regulations under this section may make provision –
 - (a) for and in connection with the determination of the extent to which a payment into the fund discharges a compensation condition imposed on a person in connection with the granting of consent in respect of a relevant offshore wind project;
 - (b) for a payment into the fund to be treated as discharging a compensation condition to the extent determined by virtue of paragraph (a).
- (5) “Compensation condition”, in relation to a person, means a condition requiring the person to take measures to compensate for adverse environmental effects of a relevant offshore wind project.
- (6) Regulations under this section may make provision –
 - (a) enabling payments to be made out of the fund towards expenditure described in subsection (2)(b);
 - (b) about the persons to whom such a payment may be made;
 - (c) enabling conditions to be imposed on a person to whom such a payment is made in connection with the taking of measures described in subsection (2)(b).
- (7) Regulations under this section may make provision –
 - (a) about the recovery of costs incurred in connection with the exercise of functions conferred by the regulations;
 - (b) conferring functions, including functions involving the exercise of a discretion, on the Secretary of State;
 - (c) for the delegation of functions conferred on the Secretary of State.
- (8) Regulations made by virtue of subsection (7)(c) may provide that a function may be delegated –
 - (a) to a Scottish public authority only if the function relates to the taking or securing of measures in Scotland;

- (b) to a Welsh public authority only if the function relates to the taking or securing of measures in Wales;
 - (c) to a Northern Ireland public authority only if the function relates to the taking or securing of measures in Northern Ireland.
- (9) Regulations made by virtue of subsection (7)(c) must provide that the delegation of a function –
- (a) may be cancelled by the Secretary of State in accordance with the regulations;
 - (b) does not prevent the Secretary of State from carrying out any function delegated.
- (10) Regulations under this section are subject to the negative procedure.
- (11) References in this section to a Scottish public authority, a Welsh public authority or a Northern Ireland public authority are to a public authority whose functions are exercisable only or mainly in or as regards Scotland, Wales or Northern Ireland (as the case may be).”

Member's explanatory statement

This amendment provides for the establishment by regulations of one or more marine recovery funds, out of which payments may be made towards environmental compensation measures required as a result of relevant offshore wind projects.

LORD CALLANAN

222ZD Before Clause 225, insert the following new Clause –

“Assessment of environmental effects etc

- (1) The appropriate authority may by regulations make –
- (a) provision for and in connection with the assessment of the environmental effects of relevant offshore wind projects in relation to protected sites;
 - (b) provision about the taking or securing of measures by a public authority in compensation for any adverse environmental effects of a relevant offshore wind project in relation to protected sites (“compensatory measures”).
- (2) The appropriate authority is the Secretary of State, subject to paragraphs (a) to (c) –
- (a) the Scottish Ministers are the appropriate authority in relation to relevant offshore wind projects in the Scottish inshore region, other than in relation to qualifying Secretary of State functions;
 - (b) the Welsh Ministers are the appropriate authority in relation to relevant offshore wind projects in the Welsh inshore region, subject to subsection (3) and other than in relation to qualifying Secretary of State functions;
 - (c) DAERA is the appropriate authority in relation to relevant offshore wind projects in the Northern Ireland inshore region, other than in relation to qualifying Secretary of State functions.

- (3) In subsection (2)(b), “relevant offshore wind project” does not include a project relating to a generating station that has a capacity such that the construction or extension of the generating station would be a nationally significant infrastructure project (within the meaning given by sections 14 and 15 of the Planning Act 2008).
- (4) The provision that may be made by virtue of subsection (1) includes provision –
 - (a) specifying the matters to be dealt with by an assessment;
 - (b) about the procedure to be followed in carrying out an assessment, including when an assessment must be carried out and matters that must be taken into account;
 - (c) specifying the person by whom an assessment, or a specified kind of assessment, must be carried out;
 - (d) requiring an assessment to be carried out by a specified person in specified circumstances;
 - (e) authorising or requiring the supply of information (including information the supply of which would not otherwise be permitted) for the purposes of an assessment;
 - (f) enabling a person carrying out an assessment (an “assessor”) to require a person who has applied for consent to provide the assessor with assistance for the purposes of or in connection with the assessment;
 - (g) prohibiting the granting of consent in respect of a project where an assessment has not been carried out in accordance with the regulations;
 - (h) about when or how compensatory measures must or may be provided;
 - (i) disapplying or otherwise modifying, whether generally or in specified circumstances or subject to specified conditions –
 - (i) any of the provisions listed in subsection (5)(a), (b), (c) or (d) (as the case may be);
 - (ii) any relevant Habitats Directive rights.
- (5) The provisions referred to in subsection (4)(i)(i) are –
 - (a) in the case of regulations made by the Secretary of State –
 - (i) section 126 of the Marine and Coastal Access Act 2009;
 - (ii) regulations 9 and 10 and Part 6 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012);
 - (iii) regulations 6, 27, 28 and 30 to 37 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013);
 - (iv) any other provision that relates to the taking or securing of compensatory measures, where the provision is made by or under an Act;
 - (b) in the case of regulations made by the Scottish Ministers –
 - (i) section 83 of the Marine (Scotland) Act 2010 (asp 5);
 - (ii) regulations 3 and 3A and Part 4 of the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716);
 - (iii) regulations 9 and 10 and Part 6 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012);
 - (iv) any other provision that relates to the taking or securing of compensatory measures in or in relation to the Scottish inshore

- region, where the provision is made by or under an Act of the Scottish Parliament;
- (c) in the case of regulations made by the Welsh Ministers –
 - (i) section 126 of the Marine and Coastal Access Act 2009;
 - (ii) regulations 9 and 10 and Part 6 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012);
 - (iii) any other provision that relates to the taking or securing of compensatory measures, where the provision is made by or under an Act or Measure of Senedd Cymru;
 - (d) in the case of regulations made by DAERA –
 - (i) section 23 of the Marine Act (Northern Ireland) 2013;
 - (ii) regulations 3 and 3A and Part 4 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (S.R. (N.I.) 1995 No. 380);
 - (iii) regulations 9 and 10 and Part 6 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012);
 - (iv) any other provision that relates to the taking or securing of compensatory measures in or in relation to the Northern Ireland inshore region, where the provision is made by or under Northern Ireland legislation.
- (6) But regulations under this section may not disapply or otherwise modify, or make provision which could undermine or circumvent –
- (a) section 126(7)(a) or (b) of the Marine and Coastal Access Act 2009, section 83(4)(b)(i) or (ii) of the Marine (Scotland) Act 2010 or section 23(7)(a) or (b) of the Marine Act (Northern Ireland) 2013,
 - (b) regulation 64 of the Conservation of Habitats and Species Regulations 2017,
 - (c) regulation 29 of the Conservation of Offshore Marine Habitats and Species Regulations 2017,
 - (d) regulation 49 of the Conservation (Natural Habitats, &c.) Regulations 1994,
 - (e) regulation 44 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, or
 - (f) any provision about qualifying Secretary of State functions (unless the regulations are made by the Secretary of State).
- (7) Regulations under this section may make provision –
- (a) enabling the appropriate authority to direct a person to take steps or to refrain from taking steps;
 - (b) requiring a person given such a direction to comply with it.
- (8) Regulations under this section may require the appropriate authority or a specified person –
- (a) to give guidance about specified matters;
 - (b) to consult specified persons, or persons of a specified description, before giving guidance by virtue of paragraph (a).

- (9) Regulations under this section may confer functions, including functions involving the exercise of a discretion –
- (a) in the case of regulations made by the Secretary State, on any person;
 - (b) in any other case, on a person other than a Minister of the Crown.
- (10) The functions that may be conferred on a person by virtue of subsection (9) include a function of giving advice in relation to the application or exercise of any other function, whether exercisable by that or another person, under or by virtue of regulations under this section.
- (11) In this section –
- “protected site” has the meaning determined in accordance with regulations under this section; and those regulations –
- (a) must be framed so that protected sites consist of natural habitats or habitats of species, and
 - (b) must in particular include protected marine areas;
- “qualifying Secretary of State functions” means functions of the Secretary of State in relation to relevant offshore wind projects in (as the case may be) the Scottish inshore region, the Welsh inshore region or the Northern Ireland inshore region;
- “relevant Habitats Directive rights” means rights, powers, liabilities, obligations, restrictions, remedies and procedures that continue to be recognised and available in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 (including as they are modified by domestic law from time to time), so far as derived from Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;
- “specified” means specified in regulations under this section.”

Member's explanatory statement

This new Clause enables the Secretary of State, the Scottish and Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to make regulations about the assessment of environmental effects of relevant offshore wind projects and about environmental compensation.

LORD CALLANAN

222ZE Before Clause 225, insert the following new clause –

“Regulations under section (*Assessment of environmental effects etc*): consultation and procedure

- (1) The Secretary of State must, before making regulations under section (*Assessment of environmental effects etc*), consult –
- (a) the Marine Management Organisation,
 - (b) the Joint Nature Conservation Committee,
 - (c) Natural England,

- (d) the Scottish Ministers and Scottish Natural Heritage, so far as the regulations relate to relevant offshore wind projects or protected sites in Scotland,
 - (e) the Welsh Ministers and the Natural Resources Body for Wales, so far as the regulations relate to relevant offshore wind projects or protected sites in Wales,
 - (f) DAERA, so far as the regulations relate to protected sites in Northern Ireland, and
 - (g) such other persons as the Secretary of State considers appropriate.
- (2) Regulations made by the Secretary of State under section (*Assessment of environmental effects etc*) are subject to the affirmative procedure.
- (3) The Scottish Ministers must, before making regulations under section (*Assessment of environmental effects etc*), consult –
- (a) the Secretary of State,
 - (b) the Marine Management Organisation, so far as the regulations relate to protected sites in England or the Northern Ireland offshore region,
 - (c) Natural England, so far as the regulations relate to protected sites in England,
 - (d) the Joint Nature Conservation Committee, so far as the regulations relate to protected sites in such part of the UK marine area as is beyond the seaward limits of the territorial sea,
 - (e) Scottish Natural Heritage, so far as the regulations relate to protected sites in Scotland,
 - (f) the Welsh Ministers and the Natural Resources Body for Wales, so far as the regulations relate to protected sites in Wales,
 - (g) DAERA, so far as the regulations relate to protected sites in Northern Ireland, and
 - (h) such other persons as they consider appropriate.
- (4) Regulations made by the Scottish Ministers under section (*Assessment of environmental effects etc*) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (5) The Welsh Ministers must, before making regulations under section (*Assessment of environmental effects etc*), consult –
- (a) the Secretary of State;
 - (b) the Marine Management Organisation, so far as the regulations relate to protected sites in England or the Northern Ireland offshore region,
 - (c) Natural England, so far as the regulations relate to protected sites in England,
 - (d) the Joint Nature Conservation Committee, so far as the regulations relate to protected sites in such part of the UK marine area as is beyond the seaward limits of the territorial sea,
 - (e) the Scottish Ministers and Scottish Natural Heritage, so far as the regulations relate to protected sites in Scotland,

- (f) the Natural Resources Body for Wales, so far as the regulations relate to protected sites in Wales,
 - (g) DAERA, so far as the regulations relate to protected sites in Northern Ireland, and
 - (h) such other persons as they consider appropriate.
- (6) The power of the Welsh Ministers to make regulations under section (*Assessment of environmental effects etc*) is exercisable by statutory instrument.
- (7) A statutory instrument containing regulations made by the Welsh Ministers under section (*Assessment of environmental effects etc*) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (8) DAERA must, before making regulations under section (*Assessment of environmental effects etc*), consult –
- (a) the Secretary of State,
 - (b) the Marine Management Organisation, so far as the regulations relate to protected sites in England or the Northern Ireland offshore region,
 - (c) Natural England, so far as the regulations relate to protected sites in England,
 - (d) the Joint Nature Conservation Committee, so far as the regulations relate to protected sites in such part of the UK marine area as is beyond the seaward limits of the territorial sea,
 - (e) the Scottish Ministers and Scottish Natural Heritage, so far as the regulations relate to protected sites in Scotland,
 - (f) the Welsh Ministers and the Natural Resources Body for Wales, so far as the regulations relate to protected sites in Wales, and
 - (g) such other persons as DAERA considers appropriate.
- (9) The power of DAERA to make regulations under section (*Assessment of environmental effects etc*) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (10) Regulations may not be made under section (*Assessment of environmental effects etc*) by DAERA unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.
- (11) In this section, “protected site” has the same meaning as in section (*Assessment of environmental effects etc*).”

Member's explanatory statement

The new Clause inserted by this amendment sets out consultation and other procedural requirements relating to the making of regulations under the new Clause about assessment of environmental effects of relevant offshore wind projects.

LORD CALLANAN

222ZF Before Clause 225, insert the following new Clause –

“Interpretation of Chapter

(1) In this Chapter –

“adverse environmental effect” has the meaning given by section (*Strategic compensation for adverse environmental effects*)(4);

“consent” means any consent, approval, permission, authorisation or confirmation (however described or given) that is required, or otherwise provided for, by or under primary legislation;

“DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

“England” includes the English inshore region and the English offshore region;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (see section 8(1) of that Act);

“Northern Ireland” includes the Northern Ireland inshore region;

“primary legislation” means –

- (a) an Act of Parliament,
- (b) an Act or Measure of Senedd Cymru,
- (c) an Act of the Scottish Parliament, or
- (d) Northern Ireland legislation;

“protected marine area” has the meaning given by section (*Strategic compensation for adverse environmental effects*)(6);

“public authority” means –

- (a) a Minister of the Crown,
- (b) the Scottish Ministers,
- (c) the Welsh Ministers,
- (d) a Northern Ireland department, or
- (e) any other person with functions of a public nature;

“relevant offshore wind project” has the meaning given by section (*Meaning of “relevant offshore wind project”*);

“Scotland” includes the Scottish inshore region and the Scottish offshore region;

“UK marine area” has the meaning given by section 42(1) of the Marine and Coastal Access Act 2009;

“Wales” includes the Welsh inshore region and the Welsh offshore region.

(2) References in this Chapter to the English, Scottish, Welsh or Northern Ireland inshore and offshore regions are to be construed in accordance with the Marine and Coastal Access Act 2009 (see section 322 of that Act).”

Member's explanatory statement

The new Clause inserted by this amendment contains some further definitions of expressions used in the new Chapter consisting of the new Clauses inserted by the amendments in Lord Callanan's name for insertion before Clause 225.

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.”

LORD LENNIE
BARONESS BLAKE OF LEEDS

227A★ After Clause 229, insert the following new Clause –

“North Sea Transition Authority

- (1) The company named the Oil and Gas Authority is renamed as the North Sea Transition Authority.

- (2) The Energy Act 2016 is amended as follows.
- (3) In section 1(1) (the OGA), for “Oil and Gas Authority”, in the second place it occurs, substitute “North Sea Transition Authority”.
- (4) For “the Oil and Gas Authority” and “the OGA”, in each place that either phrase occurs other than in section 1(1) (including in headings), substitute “the North Sea Transition Authority”.
- (5) Omit section 1(4).
- (6) In section 8(1) (matters to which the OGA must have regard), after “so far as relevant”, insert—

“Ensuring the transition to net zero The need to ensure an effective transition from high carbon exploration production and exploitation of the North Sea basin to a low carbon exploitation of all North Sea basin resources compatible with the United Kingdom’s net zero commitments.”
- (7) In Part 1A of the Petroleum Act 1998 (maximising economic recovery of UK petroleum), omit sections 9A to 9G.”

Member's explanatory statement

This amendment seeks to place on the face of the Bill the de facto change in name of the Oil and Gas Authority to the North Sea Transition Authority and provides an additional matter for which the authority must have regard in line with its change of name. This amendment also removes reference to Maximum Economic Recovery in the North Sea as inserted into the Petroleum Act 1998 by section 41 of the Infrastructure Act 2015.

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 CALLANAN

227B After Clause 237, insert the following new Clause –**“CHAPTER 3****RELEVANT NUCLEAR PENSION SCHEMES****Civil nuclear industry: amendment of relevant nuclear pension schemes**

- (1) The Secretary of State may by regulations make provision requiring a designated person to amend the provisions of a relevant nuclear pension scheme in respect of which the person is designated –
 - (a) for the purpose of making scheme-specific changes;
 - (b) for the purpose of making changes that relate to any scheme-specific changes;
 - (c) for the purpose of making contribution rate adjustments.
- (2) “Scheme-specific changes”, in relation to a relevant nuclear pension scheme, are changes that –
 - (a) relate to defined benefits for members of the scheme, and
 - (b) are in connection with one or more of the matters mentioned in subsection (3).
- (3) Those matters are –
 - (a) securing that the structure under which the defined benefits in question accrue is a career average revalued earnings structure (in particular where it would otherwise be a final salary structure);
 - (b) providing for other changes to the amounts of such of those defined benefits as are payable in respect of members of the scheme;
 - (c) providing for revaluations of pensionable earnings, or of benefits in deferment or pensions in payment, to be by reference to the consumer prices index (and not the retail prices index) but not involving imposing a cap on any revaluation or revaluation rate;
 - (d) setting percentage rates, for contributions to the scheme by members of the scheme, that are higher than they would otherwise be;
 - (e) setting periods for which contributions to the scheme by members of the scheme are required to be made that are longer than they would otherwise be.
- (4) Amendments made by virtue of subsection (1)(b) may include amendments relating to benefits provided under the scheme other than defined benefits.
- (5) “Contribution rate adjustments” means such adjustments –
 - (a) to the rates of contributions to the scheme by its members in respect of defined benefits, or
 - (b) to the salary bands to which such contribution rates apply,

as are considered appropriate by the designated person (acting on actuarial advice) to ensure that the average contribution rate for members of the scheme in respect of defined benefits is as close as reasonably practicable to 8.2%.

- (6) Where a person is required by regulations under this section to amend the provisions of a relevant nuclear pension scheme, the amendments may be made—
 - (a) free from any consent requirements set out in the scheme, and
 - (b) notwithstanding provision made by or under any other Act of Parliament, or any rule of law, that would otherwise prevent or limit, or impose conditions on, the making of the amendments.
- (7) Amendments made by virtue of subsection (1)(a)—
 - (a) must not relate to service prior to the date on which the amendments are made;
 - (b) may be made in the case of a particular scheme on one occasion only.
- (8) Nothing in this section limits any power that a designated person has to amend a relevant nuclear pension scheme.
- (9) A person may not be designated in relation to a relevant nuclear pension scheme unless it appears to the Secretary of State that the person has the power to amend the scheme.
- (10) In this section, “designated” means designated by regulations under this section.”

Member's explanatory statement

This new Clause is the first Clause in a new Chapter of Part 12 of the Bill (also containing the other new Clauses inserted after Clause 237 by amendments in Lord Callanan's name). This new Clause enables regulations to be made requiring persons with responsibility for pension schemes for public sector employees in the nuclear sector to amend those schemes in line with wider changes to public sector pensions.

LORD CALLANAN

227C

After Clause 237, insert the following new Clause—

“Meaning of “relevant nuclear pension scheme”

- (1) In this Chapter, “relevant nuclear pension scheme” means—
 - (a) a pension scheme maintained by or on behalf of the NDA under or by virtue of section 8(1)(a) or (b) of the Energy Act 2004, or
 - (b) subject to subsections (2) and (3), a scheme that provides for the payment of pensions or other benefits to or in respect of persons who are, or have been, employed to perform duties relating to matters that correspond or are similar to matters in respect of which the NDA has functions.
- (2) A scheme of a kind mentioned in subsection (1)(b) is a relevant nuclear pension scheme only to the extent that the pensions or other benefits are provided in connection with employment by a person with public functions.
- (3) Subsection (1)(b) does not apply to—

- (a) a UKAEA pension scheme (within the meaning given by paragraph 1(1) of Schedule 8 to the Energy Act 2004);
 - (b) a scheme that provides for the payment of pensions or other benefits to or in respect of persons specified in section 1(2) of the Public Service Pensions Act 2013 (schemes for persons in public service).
- (4) In this section, “the NDA” means the Nuclear Decommissioning Authority.”

Member's explanatory statement

This new Clause defines “relevant nuclear pension scheme” for the purposes of the Chapter consisting of the new Clauses in Lord Callanan’s name inserted after Clause 237.

LORD CALLANAN

227D After Clause 237, insert the following new Clause –

“Information

- (1) This section applies where a person (“P”) is required by regulations under section (*Civil nuclear industry: amendment of relevant nuclear pension schemes*) to amend a relevant nuclear pension scheme.
- (2) P may require a person who holds relevant information to provide it to P.
- (3) “Relevant information” means any information or data that P reasonably requires in connection with deciding whether, or how, to amend the scheme.
- (4) Except as provided by subsection (5), the disclosure of information under this section does not breach –
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (5) This section does not require a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, a requirement imposed under subsection (2) is to be taken into account).”

Member's explanatory statement

This new Clause gives a person who is required, by regulations under the first of the new Clauses in Lord Callanan’s name inserted after Clause 237, to amend a relevant nuclear pension scheme the power to require persons with relevant information to provide that information.

LORD CALLANAN

227E After Clause 237, insert the following new Clause –

“Further definitions

- (1) This section applies for the purposes of this Chapter.

- (2) References to the amendment of a relevant nuclear pension scheme include references to the amendment of any one or more of the following—
 - (a) the trust deed of the scheme, if there is one;
 - (b) rules of the scheme;
 - (c) any other instrument relating to the constitution, management or operation of the scheme.
- (3) References to a relevant nuclear pension scheme include references to any section into which the scheme is divided.
- (4) A “career average revalued earnings structure” is a structure where—
 - (a) the pension payable to or in respect of a person, so far as it is based on the person’s pensionable service, is determined by reference to the person’s pensionable earnings in each year of pensionable service, and
 - (b) those earnings, or a proportion of those earnings accrued as a pension, are under the structure revalued each year until the person leaves pensionable service.
- (5) “Consumer prices index” means—
 - (a) the general index of consumer prices (for all items) published by the Statistics Board, or
 - (b) where that index is not published for a month, any substituted index or figures published by the Board.
- (6) “Defined benefits” are benefits—
 - (a) that are not money purchase benefits (within the meaning of the Pension Schemes Act 1993), and
 - (b) that are not provided under an injury or compensation scheme (within the meaning of the Public Service Pensions Act 2013).
- (7) A “final salary structure” is a structure where entitlement to the pension payable to or in respect of a person which is based on the pensionable service of that person is or may be determined to any extent by reference to the person’s final salary; and “final salary” here means the person’s pensionable earnings, or highest, average or representative pensionable earnings, in a specified period ending at, or defined by reference to, the time when the person’s pensionable service in relation to the structure terminates.
- (8) “Retail prices index” means—
 - (a) the general index of retail prices (for all items) published by the Statistics Board, or
 - (b) where that index is not published for a month, any substituted index or figures published by the Board.”

Member's explanatory statement

This new Clause sets out definitions relevant to the provisions about amendment of relevant nuclear pension schemes.

LORD CALLANAN

227F After Clause 237, insert the following new Clause –

“Application of relevant pensions legislation

- (1) The Secretary of State may by regulations make –
 - (a) such provision about the application of relevant pensions legislation in relation to persons of a specified description, or
 - (b) such amendments of relevant pensions legislation,as the Secretary of State considers appropriate for the purposes of or in connection with the amendment of a relevant nuclear pension scheme in pursuance of regulations under section (*Civil nuclear industry: amendment of relevant nuclear pension schemes*).
- (2) In this section –
 - “relevant pensions legislation” means –
 - (a) Schedule 8 to the Energy Act 2004 (pensions), or
 - (b) regulations made under Schedule 14 or 15 to the Electricity Act 1989 (the Electricity Supply Pension Scheme etc);
 - “specified” means specified in regulations under subsection (1).”

Member's explanatory statement

This new Clause enables the Secretary of State to make regulations about the application of relevant pensions legislation, or amending relevant pensions legislation, in connection with the amendment of a relevant nuclear pension scheme in pursuance of regulations under the first of the new Clauses inserted by the amendments in Lord Callanan's name inserting new Clauses after Clause 237.

LORD CALLANAN

227G After Clause 237, insert the following new Clause –

“Procedure for regulations

- (1) Regulations under this Chapter are subject to the affirmative procedure.
- (2) If, apart from this subsection, a draft of an instrument containing regulations under this Chapter would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.”

Member's explanatory statement

This new Clause provides that a statutory instrument containing regulations under any provision of the new Chapter of Part 12 (consisting of the new Clauses inserted after Clause 237 by the amendments in Lord Callanan's name) is subject to the affirmative procedure. It also provides for the disapplication of the hybrid instrument procedure in the House of Lords.

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.

LORD RAVENSDALE

242H★ After Clause 237, insert the following new Clause—

“Renewable transport fuel obligations: low-carbon sources

- (1) In section 132(1) of the Energy Act 2004, the definition of “renewable transport fuel” is amended as follows.

- (2) In paragraph (c) –
- (a) in the opening words, omit “(other than fossil fuel or nuclear fuel)”, and
 - (b) in sub-paragraph (i), after “renewable” insert “or low-carbon”.

Member's explanatory statement

This amendment is to widen the scope of the Renewable Transport Fuel Obligation (RTFO) to cover low-carbon sources.

Clause 239

LORD CALLANAN

242I Clause 239, page 204, line 8, at end insert –

“(6) Subsection (3) does not apply to regulations made by the Scottish Ministers under section (Assessment of environmental effects etc).”

Member's explanatory statement

This amendment ensures that the provision about affirmative procedure in the UK Parliament does not apply to regulations made by the Scottish Ministers under the new Clause relating to assessment of environmental effects of offshore wind projects (which will instead be subject to affirmative procedure in the Scottish Parliament).

Clause 241

LORD CALLANAN

243 Clause 241, page 204, line 22, after “Parts” insert “9A,”

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.

LORD CALLANAN

243A Clause 241, page 204, line 24, at end insert –

“(ha) Chapter 3 of Part 12;”

Member's explanatory statement

This amendment provides for the new Clauses in Lord Callanan's name to be inserted after Clause 237 to 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.

LORD CALLANAN

244A Clause 242, page 205, line 12, at end insert –

“(ca) Chapter 3 of Part 12;”

Member's explanatory statement

This amendment provides for the new Clauses in Lord Callanan's name to be inserted after Clause 237 to come into force on the day on which the Bill receives Royal Assent.

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.

LORD CALLANAN

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

“(ga) Chapter 1 of Part 11;”

Member's explanatory statement

This amendment provides for the new Chapter for Part 11, comprising the new Clauses inserted before Clause 225 by the amendments in Lord Callanan's name, to come into force 2 months after Royal Assent.

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.

LORD CALLANAN

248 In the Title, line 11, after “Constabulary” insert “and pensions”

Member's explanatory statement

This amendment amends the long title.

Energy Bill [HL]

SIXTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

12 January 2023

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