

2012 No. 873 (C. 24)

ENERGY

**The Energy Act 2011 (Commencement No 1 and Saving) Order
2012**

Made - - - - *20th March 2012*

The Secretary of State makes the following Order in exercise of the powers conferred by section 121(1) and (6) of the Energy Act 2011(a).

Citation and interpretation

1.—(1) This Order may be cited as the Energy Act 2011(Commencement No 1 and Saving) Order 2012.

(2) In this Order, “the Act” means the Energy Act 2011.

Provisions coming into force on the day after this Order is made

2. The following provisions of the Act come into force the day after this Order is made—

- (a) in Chapter 1 of Part 1 (green deal)—
 - (i) section 3 (framework regulations);
 - (ii) section 6 (consents and redress etc);
 - (iii) section 15(1) to (3) and 15(5) (acknowledgement of green deal plan in connection with other transactions etc);
 - (iv) section 16 (sanctions for non-compliance with obligations under sections 12 to 15);
 - (v) sections 17 to 22 (modifying energy licences);
 - (vi) section 30 (power to amend Consumer Credit Act 1974);
 - (vii) section 31 (delegation and conferring of functions);
 - (viii) section 32 (exercise of scheme functions on behalf of the Secretary of State or a public body);
 - (ix) section 33 (duty to report);
 - (x) section 34 (power of Secretary of State to deal with special circumstances);
 - (xi) section 35(1) to (5) and 35(7) (appeals);
 - (xii) section 36 (funding for energy efficiency advice);
 - (xiii) section 38 (green deal installation apprenticeships);
 - (xiv) section 39 (Parliamentary procedure in relation to code of practice);
 - (xv) section 40 (regulations and orders);

- (xvi) section 41 (Crown application: Chapter 1);
- (b) in Part 2 (security of energy supplies) –
 - (i) sections 82 to 91 (upstream petroleum infrastructure) and Schedule 2 (upstream petroleum infrastructure: minor and consequential amendments);
 - (ii) section 92 (downstream gas processing facilities);
 - (iii) section 108 (carbon dioxide pipelines: powers of compulsory acquisition).
- (c) in Part 5 (miscellaneous and general) section 118 (amendment and repeal of measures relating to home energy efficiency).

Provisions coming into force the day after this Order is made for the purpose of making an order or regulations or issuing a code of practice

3. — (1)The following provisions of Chapter 1 of Part 1 of the Act (green deal) come into force on the day after this Order is made so far as is necessary for the purposes set out in paragraph (2)—

- (a) sections 1 and 2 (green deal plans);
 - (b) sections 4, 5, 7 to 9 and 11 (green deal plan);
 - (c) sections 12, 13, 14(1) to (5) and 14(9) (disclosure of green deal plan etc);
 - (d) section 29 (early repayment of green deal finance).
- (2) The purposes are –
- (a) interpreting any provision of Chapter 1 of Part 1, and
 - (b) enabling the exercise on or after that day of any power to make an order or regulations or issue a code of practice that is conferred by virtue of those provisions or any other provision of Chapter 1 of Part 1.

Saving provision

4. The following provisions shall continue to apply and have effect as if the provisions had not been repealed or amended in relation to an application made to the Secretary of State before the coming into force of sections 82 to 92 and Schedule 2 of the Act—

- (a) sections 10E to 10F of the Pipe-lines Act 1962(a) (provisions for securing that upstream petroleum pipe-lines are so used as to reduce necessity for construction of other etc);
- (b) section 12 of the Gas Act 1995(b) (acquisition of rights to use gas processing facilities);
- (c) sections 17F and 17G of the Petroleum Act 1998(c) (acquisition of rights to use controlled petroleum pipelines);
- (d) sections 80 to 82 of the Energy Act 2008(d) (third party access to oil processing facilities);
- (e) section 112 of the Energy Act 2008 (extent).

20th March 2012

Gregory Barker
Minister of State
Department of Energy and Climate Change

(a) 1962 c.58.
(b) 1995 c.45.
(c) 1998 c.17
(d) 2008 c.32

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force for all purposes the provisions of Chapter 1 of Part 1 of the Energy Act 2011 (which relates to the green deal), except for certain provisions which are brought into force for specified purposes only and certain provisions which are to be commenced by Scottish Ministers.

The provisions of Chapter 1 of Part 1 which are brought into force for specified purposes are sections 1, 2, 4, 5, 7 to 9 and 11 (which deal with green deal plans), sections 12, 13, 14(1) to (5) and 14(9) (which deal with disclosure of a green deal plan and related matters), and section 29 (which deals with early repayment of green deal finance). These provisions are brought into force only for the purpose of (i) interpreting provisions of the Chapter, and (ii) enabling the exercise of any power in the Chapter to make an order or regulations, or to issue a code of practice.

The provisions of Chapter 1 of Part 1 which are to be commenced by Scottish Ministers are section 10 (which relates to provision for Scotland regarding confirmation of a green deal plan), sections 14(6) to (8) and 15(4) (which relate to provision for Scotland regarding acknowledgement of a green deal plan) and section 35(6) (which relates to provision for Scotland for appeals).

This Order also brings into force

sections 82 to 91 of the Energy Act 2011 (which relates to upstream petroleum infrastructure);

Schedule 2 of the Energy Act 2011 (which relates to upstream petroleum infrastructure: minor and consequential amendments)

section 92 of the Energy Act 2011 (which relates to downstream gas processing facilities); and

section 108 of the Energy Act 2011 (which relates to carbon dioxide pipelines).

This Order also brings into force section 118 (amendment and repeal of measures relating to home energy efficiency) of the Energy Act 2011. Section 118(1) repeals the Home Energy and Conversation Act 1995 in Scotland and Wales whilst subsection (2) amends the definition of “energy conservation measure” in section 1 (interpretation) of the 1995 Act. Subsection (3) repeals section 1(1)(e) and 1(1AA) of the Sustainable Energy Act 2003 provisions which relate to annual reports on progress towards sustainable energy aims. Subsection (4) repeals section 4(13) of the Sustainable Energy Act 2003 whilst subsection (5) repeals section 217 of the Housing Act 2004 which relates to energy efficiency of residential accommodation in England.

This Order also makes savings for third party access applications which relate to the existing scheme for third party access applications to upstream petroleum infrastructure and downstream gas processing facilities and which are submitted to the Secretary of State before the coming into force of sections 82 to 92 and Schedule 2 of the Energy Act 2011.

STATUTORY INSTRUMENTS

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