CONSIDERATION OF BILL

ENERGY BILL, AS AMENDED

Energy contract rollovers for small businesses

Martin Horwood
Joan Walley
Caroline Lucas
Mr Mike Weir

To move the following Clause:—

‘Schedule [The Expert Panel] has effect.’.

Martin Horwood
Joan Walley
Caroline Lucas
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To move the following Schedule:—

‘The Expert Panel

1 Regulations shall establish a panel of experts (in this Act referred to as “the Expert Panel”) in accordance with paragraphs (2) to (6) below.

Duty to consult

2 (1) Regulations made by virtue of paragraph 1 shall provide that before—

(a) any contracts for differences are entered into under Part 1; or
(b) any investment contracts are entered into under Schedule 3

the Secretary of State shall seek advice from, and the opinion of, the Expert Panel in relation to the matters specified in sub-paragraph (2) below.

(2) The matters in relation to which advice and opinion is to be sought from the Expert Panel are—
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(a) any advice provided to the Secretary of State by the national system operator;
(b) the financial and other terms on which it is proposed a contract for difference or an investment contract be entered into;
(c) whether the agreed strike price (or equivalent) and the term of the contract represents value for money for consumers; and
(d) whether, in all the circumstances, it is appropriate for the CFD Counterparty to enter into the relevant contract.

(3) Where the Secretary of State proposes to disregard in whole or in part any of the advice or opinion provided by the Expert Panel, he shall be under a duty to ensure the Expert Panel is provided with his reasons for disregarding or disagreeing with the advice or opinion and place a copy of the reasoning in the Library of the House.

3 Regulations made by virtue of paragraph 1 shall also—

(1) provide that it shall be the duty of the Secretary of State and the national system operator to provide the Expert Panel with all such information as it may require;
(2) require the Expert Panel to provide the Authority and Parliament with details of any advice and opinion provided under this Part;
(3) require the Expert Panel to publish minutes of its meetings; and
(4) permit the Expert Panel to publish such information as the Expert Panel thinks fit about the advice it gives.

Membership etc. of the Expert Panel

4 The members of the Expert Panel shall be appointed by the Secretary of State and shall comprise a Chairman, a consumer representative, a representative of the Committee on Climate Change, a representative of the Authority and such other members as the Secretary of State may decide.

5 (1) In appointing persons to be members of the Expert Panel, the Secretary of State must secure, so far as practicable, that the Expert Panel—

(a) is independent; and
(b) is comprised of technical, academic, economic, legal and such other experts necessary to give the informed advice required.

(2) The Expert Panel must not include any person who is—

(a) employed by an eligible generator, or who has been employed by an eligible generator in the previous 12 months;
(b) employed by an electricity supplier, or who has been employed by an electricity supplier in the previous 12 months; or
(c) employed by the national system operator.

(3) The Chairman and every member of the Expert Panel—

(a) shall be appointed for a fixed period, specified in the terms of their appointment, but shall be eligible for reappointment at the end of that period;
(b) shall not serve on the Expert Panel for longer than eight years in total;
(c) may at any time be removed by a notice from the Expert Panel to the Secretary of State following a majority vote.

Committees and other procedures of the Expert Panel

6 The Expert Panel may make such arrangements as they think fit—

(a) for committees established by the Expert Panel to give advice to it about carrying out the Expert Panel’s functions, providing such
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committees only include persons who are members of the Expert Panel;

(b) for regulating its own procedure and for regulating the procedure of committees established by them, including timescales of giving advice, as it sees fit;

(c) as to quorums and the making of decisions by majority.’.