CONSIDERATION OF BILL

ENERGY BILL, AS AMENDED

Secretary Edward Davey

Clause 5, page 5, line 3, at end insert—
‘(aa) the duty of the Secretary of State under section 1(1) of this Act (decarbonisation target range);’.

Secretary Edward Davey

Clause 5, page 5, line 10, at end insert—
‘(4) The Secretary of State must before 31st December in each year, beginning with 2014, prepare and lay before Parliament a report setting out how the Secretary of State has carried out during the year the functions under this Part of this Act.
(5) The Secretary of State must publish the report and send a copy of it to the Department of Enterprise, Trade and Investment, the Scottish Ministers and the Welsh Ministers.’.

Secretary Edward Davey

Clause 7, page 6, line 15, at beginning insert ‘The Secretary of State may exercise the power to designate so that’.

Secretary Edward Davey

Clause 7, page 6, line 15, leave out ‘may have’ and insert ‘has’.

Secretary Edward Davey

Clause 7, page 6, line 15, at end insert ‘, but only if the Secretary of State considers it necessary for the purpose of ensuring that—
(a) liabilities under a CFD are met,’.
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(b) arrangements entered into for purposes connected to a CFD continue to operate, or
(c) directions given to a CFD counterparty continue to have effect.’.

Secretary Edward Davey

Clause 7, page 6, line 20, leave out ‘28 days’ and insert ‘3 months’.

Secretary Edward Davey

Clause 7, page 6, line 29, leave out ‘obligations’ and insert ‘liabilities’.

Secretary Edward Davey

Clause 8, page 6, line 39, at end insert—

‘(1A) A CFD counterparty must exercise the functions conferred by or by virtue of this Chapter to ensure that it can meet its liabilities under any CFD to which it is a party.’.

Secretary Edward Davey

Clause 9, page 7, line 13, at end insert—

‘(2A) In subsection (2)(a) “costs” means costs in connection with the performance of any function conferred by or by virtue of this Chapter.’.

Secretary Edward Davey

Clause 9, page 7, line 39, at end insert—

‘(7A) A CFD counterparty may recover from an electricity supplier, as a civil debt due to it, any sum which—

(a) the electricity supplier is required by virtue of regulations to pay to the CFD counterparty, and

(b) has not been paid by the date on which it is required by virtue of regulations to be paid.’.

Secretary Edward Davey

Clause 11, page 8, line 31, at end insert—

‘(1A) Provision made by virtue of this section may—

(a) include provision for a CFD counterparty to calculate or determine, in accordance with such criteria as may be provided for by or under the regulations, amounts which are owed by the CFD counterparty;

(b) provide for anything which is to be calculated or determined under the regulations to be calculated or determined by such persons, in accordance with such procedure and by reference to such matters and to the opinion of such persons, as may be specified in the regulations.’.

Secretary Edward Davey

Clause 12, page 9, line 2, leave out ‘obligations’ and insert ‘its liabilities’.
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Secretary Edward Davey

Clause 12, page 9, line 4, leave out ‘obligations’ and insert ‘its liabilities’.

Secretary Edward Davey

Clause 12, page 9, line 4, at end insert—

‘(2A) In making provision by virtue of subsection (1) the Secretary of State must have regard to the principle that sums should be apportioned in proportion to the amounts which are owed.’.

Secretary Edward Davey

Clause 15, page 10, line 21, at end insert—

‘(3) Regulations must include such provision as the Secretary of State considers necessary to ensure that a CFD counterparty can meet its liabilities under any CFD to which it is a party.’.

Secretary Edward Davey

Clause 50, page 50, line 23, at end insert—

‘( ) Chapter 8 (emissions performance standard).’.

Secretary Edward Davey

Clause 120, page 91, line 14, at end insert—

‘(4) In the 1986 Act—

(a) in section 4AA(7), for “sections 4AB and 4A” substitute “section 4A”;
(b) in section 7B(4), in paragraph (a) omit “, 4AB”;
(c) in section 23D(2)—

(i) at the end of paragraph (b) omit “and”,
(ii) in paragraph (c) for “sections 4AB and” substitute “section”, and
(iii) at the end of paragraph (c) insert “; and

(d) in the performance of its duties under section 114(1) and (2) of the Energy Act 2013.”;
(d) in section 28(5), in paragraph (a) omit “, 4AB”;
(e) in section 38(1A), omit “, 4AB”;
(f) in section 41E(6)—

(i) omit paragraph (b), and
(ii) at the end of paragraph (c) insert “; and

(d) any statement for the time being designated as the strategy and policy statement for the purposes of Part 5 of the Energy Act 2013.”

(5) In EA 1989—

(a) in section 3A(7), for “sections 3B and 3C” substitute “section 3C”;
(b) in section 11E(2)—

(i) at the end of paragraph (b) omit “and”,
(ii) in paragraph (c) for “sections 3B and 3C” substitute “section 3C”, and
(iii) at the end of paragraph (c) insert “; and
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(d) in the performance of its duties under section 114(1) and (2) of the Energy Act 2013.”;

(c) in section 28(2A), omit “, 3B”;

(d) in section 56C(6)—

(i) omit paragraph (b), and

(ii) at the end of paragraph (e) insert “; and

(d) any statement for the time being designated as the strategy and policy statement for the purposes of Part 5 of the Energy Act 2013.”.

Secretary Edward Davey

Clause 133, page 102, line 25, after ‘3’ insert ‘of Part 2’.

Secretary Edward Davey

Clause 135, page 103, line 41, leave out ‘120(1) (repeals)’ and insert ‘120(1), (4)’.

Secretary Edward Davey

Clause 135, page 104, line 6, at end insert—

‘(za) Part 1 (decarbonisation);’.

Secretary Edward Davey

Schedule 2, page 107, line 25, leave out from ‘paragraph 3)’ to the end of line 29.

Secretary Edward Davey

Schedule 2, page 108, line 15, leave out from ‘paragraph 3)’ to the end of line 19.

Secretary Edward Davey

Schedule 2, page 109, line 24, leave out ‘may be designated’ and insert ‘is eligible’.

Secretary Edward Davey

Schedule 2, page 109, line 29, at beginning insert ‘The Secretary of State may exercise the power to designate so that—

(a) liabilities under an investment contract are met,’
(b) arrangements entered into for purposes connected to an investment contract continue to operate, or
(c) directions given to an investment contract counterparty continue to have effect.’.

Secretary Edward Davey

Schedule 2, page 109, line 34, leave out ‘28 days’ and insert ‘3 months’.

Secretary Edward Davey

Schedule 2, page 109, line 37, leave out ‘obligations’ and insert ‘liabilities’.

Secretary Edward Davey

Schedule 2, page 110, line 38, at end insert—
‘(3A) In sub-paragraph (3)(a) “costs” means costs in connection with the performance of any function conferred by or by virtue of this Schedule.’.

Secretary Edward Davey

Schedule 2, page 111, line 27, at end insert—
‘(9) The Secretary of State, an investment contract counterparty or a CFD counterparty may recover from an electricity supplier, as a civil debt due, any sum which—
(a) the electricity supplier is required by virtue of regulations to pay to the Secretary of State, the investment contract counterparty or the CFD counterparty (as the case may be), and
(b) has not been paid by the date on which it is required by virtue of regulations to be paid.’.

Secretary Edward Davey

Schedule 2, page 111, line 31, at end insert—
‘(2) Provision made by virtue of this paragraph may—
(a) include provision for the person by whom sums are owed to calculate or determine, in accordance with such criteria as may be provided for by or under the regulations, amounts which are owed;
(b) provide for anything which is to be calculated or determined under the regulations to be calculated or determined by such persons, in accordance with such procedure and by reference to such matters and to the opinion of such persons, as may be specified in the regulations.’.

Secretary Edward Davey

Schedule 2, page 111, line 43, leave out ‘obligations’ and insert ‘liabilities’.

Secretary Edward Davey

Schedule 2, page 112, line 2, leave out ‘obligations’ and insert ‘liabilities’.
Secretary Edward Davey

Schedule 2, page 112, line 3, at end insert—
‘(2A) In making provision by virtue of sub-paragraph (1) the Secretary of State must have regard to the principle that sums should be apportioned in proportion to the amounts which are owed.’.

Secretary Edward Davey

Schedule 2, page 114, line 11, at end insert—
‘(1A) An investment contract counterparty and a CFD counterparty must exercise the functions conferred by or by virtue of this Schedule to ensure that it can meet its liabilities under any investment contract to which it is a party.’.

Secretary Edward Davey

Schedule 2, page 114, line 30, at end insert—
‘(4) Regulations must include such provision as the Secretary of State considers necessary to ensure that an investment contract counterparty or a CFD counterparty can meet its liabilities under any investment contract to which it is a party.’.

Secretary Edward Davey

Schedule 2, page 115, line 5, after ‘property,’ insert ‘or designated’.

Secretary Edward Davey

Schedule 2, page 115, line 16, leave out ‘, to any extent considered appropriate by the Secretary of State.’.

Secretary Edward Davey

Schedule 2, page 115, line 17, after ‘treated’ insert ‘to any extent’.

Secretary Edward Davey

Schedule 2, page 115, line 18, at end insert—
‘(2A) Sub-paragraph (2B) applies from the beginning of the first day on which all of the following three conditions are met, namely—
(a) a definition of an “eligible generator” is in force by virtue of section 10(3) or the date is 1st January 2016 or later;
(b) a designation under section 7(1) has effect;
(c) provision required by section 9(1) to be made is in force.
(2B) The Secretary of State must in respect of each investment contract, within such period of time as the Secretary of State considers reasonable—
(a) make a transfer scheme by virtue of sub-paragraph (1)(a) or (c) to ensure the transfer of all rights and liabilities under the investment contract, and
(b) make provision under sub-paragraph (2) for the investment contract to be treated as a CFD for the purposes of all provision made by or by virtue of Chapter 2 of Part 2 of this Act.'
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(2C) But sub-paragraph (2B) does not apply to the extent that the Secretary of State considers it appropriate in all the circumstances of the case to disapply it.’.

Secretary Edward Davey

Schedule 9, page 149, line 9, at end insert—
‘( ) the Natural Resources Body for Wales;’.

Secretary Edward Davey

Schedule 12, page 171, line 35, leave out ‘or Wales’.

Secretary Edward Davey

Schedule 12, page 171, line 40, at end insert—
‘() in the case of a site in Wales, the Natural Resources Body for Wales;’. 