



House of Commons

Monday 14 March 2016

CONSIDERATION OF BILL (REPORT STAGE)

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

ENERGY BILL [*LORDS*], AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Energy Bill [*Lords*] Programme (No. 2) Motion to be proposed by Secretary Amber Rudd.

NEW CLAUSES RELATING TO WIND POWER; AMENDMENTS TO PART 5

Callum McCaig

NC2

To move the following Clause—

“Onshore wind power: renewables obligation

The power to make a renewables obligation closure order in respect of electricity generated by an onshore wind generating station in Scotland may only be exercised by Scottish Ministers.”

Member’s explanatory statement

This new clause would return to the Scottish Ministers the power to close the renewables obligation in relation to electricity generated by onshore wind generating stations in Scotland.

2 Consideration of Bill (Report Stage): 14 March 2016

Energy Bill [*Lords*], *continued*

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

24

Clause 79, page 46, line 20, leave out “31 March 2016” and insert “1 March 2017”

Member’s explanatory statement

This amendment and amendments 25, 26, 40, 41, 42, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 have the effect of closing the Renewables Obligation for onshore wind a month earlier than the original date set out in the Statutory Instrument: Renewables Obligation Closure Order 2014: 2388, rather than a year earlier, as the Bill does in its present form.

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

25

Clause 79, page 46, line 25, leave out “31 March 2016” and insert “1 March 2017”

Mr Alistair Carmichael

22

Page 47, line 22, leave out Clause 80

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

26

Clause 80, page 47, line 27, leave out “31 March 2016” and insert “1 March 2017”

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

27

Clause 80, page 47, line 30, leave out “31 March 2016” and insert “1 March 2017”

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

28

Clause 80, page 47, line 36, leave out “31 March 2017” and insert “1 March 2017”

Energy Bill [*Lords*], *continued*

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

29

Clause 80, page 47, line 42, leave out “31 March 2017” and insert “1 March 2017”

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

30

Clause 80, page 48, line 3, leave out “31 March 2016” and insert “1 March 2017”

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

31

Clause 80, page 48, line 6, leave out “31 March 2017” and insert “1 March 2017”

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

32

Clause 80, page 48, line 20, leave out “31 March 2016” and insert “1 March 2017”

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

33

Clause 80, page 48, line 33, leave out “1 April 2017” and insert “2 March 2017”

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

34

Clause 80, page 48, line 43, leave out “1 April 2017” and insert “2 March 2017”

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

35

Clause 80, page 49, line 8, leave out “1 April 2017” and insert “2 March 2017”

Energy Bill [*Lords*], *continued*

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

Clause 80, page 49, line 17, leave out “1 April 2017” and insert “2 March 2017” 36

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

Clause 80, page 50, line 13, leave out “18 June 2015” and insert “18 May 2016” 37

Philip Boswell

Clause 80, page 50, line 18, leave out “planning permission” and insert “an application for 1990 Act permission or 1997 Act permission” 1

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

Clause 80, page 50, line 19, leave out “18 June 2015” and insert “18 May 2016” 38

Philip Boswell

Clause 80, page 50, line 20, leave out “or judicial review” 2

Philip Boswell

Clause 80, page 50, line 30, after “Act” insert “(excluding an extension agreed for the purposes of section 78(2) of the 1990 Act or section 47(2) of the 1997 Act)” 3

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

Clause 80, page 50, line 34, after “application”, insert “(provided that this period does not include any extension agreed for the purposes of section 78(2) of the 1990 Act or section 47(2) of the 1997 Act)” 52

Philip Boswell

Clause 80, page 50, line 35, leave out paragraph (iii) 4

Energy Bill [*Lords*], *continued*

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

Clause 80, page 50, line 40, leave out “18 June 2015” and insert “18 May 2016” 39

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

Clause 80, page 50, line 40, after “18th June 2015”, insert “whether” 53

Philip Boswell

Clause 80, page 50, line 40, leave out “following an appeal” 6

Philip Boswell

Clause 80, page 50, line 40, after “following an appeal” insert— 5
 “or a decision made by the Secretary of State, Welsh Ministers or Scottish Ministers following directions given under section 77 of the 1990 Act or section 46 of the 1997 Act, and”

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis

Clause 80, page 50, line 40, after “appeal”, insert “or otherwise” 54

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

Clause 80, page 50, line 46, at end insert “, or 23
 (e) evidence that—
 (i) an application for 1990 Act permission or 1997 Act permission was made on or before 18th June 2015 for the station or for additional capacity,
 (ii) a grant of planning permission was resolved by the relevant planning authority on or before 18th June 2015,
 (iii) planning permission was granted after 18th June 2015, and
 (iv) any conditions as to the time period within which the development to which the permission relates must be begun have not been breached.”

Energy Bill [*Lords*], *continued*

Philip Boswell

7

Clause **80**, page **50**, line **46**, at end insert—

“() evidence that—

- (i) an application for 1990 Act permission or 1997 Act permission was made on or before 18 June 2015 for the station or additional capacity,
- (ii) the period allowed under section 78(2) of the 1990 Act or (as the case may be) section 47(2) of the 1997 Act (excluding an extension agreed for the purposes of section 78(2) of the 1990 Act or section 47(2) of the 1997 Act) ended on or before 18 June 2015 without the things mentioned in section 78(2)(a) or (aa) of the 1990 Act or section 47(2)(a) or (b) of the 1997 Act being done in respect of the application,
- (iii) the application was referred to the Secretary of State, Welsh Ministers or Scottish Ministers in accordance with directions given under section 77 of the 1990 Act or section 46 of the 1997 Act,
- (iv) 1990 Act permission or 1997 Act permission was granted after 18 June 2015, and
- (v) any conditions as to the time period within which the development to which the permission relates must be begun have not been breached.”

Philip Boswell

8

Clause **80**, page **50**, line **46**, at end insert—

“() evidence that—

- (i) an application for 1990 Act permission or 1997 Act permission was made on or before 18 June 2015 for the station or for additional capacity,
- (ii) the relevant planning authority resolved to grant 1990 Act permission or 1997 Act permission on or before 18 June 2015,
- (iii) 1990 Act permission or 1997 Act permission was granted after 18 June 2015, and
- (iv) any conditions as to the time period within which the development to which the permission relates must be begun have not been breached.”

Philip Boswell

9

Clause **80**, page **50**, line **46**, at end insert—

“() evidence that—

- (i) an application for consent for the station or for additional capacity was made under section 36 of this Act,
- (ii) the consultation period prescribed by Regulations made under paragraphs 2(3) or 3(1)(c) of Schedule 8 to this Act had expired on or before 18 June 2015,
- (iii) the Secretary of State caused a public inquiry to be held under paragraph 2(2) or 3(3) of Schedule 8 to this Act or decided that a public inquiry need not be held,
- (iv) consent was granted by the Secretary of State after 18 June 2015, and

Energy Bill [Lords], continued

- (v) any conditions as to the time period within which the development to which the permission relates must be begun have not been breached.”

Philip Boswell

10

Clause 80, page 50, line 46, at end insert—

“() evidence that—

- (i) an application for development consent for the station or for additional capacity was made under section 37 of the Planning Act 2008,
- (ii) the deadline for receipt of representations under section 56(4) of the Planning Act 2008 had expired on or before 18 June 2015,
- (iii) consent was granted by the Secretary of State after 18 June 2015, and
- (iv) any conditions as to the time period within which the development to which the permission relates must be begun have not been breached.”

Philip Boswell

11

Clause 80, page 50, line 46, at end insert—

“() evidence that—

- (i) planning permission for the station or additional capacity was granted on or before 18 June 2015,
- (ii) planning permission under sections 73, 90(2), 90(2ZA) or 96A of the 1990 Act or sections 42, 57(2), 57(2ZA) or 64 of the 1997 Act, a consent under section 36C of this Act, or an order under section 153 of, and paragraph 2 or 3 of Schedule 6 to, the Planning Act 2008 varying the planning permission under clause 32LJ(4)(i)(i) was granted after 18 June 2015, and
- (iii) any conditions as to the time period within which the development to which the permission relates must be begun have not been breached.”

Philip Boswell

12

Clause 80, page 50, line 46, at end insert—

“() evidence that—

- (i) 1990 Act permission or 1997 Act permission for the station or additional capacity was granted on or before 18 June 2015,
- (ii) consent under section 36 of this Act that permits a greater capacity for the station than that permitted by the planning permission under clause 32LJ(4)(j)(i) was granted after 18 June 2015, and
- (iii) any conditions as to the time period within which the development to which the permission relates must be begun have not been breached.”

Energy Bill [*Lords*], *continued*

Philip Boswell

13

Clause 80, page 50, line 46, at end insert—

“() evidence that—

- (i) planning permission for the station or additional capacity was granted on or before 18 June 2015,
- (ii) planning permission under clause 32LJ(4)(k)(i) was superseded by a subsequent planning permission granted after 18 June 2015 permitting a station with the same or a lower capacity than that granted under the planning permission referred to in clause 32LJ(4)(k)(i), and
- (iii) any conditions as to the time period within which the development to which the permission relates must be begun have not been breached.”

Philip Boswell

14

Clause 80, page 50, line 46, at end insert—

“() evidence that—

- (i) planning permission for the station or additional capacity was granted or refused on or before 18 June 2015, and was subsequently confirmed or granted after that date following a statutory challenge under section 288 of the 1990 Act, section 237 of the 1997 Act or section 118 of the Planning Act 2008, or following a judicial review, and
- (ii) any conditions as to the time period within which the development to which the permission relates must be begun have not been breached.”

Philip Boswell

15

Clause 80, page 50, line 48, leave out sub-paragraph 5(a) and insert—

- “(a) evidence of an agreement with a network operator to carry out grid works in relation to the station or additional capacity and was originally made on or before 18th June 2015 notwithstanding the fact that may have subsequently been amended or modified, and
- (ab) a copy of a document written by, or on behalf of, the network operator which estimated or set a date for completion of the grid works which was no later than 31 March 2017; or”

Lisa Nandy
 Dr Alan Whitehead
 Barry Gardiner
 Clive Lewis
 Caroline Lucas

40

Clause 80, page 50, line 49, leave out “18 June 2015” and insert “18 May 2016”

Energy Bill [*Lords*], *continued*

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

Clause 80, page 51, line 10, leave out “18 June 2015” and insert “18 May 2016” 41

Philip Boswell

Clause 80, page 51, line 26, at end insert “and includes planning permission deemed to be granted in accordance with section 90 of that Act”. 16

Philip Boswell

Clause 80, page 51, line 31, at end insert “and includes planning permission deemed to be granted in accordance with section 57 of that Act”. 17

Philip Boswell

Clause 80, page 52, line 6, leave out “from a recognised lender” 18

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Caroline Lucas

Clause 80, page 52, line 16, leave out “31 March 2017” and insert “1 March 2017” 42

Philip Boswell

Clause 80, page 52, leave out lines 27 to 29, and insert— 19
 “In this section “recognised lender” means a bank or financial institution or trust or fund or other financial entity which is regulated by the relevant jurisdiction and which is engaged in making, purchasing or investing in loans, securities or other financial instruments.”

Philip Boswell

Clause 80, page 52, line 32, leave out subsection (6). 20

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis

Clause 80, page 54, line 19, leave out “31 March 2016” and insert “1 March 2017” 43

Energy Bill [Lords], continued

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis

44

Clause 80, page 54, line 21, leave out “31 March 2017” and insert “1 March 2017”

Secretary Amber Rudd

50

Clause 81, page 56, line 2, leave out from “generated” to end of line 7 and insert “after 31 March 2016 (or any later date specified in the regulations)—

- (a) using the original capacity of a Northern Ireland onshore wind generating station accredited after 31 March 2016 (or any later date so specified), or
- (b) using additional capacity of a Northern Ireland onshore wind generating station, where in the Authority’s view the additional capacity first formed part of the station after 31 March 2016 (or any later date so specified).”.

Member’s explanatory statement

This amendment expands the definition of a relevant Northern Ireland certificate to include a certificate issued in respect of energy generated using additional capacity which first formed part of the generating station after the closure date.

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis

45

Clause 81, page 56, line 3, leave out “31 March 2016” and insert “1 March 2017”

Philip Boswell

21

Clause 81, page 56, line 3, leave out subsection (a) and insert—

- “(aa) by a 33kV connected onshore wind generating station consented after 30 September 2015, or
- (ab) by a cluster connected onshore wind generating station consented after 31 October 2015, and”

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis

46

Clause 81, page 56, line 6, leave out “31 March 2016” and insert “1 March 2017”

Energy Bill [*Lords*], *continued*

*NEW CLAUSES RELATING TO CARBON CAPTURE, EMISSIONS AND DECARBONISATION;
REMAINING NEW CLAUSES; REMAINING PROCEEDINGS ON CONSIDERATION*

Callum McCaig

NC3

To move the following Clause—

“Carbon capture and storage strategy for the energy industry

- (1) By June 2017, the Secretary of State must develop, promote and implement a comprehensive national strategy for carbon capture and storage (CCS) for the energy industry to deliver the emissions reductions required to meet the fifth and subsequent, carbon budgets at the scale and pace required.
- (2) In developing the strategy, the Secretary of State must consult—
 - (a) HM Treasury;
 - (b) the Department for Business, Innovation and Skills;
 - (c) the Oil and Gas Authority;
 - (d) the National Infrastructure Commission;
 - (e) Scottish Ministers;
 - (f) Welsh Ministers, and
 - (g) other relevant stakeholders including the CCS industry.
- (3) The strategy must include though shall not be restricted to—
 - (a) the development of infrastructure for carbon dioxide transport and storage;
 - (b) a funding strategy for implementation including provision of market signals sufficient to build confidence for private investment in the CCS industry;
 - (c) priorities for such action in the immediate future as may be necessary to allow the orderly and timely development and deployment of CCS after 2020;
 - (d) promotion of cost-effective innovation in CCS; and
 - (e) clarification of the responsibilities of government departments with respect to the implementation of the strategy.”
- (4) The Secretary of State must report to Parliament on the progress of its implementation of the strategy every three years starting in 2020.”

Member’s explanatory statement

This new clause would compel the Secretary of State to bring forward a strategy for carbon capture and storage for the energy industry.

Energy Bill [*Lords*], *continued*

Mr Alistair Carmichael

NC6

To move the following Clause—

“Emissions trading: United Kingdom carbon account

In section 27 (net UK carbon account) of the Climate Change Act 2008, after subsection (2) insert—

“(2A) No carbon units deriving from the operation of the EU Emissions Trading System may be credited to or debited from the net United Kingdom carbon account for any period commencing after 31 December 2027.””

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis
Anna Turley
Tom Blenkinsop

Andy McDonald

Alex Cunningham

NC7

To move the following Clause—

“Carbon capture and storage strategy for the energy industry

- (1) The Secretary of State must—
 - (a) develop, promote and implement a comprehensive national strategy for carbon capture and storage (CCS) for the energy industry to deliver the emissions reductions required to meet the fifth and subsequent carbon budget, as advised by the committee on climate change;
 - (b) develop that strategy in consultation with HM Treasury, the Department for Business, Innovation and Skills, the Oil and Gas Authority, the National Infrastructure Commission, energy intensive industries and other relevant stakeholders including the CCS industry; and
 - (c) have that strategy in place by June 2017 and report to Parliament on the progress of its implementation every three years thereafter.
- (2) The strategy provided for by subsection (1) shall, amongst other things, include—
 - (a) the development of infrastructure for carbon dioxide transport and storage;
 - (b) a funding strategy for implementation including provision of market signals sufficient to build confidence for private investment in the CCS industry;
 - (c) a strategy for international co-operation on the development and implementation of relevant technologies;

Energy Bill [*Lords*], *continued*

- (d) priorities for such action in the immediate future as may be necessary to allow the orderly and timely development and deployment of CCS after 2020.
- (e) a strategy for co-operation through the European Union.”

Lisa Nandy
 Dr Alan Whitehead
 Barry Gardiner
 Clive Lewis
 Caroline Lucas

NC8

To move the following Clause—

“Decarbonisation target range

- (1) Section 1 of the Energy Act 2013 is amended as follows.
- (2) Leave out subsection (2) and insert—
 - “(2) The Secretary of State must by order (“a decarbonisation order”) set a decarbonisation target range, which shall be reviewed annually thereafter.”
- (3) Leave out subsection (5) and insert—
 - “(5) The decarbonisation order shall be made within six months of the adoption of the fifth carbon budget set by virtue of the duty of the Secretary of State under section 4 (2) (b) of the climate Change Act 2008.””

Lisa Nandy
 Dr Alan Whitehead
 Barry Gardiner
 Clive Lewis
 Caroline Lucas

NC9

To move the following Clause—

“Amendment to Energy Act 2013: Capacity agreements

After Section 28(4) of the Energy Act 2013, insert—

- “(4A) Electricity capacity regulations introduced by subsection (1) for any fossil fuel generating plant granted 15 year capacity contracts under the capacity agreements established by this section shall be subject to the Emissions Performance Standard as established by Section 57 (2) of this Act.””

Energy Bill [*Lords*], *continued*

Lisa Nandy
 Dr Alan Whitehead
 Barry Gardiner
 Clive Lewis
 Caroline Lucas
 Callum McCaig

NC10

To move the following Clause—

“Emissions trading: United Kingdom carbon account

In section 27 (net UK carbon account) of the Climate Change Act 2008, after subsection (3) insert—

- “(3A) In respect of any period commencing after 31 December 2027, the regulations must not make provision for carbon units to be credited to or debited from the net United Kingdom carbon account on the basis of the number of carbon units surrendered by operators of installations in the United Kingdom pursuant to the European Union Emissions Trading Scheme.””

Edward Miliband
 Caroline Lucas
 Hywel Williams
 Dr Alisdair McDonnell
 Graham Stuart
 Dr Poulter

Paul Blomfield

Tim Farron

NC11

To move the following Clause—

“Zero net UK [carbon] emissions

- (1) The Climate Change Act 2008 is amended as follows.
- (2) After section (3) of the 2008 Act, insert the following—

3A Net UK carbon emissions target: zero emissions year

- (1) The Secretary of State shall set a date by which net UK emissions must be zero or lower (“the zero emissions year”) by order no later than 12 months from the date on which the Energy Act 2016 comes into force.
- (2) It is the duty of the Secretary of State to ensure that the net UK emissions for the zero emissions year and each year thereafter is zero or less.
- (3) If an annual statement of UK emissions under Section 16 for a year after the zero emissions year shows that net UK carbon emissions are more than zero, the Secretary of State must, as soon as reasonably practicable lay before Parliament a statement which—
 - (a) explains why the zero net emissions target has not been met, and
 - (b) sets out proposals and policies to ensure that the target will be met in subsequent years.
- (4) The Secretary of State may by order amend the zero emissions year.

Energy Bill [Lords], continued

- (5) The power in subsection (4) may only be exercised if it appears to the Secretary of State that it is appropriate to do so due to significant developments in—
 - (a) scientific knowledge about climate change, or
 - (b) European or international law or policy.
- (6) An order under subsections (1) or (4) may only be made by statutory instrument that has been laid in draft before, and approved by a resolution of, each House of Parliament.
- (7) Before laying a draft of a statutory instrument under subsection (6) the Secretary of State must obtain, and take into account, the advice of the Committee on Climate Change.
- (8) As soon as is reasonably practicable after giving its advice to the Secretary of State, the Committee shall publish its advice in such manner as it considers appropriate.
- (9) If an order under subsections (1) or (4) sets or amends the zero emissions year in a way that is different from the recommendation of the Committee under subsection (7), the Secretary of State must lay a statement before Parliament explaining his reasons for that decision.
- (10) When the Secretary of State comes to any decision under this section, or the Committee on Climate Change considers its advice in relation to any such decision—
 - (a) the matters listed in Section 10(2) must, and
 - (b) other matters may, be taken into account.”

Caroline Lucas

NC12

To move the following Clause—

“Strategy for a Just Transition away from fossil fuels

- (1) The Secretary of State must develop a comprehensive national strategy for the UK energy sector to move away from fossil fuels and towards 100% renewable energy by 2050, under the framework of a Just Transition outlined in subsection (5)(a).
- (2) The strategy must be developed by June 2017 and the Secretary of State must report to Parliament on the progress of its implementation every year thereafter.
- (3) The transition must ensure that UK carbon emission reductions make a fair contribution to the goals set out in the 2015 Paris Climate Change Agreement.
- (4) The strategy must be developed in consultation with—
 - (a) energy sector workers,
 - (b) trade unions,
 - (c) the Committee on Climate Change,
 - (d) HM Treasury,
 - (e) the Department for Business, Innovation and Skills,
 - (f) the Oil and Gas Authority,

Energy Bill [Lords], continued

- (g) the renewable energy industry,
 - (h) the National Infrastructure Commission,
 - (i) Scottish and Welsh Ministers,
 - (j) civil society organisations, and
 - (k) other relevant stakeholders.
- (5) The strategy must, amongst other things, include—
- (a) the adoption of the principles of Just Transition set out by national and international trade unions, including—
 - (i) full participation and engagement of workers, trades unions and communities most directly affected, and
 - (ii) training, education and skills policies to enable workers to make the transition to employment in sustainable, low carbon industries,
 - (b) an assessment of the proportion of existing UK oil and gas reserves that should remain unexploited,
 - (c) a strategy for redirecting all direct and indirect fossil fuel exploration and production subsidies into low carbon industry; and
 - (d) cooperation with EU institutions and EU member states to embed the principles of Just Transition at EU level.”

Member's explanatory statement

This new clause would require the Secretary of State to develop a strategy for a Just Transition away from fossil fuels and towards a renewable energy future.

Callum McCaig

NC1

To move the following Clause—

“Strategy for incentivising competitiveness of UK-registered companies in decommissioning contracts

- (1) By June 2017, the Secretary of State must develop a comprehensive strategy for the Department of Energy and Climate Change to incentivise the competitiveness of UK-registered companies in bidding for supply chain contracts associated with the decommissioning of oil and gas infrastructure (the strategy), which shall be reviewed annually thereafter.
- (2) In developing the strategy, the Secretary of State must consult—
 - (a) HM Treasury;
 - (b) the Department for Business, Innovation and Skills;
 - (c) the Oil and Gas Authority;
 - (d) Scottish Ministers, and
 - (e) any other relevant stakeholders that the Secretary of State thinks appropriate.
- (3) The strategy must include, though shall not be restricted to—
 - (a) an appraisal of tax incentives that can be extended to oil and gas operators to incentivise their use of UK-registered supply chain companies; and

Energy Bill [Lords], continued

- (b) an outline of other appropriate support that can be provided by the Government, or its agencies, to UK-registered companies which express interest in bidding for decommissioning contracts.”

Member’s explanatory statement

This new clause would compel the Secretary of State to bring forward a strategy for ensuring that UK-registered supply chain companies benefit from decommissioning contracts.

Callum McCaig

NC4

To move the following Clause—

“Contract for Difference

After section 13(3) of the Energy Act 2013 insert—

- (3A) An allocation round must be held at least once in each year which the carbon intensity of electricity generation in the United Kingdom exceeds 100 grams per kilowatt hour.”

Member’s explanatory statement

This new clause would compel the Secretary of State to hold a Contract for Difference allocation round at least once in each year that the carbon intensity of electricity generation in the UK exceeds 100g per kilowatt hour.

Mr Alistair Carmichael

NC5

To move the following Clause—

“Amendment to the Petroleum Act 1998: definition of “the principal objective”

In subsection 9A of the Petroleum Act 1998, leave out subsection (1) and insert—

- “(1) The “principal objective” is the objective of maximising the economic return of UK petroleum, while retaining oversight of the decommissioning of oil and gas infrastructure, and securing its reuse for transportation and storage of greenhouse gases, in particular through—
- (a) development, construction, deployment and use of equipment used in the petroleum industry (including upstream petroleum infrastructure), and
 - (b) collaboration among the following persons—
 - (i) holders of petroleum licences;
 - (ii) operators under petroleum licences;

Energy Bill [Lords], continued

- (iii) owners of upstream petroleum infrastructure;
 - (iv) persons planning and carrying out the commissioning of upstream petroleum infrastructure;
 - (v) owners of offshore installations.””
-

Mr David Davis
Chris Heaton-Harris
Heidi Allen

NC13

☆ To move the following Clause—

“Establishment of Public Nuisance from Wind Farms Mandatory Liability Cover Scheme

- (1) The Secretary of State shall by regulations establish a scheme, to be known as the Wind Farm (Compulsory Financial Provision for Public Nuisance) Scheme, to require wind farm operators (“eligible entities”) to make provision for holding sufficient financial resources to meet potential liabilities arising from successful claims for public nuisance in respect of—
 - (a) noise pollution (including from amplitude modulation),
 - (b) light pollution,
 - (c) inadequate, incomplete or the absence of, decommissioning, or
 - (d) any other category of nuisance determined following consultation under NC14.
 - (2) The regulations under section 1 must provide that—
 - (a) eligible entities must monitor the noise emitted by wind farm stations and where amplitude modulation is found that affects inhabited dwellings, the station must be switched off until the amplitude modulation has dissipated. Any cost for monitoring noise should be borne by the station owner.
 - (b) Eligible entities must monitor the noise, turbine blade flicker and other forms of public nuisance caused by the generation station, and where it is found that they affect inhabited dwellings, the station must be switched off until nuisance has stopped. Any cost for monitoring nuisance should be borne by the station owner.”
-

Energy Bill [*Lords*], *continued*

Mr David Davis
Chris Heaton-Harris
Heidi Allen

NC14

☆ To move the following Clause—

“Consultation on Public Nuisance from Wind Farms Mandatory Liability Cover Scheme

- (1) The Secretary of State shall, before making regulations under NC13 conduct a public consultation to inform his determination of elements of the scheme, including but not limited to—
 - (a) the entities, or categories of entity, that must be required to meet the obligations of the scheme,
 - (b) the method by which sufficient financial resources required under NC13 are to be—
 - (i) calculated, and
 - (ii) uprated as necessary,
 - (c) the account to be taken, in determining the sufficiency of the level of required financial resources, of—
 - (i) the number,
 - (ii) proximity to occupied properties,
 - (iii) size, and
 - (iv) noise emission profile
 of wind turbines operated by any one entity,
 - (d) the extent to which the methods and instruments used to satisfy the obligations of the scheme should be specified in regulations,
 - (e) the period of time allowable under the scheme between its introduction and the obligation to have the required financial resources in place,
 - (f) the categories of public nuisance to be treated as being covered by the scheme; and
 - (g) the potential impact of the scheme on—
 - (i) the cost of electricity,
 - (ii) the level of public expenditure allocated to supporting wind turbine electricity generation; and
 - (iii) the achievement of relevant targets for the generation of electricity from renewable resources.
 - (2) The Secretary of State shall conduct and conclude the public consultation under this section within 12 months of this Act receiving Royal Assent.
 - (3) The Secretary of State shall lay before each House of Parliament a report of the public consultation under this section alongside any statement he thinks appropriate, within 3 months of the closing date of the consultation.”
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Energy Bill [*Lords*], *continued*

Mr David Davis
Chris Heaton-Harris
Heidi Allen

NC15

☆ To move the following Clause—

**“Introduction and review of the Public Nuisance from Wind Farms
Mandatory Liability Cover Scheme**

- (1) The Secretary of State shall introduce the scheme by the end of a period of 12 months following the laying of the report mentioned in section 3(3) before each House of Parliament.
- (2) The Secretary of State shall conduct a review of the scheme two years after its introduction and lay a report of the findings of the review before each House of Parliament.”

Mr David Davis
Chris Heaton-Harris
Heidi Allen

NC16

☆ To move the following Clause—

“Regulations relating to Public Nuisance from Wind Farms Scheme

- (1) Regulations made under NC13 shall be made by statutory instrument, and may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.
 - (2) The Secretary of State may by regulations—
 - (a) add entities or categories of entity to those entities subject to obligations under the scheme,
 - (b) add obligations to the scheme, or
 - (c) raise the appropriate level of financial resources required under NC13.
 - (3) The Secretary of State may by regulations—
 - (a) exempt entities or categories of entity from obligations, in whole or in part, under the scheme,
 - (b) abolish obligations, or elements thereof, in the scheme, or
 - (c) reduce the appropriate level of financial resources required under NC13.
 - (4) Regulations made under this clause, or including provisions falling under that Clause, shall be made by statutory instrument, and may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.”
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Energy Bill [*Lords*], *continued*

Secretary Amber Rudd

48

Clause 2, page 2, line 39, at end insert—

“() Schedule 1 to the Oil Taxation Act 1975,”

Member’s explanatory statement

This amendment adds functions under Schedule 1 to the Oil Taxation Act 1975 to the list of functions that can be transferred to the OGA under clause 2. It is likely to be used to transfer the function of determining oil fields under paragraph 1 of that Schedule.

Secretary Amber Rudd

49

Clause 2, page 2, line 41, at end insert—

“() Chapter 9 of Part 8 of the Corporation Tax Act 2010,”

Member’s explanatory statement

This amendment adds functions under Chapter 9 of Part 8 of the Corporation Tax Act 2010 to the list of functions that can be transferred to the OGA under clause 2. It is likely to be used to transfer the function of determining cluster areas under section 356JD of that Act.

Lisa Nandy
Dr Alan Whitehead
Barry Gardiner
Clive Lewis

47

Clause 8, page 6, line 10, at end insert—

“Hierarchy of matters relating to decommissioning

The need to consider the most advantageous use of North Sea infrastructure for the overall benefit of oil and gas extraction prior to the decommissioning of such sites”

Member’s explanatory statement

To require the OGA to have regard to the need to ensure most advantageous use of North Sea infrastructure for the overall benefit of oil and gas extraction prior to the decommissioning of such sites when exercising its functions.

Secretary Amber Rudd

51

Title, line 8, leave out from “power;” to “and” in line 10.

Member’s explanatory statement

This amendment is consequential on the removal of the provision about emission trading schemes from the Bill in Public Bill Committee.

Energy Bill [Lords], continued

ORDER OF THE HOUSE [18 JANUARY 2016]

That the following provisions shall apply to the Energy Bill [Lords]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 9 February 2016.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.
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ENERGY BILL [LORDS]: (PROGRAMME (NO. 2))

Secretary Amber Rudd

That the Order of 18 January 2016 (Energy Bill [Lords] (Programme)) be varied as follows:

1. Paragraphs (4) and (5) of the Order shall be omitted.
2. Proceedings on Consideration shall be taken in the order shown in the first column of the following Table.
3. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses relating to wind power; amendments to Part 5	Two hours after the commencement of proceedings on the motion for this order
New Clauses relating to carbon capture, emissions and decarbonisation; remaining new Clauses; remaining proceedings on Consideration	One hour before the moment of interruption

Energy Bill [*Lords*], *continued*

4. Proceedings in Legislative Grand Committee and proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption.
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