



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Monday 7 March 2016**

*New Amendments handed in are marked thus ★*

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

*Amendments tabled since the last publication: 48 - 50*

### CONSIDERATION OF BILL (REPORT STAGE)

### 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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 the order in which they relate to the Bill.**

#### *NEW CLAUSES*

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;

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**Energy Bill [Lords], continued**

- (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
  - (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.*

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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.*

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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—

**Energy Bill [Lords], continued**

- (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.*

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

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**Energy Bill [*Lords*], *continued***

- (b) collaboration among the following persons—
- (i) holders of petroleum licences;
  - (ii) operators under petroleum licences;
  - (iii) owners of upstream petroleum infrastructure;
  - (iv) persons planning and carrying out the commissioning of upstream petroleum infrastructure;
  - (v) owners of offshore installations.””
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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.””
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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, 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;

**Energy Bill [Lords], continued**

- (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;
- (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

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.””

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*

**Energy Bill [Lords], continued**

*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.*

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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.*

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Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

24

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

Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

25

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

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Mr Alistair Carmichael

22

Page 47, line 22, leave out Clause 80

Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

26

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

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Energy Bill [*Lords*], *continued*

Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

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

28

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

Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

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

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

31

Clause 80, page 48, line 6, leave out “31 March 2016” and insert “1 March 2017”

Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

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

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

34

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

Energy Bill [*Lords*], *continued*

Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

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

35

Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

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

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

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

Philip Boswell

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

4

Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

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

39



Energy Bill [*Lords*], *continued*

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—

“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”

5

Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

Clause 80, page 50, line 46, at end insert “, or  
(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.”

23

Philip Boswell

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.”

7

Energy Bill [*Lords*], *continued*

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
- (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.”

Energy Bill [*Lords*], *continued*

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.”

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

**Energy Bill [Lords], continued**

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 47, 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

40

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

Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

41

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

Philip Boswell

16

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”.

Philip Boswell

17

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”.

Philip Boswell

18

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

Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

42

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

Energy Bill [*Lords*], *continued*

Philip Boswell

19

Clause 80, page 52, leave out lines 27 to 29, and insert—

“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

20

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

Lisa Nandy  
Dr Alan Whitehead  
Barry Gardiner  
Clive Lewis

43

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

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 4, leave out subsection (a) and insert—

**Energy Bill [Lords], continued**

- “(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”

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## ORDER OF THE HOUSE [19 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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