
Report Stage: Monday 4 September 2023

Energy Bill [HL], As Amended (Amendment Paper)

This document lists all amendments tabled to the Energy Bill [HL]. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

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

Secretary Claire Coutinho

Gov NC52

To move the following Clause—

“Revenue certainty scheme for sustainable aviation fuel producers: consultation and report

- (1) The Secretary of State must carry out a public consultation on the options for designing and implementing a sustainable aviation fuel revenue certainty scheme.
- (2) A “sustainable aviation fuel revenue certainty scheme” is a scheme whose purpose is to give producers of sustainable aviation fuel greater certainty than they otherwise would have about the revenue that they will earn from sustainable aviation fuel that they produce.
- (3) The Secretary of State must open the consultation within the period of 6 months beginning with the day on which this Act is passed.
- (4) The Secretary of State must bring the consultation to the attention of, in particular, such of each of the following as the Secretary of State considers appropriate—
 - (a) producers of sustainable aviation fuel;
 - (b) suppliers of sustainable aviation fuel;
 - (c) airlines.
- (5) The Secretary of State must, within the period of 18 months beginning with the day on which this Act is passed, lay before Parliament a report on progress made towards the development of a sustainable aviation fuel revenue certainty scheme.

- (6) In this section, “sustainable aviation fuel” means aviation turbine fuel whose use (as compared with the use of other aviation turbine fuel) will, in the opinion of the Secretary of State, contribute to a reduction in emissions of greenhouse gases; and for this purpose—

“aviation turbine fuel” has the meaning given by article 3(1B) of the Renewable Transport Fuel Obligations Order 2007 (S.I. 2007/3072);

“greenhouse gas” has the meaning given by section 92(1) of the Climate Change Act 2008.”

Member's explanatory statement

This new clause, intended to be inserted after clause 156, requires the government to consult on options for setting up a revenue certainty scheme for sustainable aviation fuel producers, and to publish a report about progress towards developing such a scheme.

Secretary Claire Coutinho

Gov NC63

☆ To move the following Clause—

“Renewable liquid heating fuel obligations

- (1) The Secretary of State may by regulations subject off-grid heating fuel suppliers (or off-grid heating fuel suppliers of a particular description) to an obligation in respect of renewable liquid heating fuel that corresponds to or is similar to the obligation mentioned in section 124(2) of the Energy Act 2004 (renewable transport fuel obligation).
- (2) The regulations may, for any purpose connected with that obligation, make provision corresponding to or similar to any provision made by, or that may be made under, Chapter 5 of Part 2 of the Energy Act 2004 (powers etc relating to renewable transport fuel obligation).
- (3) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) Regulations under this section are subject to the affirmative procedure.
- (5) In this section—

“off-grid heating fuel supplier” means a person who, in the course of business, supplies any—

- (a) renewable liquid heating fuel,
- (b) fossil fuel, or
- (c) other fuel, apart from solid fuel,

at or for delivery to places in Great Britain with a view to its being used wholly or mainly for the purpose of heating buildings to which there is no mains gas supply;

“renewable liquid heating fuel” means fuel that is typically supplied or stored in a liquid state and that is—

- (a) biofuel or blended biofuel, or
- (b) fuel (other than fossil fuel or nuclear fuel) produced—
 - (i) wholly by energy from a renewable source, or

(ii) wholly by a process powered wholly by such energy; and “biofuel”, “blended biofuel”, “fossil fuel” and “renewable source” have the meanings given in section 132 of the Energy Act 2004.”

Member's explanatory statement

This new clause, intended to be inserted after clause 156, allows for the imposition of an obligation on off-gas-grid heating fuel suppliers that corresponds to the “renewable transport fuel obligation” provided for in Chapter 5 of Part 2 of the Energy Act 2004.

Secretary Claire Coutinho

Gov NC64

☆ To move the following Clause—

“Regulations under section 92(1): procedure with devolved authorities

- (1) Before making regulations under section 92(1) that contain provision within devolved competence, the Secretary of State must give notice to each relevant devolved authority—
 - (a) stating that the Secretary of State proposes to make regulations under section 92(1), and
 - (b) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to the provision within the relevant devolved competence, and must consider any representations duly made and not withdrawn.
- (2) In this section, “relevant devolved authority”, in relation to regulations, means—
 - (a) the Scottish Ministers, if the regulations contain provision within Scottish devolved competence;
 - (b) the Welsh Ministers, if the regulations contain provision within Welsh devolved competence;
 - (c) the Department for the Economy in Northern Ireland, if the regulations contain provision within Northern Ireland devolved competence;
 and “the relevant devolved competence”, in relation to a relevant devolved authority, is to be construed accordingly.
- (3) For the purposes of this section, provision—
 - (a) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (b) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
 - (c) is within Northern Ireland devolved competence if it—
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and

(ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998, and references to provision being within devolved competence are to provision that is within Scottish, Welsh or Northern Ireland devolved competence.”

Member's explanatory statement

This new clause, intended for insertion after clause 93, requires the relevant devolved authorities to be consulted where regulations under clause 92(1) contain provision that is within devolved competence.

Secretary Claire Coutinho

Gov NC65

☆ To move the following Clause—

“Regulations made by Secretary of State: consultation with devolved authorities

- (1) This section applies where—
 - (a) the Secretary of State proposes to make regulations under section 216 by virtue of any of Parts 3, 4, 5, 7, 8, 10, 11 and 12 of Schedule 18, and
 - (b) the regulations contain—
 - (i) in the case of regulations made by virtue of Part 3, 4, 7, 8, 10, 11 or 12 of Schedule 18, provision within Scottish devolved competence;
 - (ii) in the case of regulations made by virtue of Part 5 of Schedule 18, provision within Welsh devolved competence.
- (2) Before making the regulations, the Secretary of State must give notice—
 - (a) stating that the Secretary of State proposes to make the regulations,
 - (b) setting out or describing—
 - (i) so far as the regulations are made as mentioned in subsection (1)(b)(i), the provision within Scottish devolved competence,
 - (ii) so far as the regulations are made as mentioned in subsection (1)(b)(ii), the provision within Welsh devolved competence, and
 - (c) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to those provisions,

and must consider any representations duly made and not withdrawn.
- (3) A notice under subsection (2) must be given to each relevant devolved authority, that is to say—
 - (a) the Scottish Ministers, if the regulations are made as mentioned in subsection (1)(b)(i) and contain provision within Scottish devolved competence;
 - (b) the Welsh Ministers, if the regulations are made as mentioned in subsection (1)(b)(ii) and contain provision within Welsh devolved competence.

- (4) The Secretary of State need not wait until the end of the period specified under subsection (2)(c) before making regulations if, before the end of that period, each relevant devolved authority to which the notice was given has confirmed that it has made any representations it intends to make with respect to the provision referred to in subsection (2)(b)(i) or (ii) (as the case may be).
- (5) The Secretary of State must, if requested to do so by a relevant devolved authority, give the authority a statement setting out whether and how representations made by the authority with respect to the provision referred to in subsection (2)(b)(i) or (ii) (as the case may be) have been taken into account in the regulations.
- (6) For the purposes of this section, provision—
 - (a) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (b) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006)."

Member's explanatory statement

This new clause, to be inserted after clause 216, requires the Secretary of State to carry out a consultation process with the Scottish Ministers and the Welsh Ministers so far as regulations under clause 216 make provision within Scottish or Welsh legislative competence.

Secretary Claire Coutinho

Gov NC66

☆ To move the following Clause—

"Regulations under section 292 and 293: procedure with devolved authorities

Regulations under section 292

- (1) Before making regulations under section 292 that contain provision within devolved competence, the Secretary of State must give notice to each relevant devolved authority—
 - (a) stating that the Secretary of State proposes to make regulations under that section,
 - (b) setting out or describing the provision that is within the relevant devolved competence, and
 - (c) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to that provision,
 and must consider any representations duly made and not withdrawn.
- (2) The Secretary of State need not wait until the end of the period specified under subsection (2)(c) before making regulations if, before the end of that period, each relevant devolved authority to which the notice was given has

confirmed that it has made any representations it intends to make with respect to the provision referred to in subsection (2)(b).

- (3) The Secretary of State must, if requested to do so by a relevant devolved authority, give the authority a statement setting out whether and how representations made by the authority with respect to the provision referred to in subsection (2)(b) have been taken into account in the regulations.
- (4) In subsections (1) to (3), “relevant devolved authority”, in relation to regulations, means—
 - (a) the Scottish Ministers, if the regulations contain provision within Scottish devolved competence;
 - (b) the Welsh Ministers, if the regulations contain provision within Welsh devolved competence;
 - (c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, if the regulations contain provision within Northern Ireland devolved competence;

and “the relevant devolved competence”, in relation to a relevant devolved authority, is to be construed accordingly.

Regulations under section 293

- (5) The Secretary of State may not make regulations under section 293 containing provision within Scottish devolved competence unless the Scottish Ministers have consented to that provision.
- (6) The Secretary of State may not make regulations under section 293 containing provision within Welsh devolved competence unless the Welsh Ministers have consented to that provision.

Devolved competence

- (7) For the purposes of this section, provision—
 - (a) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (b) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
 - (c) is within Northern Ireland devolved competence if it—
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998;

and references to provision being within devolved competence are to provision that is within Scottish, Welsh or Northern Ireland devolved competence.”

Member's explanatory statement

This new clause, intended for insertion after clause 293, is about cases where regulations under clause 292 or 293 contain provision within devolved competence. For clause 292 regulations, it requires the relevant devolved authorities to be consulted. For clause 293 regulations, it requires the Scottish or Welsh Ministers' consent.

Jamie Stone**NC1**

Wera Hobhouse
Wendy Chamberlain
Tim Farron
Christine Jardine
Sarah Green
Kate Osamor

To move the following Clause—

“Community benefits relating to onshore wind farms

- (1) Within six months of the date on which this Act is passed, the Secretary of State must prepare and lay before Parliament a report setting out proposals for ensuring that local communities benefit from onshore wind farms.
- (2) The report under subsection (1) must set out, but is not limited to, proposals for—
 - (a) 5% of the gross revenue of new wind farm, solar, hydro and other renewable developments generating over 1MW to be paid into community benefit funds;
 - (b) widening the distance of communities around new renewable developments which receive shares of community benefit funds, with the aim of limiting the wealth disparity amongst rural communities; and
 - (c) ensuring that communities surrounding wind farms have a statutory right to benefit from local renewable energy development.”

Chris Skidmore**NC2**

Wera Hobhouse
Caroline Lucas
Clive Lewis
Hywel Williams
Ben Lake

Alan Brown

Liz Saville Roberts

Olivia Blake

To move the following Clause—

“Prohibition of new coal mines

- (1) Within six months of the day on which this Act is passed, the Secretary of State must by regulations prohibit the opening of new coal mines and the licensing of new coal mines by the Coal Authority or its successors.

- (2) Regulations under this section are subject to the affirmative procedure.”

Chris Skidmore

NC3

To move the following Clause—

“Prohibition of energy production from coal

- (1) The Secretary of State must by regulations provide for the UK to cease energy production from coal from 1 January 2025.
- (2) Regulations under this section may amend primary legislation (including this Act).”

Chris Skidmore

NC4

Caroline Lucas
Alan Brown

To move the following Clause—

“Flaring and venting

- (1) The Energy Act 1976 is amended as follows.
- (2) In section 12, after subsection (5), insert—
- “(6) The Secretary of State may not grant consent under this section after 1 January 2025; and any consent granted under this section ceases to have effect from 1 January 2025.
- (7) Paragraph (3)(a) of this section ceases to have effect from 1 January 2025.”
- (3) In section 12A, after subsection (5), insert—
- “(6) The OGA may not grant consent under this section after 1 January 2025; and any consent granted under this section ceases to have effect from 1 January 2025.””

Member's explanatory statement

This new clause is intended to ban flaring and venting of natural gas after 1 January 2025.

Chris Skidmore

NC5

To move the following Clause—

“Date of cessation of issuing of oil and gas exploration and production licences

- (1) Within three months of the day on which this Act is passed, the Secretary of State must establish an independent body to advise on the date after which no new licences for oil and gas exploration and production should be issued.

- (2) The body must make its recommendation to the Secretary of State not later than three months after the day on which it is established.
- (3) Not less than three months after the date on which the Secretary of State receives the body's recommendation, the Secretary of State must present to Parliament legislative proposals to give effect to the recommendation."

Chris Skidmore

NC6

To move the following Clause—

"Net zero power supply

- (1) It is the duty of the Secretary of State to ensure that the aggregate amount of net emissions of carbon dioxide and net emissions of each of the other targeted greenhouse gases associated with the supply of power in the UK in 2035 is zero.
- (2) The Secretary of State must by regulations provide for the means of calculation of net emissions of carbon dioxide and of each of the other targeted greenhouse gases for the purposes of subsection (1).
- (3) The means of calculation provided for in regulations under subsection (2) must be consistent with the means of calculation of the net UK carbon account for the purposes of section 1 of the Climate Change Act 2008.
- (4) For the purposes of this section a "targeted greenhouse gas" has the same meaning as given in section 24 of the Climate Change Act 2008."

Member's explanatory statement

This new clause is intended to provide for the UK's power supply to be net zero by 2035.

Chris Skidmore

NC7

Caroline Lucas
Claire Hanna
Mick Whitley
Alan Brown
Nadia Whittome

Olivia Blake

Selaine Saxby

To move the following Clause—

"Energy Charter Treaty

Within six months of the day on which this Act is passed, the Secretary of State must initiate procedures for the United Kingdom to withdraw from the Energy Charter Treaty."

Chris Skidmore

NC8

Caroline Lucas

To move the following Clause—

“Community and Smaller-scale Electricity Export Guarantee Scheme

- (1) Within six months of the passing of this Act, the Secretary of State must by regulations require licensed energy suppliers with more than 150,000 customers (“eligible licensed suppliers”) to purchase electricity exports from sites including those operated by community groups, that generate low carbon electricity with a capacity below 5MW.
- (2) Fossil fuelled local power plants with a capacity of less than 5MW are not eligible for participation in the Community and Smaller-scale Electricity Export Guarantee Scheme, with the exception of a local combined heat and power plant that generates electricity ancillary to its purpose of providing heat for local heat networks.
- (3) “Fossil fuel” has the meaning given in section 104(4).
- (4) Licensed energy suppliers with fewer than 150,000 customers may also purchase electricity exports from the sites defined above provided that they do so on the terms set out by the regulations.
- (5) The regulations must require that eligible licensed suppliers—
 - (a) offer to those sites a minimum export price set annually by the Gas and Electricity Markets Authority (“GEMA”),
 - (b) offer to those sites a minimum contract period of five years, and
 - (c) allow the exporting site to end the contract after no more than one year.
- (6) Within six months of the passing of this Act, GEMA must—
 - (a) set an annual minimum export price for those sites that has regard to current wholesale energy prices and inflation in energy prices and the wider economy,
 - (b) introduce a registration system for exporting sites meeting the requirements set out in subsection (1) and wanting to access these export purchases,
 - (c) define specifications for the smart export meters required by such sites,
 - (d) define “low carbon electricity” in such a way that it includes renewable generation technology and may include other technology with extremely low carbon dioxide emissions,
 - (e) define requirements for an exporting site generating low carbon electricity with a capacity of less than 5MW to be registered as a Community or Smaller-scale Energy site, and maintain a register of such sites.
- (7) To access the export purchase agreements defined in this section exporters must—
 - (a) register their site with GEMA,
 - (b) install a smart export meter that meets specifications defined by GEMA, and
 - (c) notify GEMA if their ownership structure meets the definition of a Community or Smaller-scale Energy site.

- (8) All licensed suppliers providing such purchase agreements must report annually to GEMA—
 - (a) the number and capacity of Community or Smaller-scale Energy sites that have been offered contracts to purchase electricity and the number of these that agreed those contracts,
 - (b) the total amount of electricity purchased under these agreements, and
 - (c) the price paid for that electricity.
- (9) OFGEM must make and publish a report annually on the operation of the export purchase agreements, setting out—
 - (a) the number of Community or Smaller-scale Energy sites contracted with licensed energy suppliers under this section and the total amount of electricity purchased,
 - (b) the licensed suppliers contracting with Community or Smaller-scale Energy sites and the amount of electricity each has purchased,
 - (c) an assessment of how the mechanism is performing and the contribution it is making to delivering secure and low carbon electricity supplies, and
 - (d) recommendations on how the mechanism could be improved.
- (10) Regulations under this section are subject to the affirmative procedure.”

Chris Skidmore

NC9

Caroline Lucas

To move the following Clause—

“Community and Smaller-scale Electricity Supplier Services Scheme

- (1) Within six months of the passing of this Act, the Secretary of State must by regulations require licensed energy suppliers with more than 150,000 customers (“eligible licensed suppliers”) to offer a Community and Smaller-scale Electricity Supplier Service agreement to any registered Community or Smaller-scale Energy site under section (Community and Smaller-scale Electricity Export Guarantee Scheme) for the purposes of allowing that site to sell electricity to local consumers.
- (2) The Community and Smaller-scale Electricity Supplier Service agreement will require licensed suppliers to make a community or smaller-scale energy tariff available to consumers local to the exporting site that has regard to the export price paid or that would be paid to that site under section (Community and Smaller-scale Electricity Export Guarantee Scheme).
- (3) The eligible licensed supplier may limit the total number of consumers the community or smaller-scale energy tariff is available to such that the total annual energy sold under the tariff is broadly equivalent to the total annual energy generated by the site.
- (4) The eligible licensed supplier will be the registrant for the meters of any local consumer purchasing energy under the community or smaller-scale energy tariff.

- (5) The eligible licensed supplier may charge a reasonable fee for the provision of services under this section provided that it has regard to distribution, licensing and regulatory costs and any guidance provided by GEMA.
- (6) The eligible licensed supplier must return any money raised through the sale of energy under a tariff set up under this section to the Community or Smaller-scale Energy site, save for the fee allowed under subsection (5).
- (7) Eligible licensed suppliers must report annually to GEMA on—
 - (a) the number and capacity of community energy groups or smaller-scale sites offered Community and Smaller-scale Electricity Supplier Service agreements and the number who have contracted to use them,
 - (b) the total amount of electricity purchased under these agreements, and
 - (c) the tariffs for each agreement.
- (8) GEMA must—
 - (a) produce guidance on the level of community or smaller-scale energy tariffs and on the reasonable charges that eligible suppliers may charge for Community and Smaller-scale Electricity Supplier Service Agreements,
 - (b) make and publish a report annually on the operation of the export purchase agreements, setting out—
 - (i) the number of community energy projects or smaller-scale sites contracted with licensed energy suppliers under this section and the total amount of electricity purchased,
 - (ii) the licensed suppliers contracting with community energy groups or smaller-scale sites and the amount of electricity each has purchased,
 - (iii) an assessment of how the mechanism is performing and the contribution it is making to delivering secure and low carbon electricity supplies, and
 - (iv) recommendations for how Community and Smaller-scale Electricity Supplier Service agreements could be improved.
- (9) Regulations under this section are subject to the affirmative procedure.”

Wera Hobhouse

NC11

Ben Lake
Liz Saville Roberts
Hywel Williams

To move the following Clause—

“Enhancing rewards for solar panels

Within six months of the day on which this Act is passed, the Secretary of State must prepare and lay before Parliament a report on enhancing the reward under the Smart Export Guarantee for customers who install solar panels.”

Member's explanatory statement

This new clause seeks to enhance the reward under the Smart Export Guarantee for energy customers who install solar panels.

Wera Hobhouse**NC12**

Wendy Chamberlain
Olivia Blake
Tim Farron
Layla Moran
Sarah Olney

Stephen Farry
Daisy Cooper
Marion Fellows
Helen Morgan
Liz Saville Roberts
Claudia Webbe
Caroline Lucas

Christine Jardine
Sarah Champion
Sarah Green
Nadia Whittome
Hywel Williams
Jeremy Corbyn

Chris Skidmore
Alan Brown
Munira Wilson
Ben Lake
Claire Hanna
Mick Whitley

To move the following Clause—

“Prohibition on flaring and venting and enhanced measures to reduce fugitive methane emissions

- (1) The Secretary of State must by regulations—
 - (a) prohibit the practice of flaring and venting by oil and gas installations other than in an emergency within the jurisdiction of the United Kingdom,
 - (b) require monthly leak detection and repair inspections to reduce fugitive methane emissions,
 - (c) require a measurement, reporting and verification process to quantify methane emissions, and
 - (d) require the upgrade of all equipment to alternative zero- or low-emission and low-maintenance equipment, such as electric, mechanical, or compressed air equipment.
- (2) In this section—

“flaring” means the burning of methane gas and other hydrocarbons produced during oil and gas extraction;

“venting” means the release of methane gas and other hydrocarbons directly into the atmosphere, without combustion.
- (3) Regulations under this section must be made so as to come into force by 31 December 2025.”

Member's explanatory statement

This new clause would prohibit “flaring” and “venting”.

Wera Hobhouse

NC13

Ben Lake
Liz Saville Roberts
Hywel Williams

To move the following Clause—

“Introduction of a social tariff for vulnerable energy customers

- (1) Within six months of the day on which this Act is passed, the Secretary of State must prepare and lay before Parliament a plan to bring forward a social tariff for vulnerable energy customers.
- (2) The plan under subsection (1) must set out ways in which the social tariff for energy would satisfy the following conditions—
 - (a) it is additional to the Warm Home Discount and Default tariff price Cap,
 - (b) it is mandatory for all licensed electricity and gas suppliers,
 - (c) it is targeted at households that are in or at risk of fuel poverty,
 - (d) it is set at a level that is below the market price, and
 - (e) it automatically enrolls eligible households onto the tariff.”

Member's explanatory statement

This new clause will require the Secretary of State to bring forward a plan to introduce a social tariff for energy.

Wera Hobhouse

NC14

Ben Lake
Liz Saville Roberts
Hywel Williams
Claire Hanna

To move the following Clause—

“Smart meter roll-out for prepayment customers

- (1) The Secretary of State must ensure that all legacy prepayment meters are replaced with smart meters before the end of 2025.
- (2) Within three months of the day on which this Act is passed, the Secretary of State must prepare a plan to end self-disconnections by the end of 2026.
- (3) Such a plan may include but is not limited to—
 - (a) the introduction of a social tariff for prepayment customers,
 - (b) the introduction of mechanisms to apply credit automatically if a prepayment customer runs out of credit,
 - (c) the introduction of a mechanism to transfer a prepayment customer to credit mode automatically if they run out of credit.”

Member's explanatory statement

This new clause places duties on the Secretary of State to ensure prepayment metered customers are prioritised in the smart meter rollout, and to create a plan to stop self-disconnections before the end of 2026.

Wera Hobhouse

NC15

Ben Lake
Liz Saville Roberts
Hywel Williams

To move the following Clause—

“Restriction of the use of prepayment meters

- (1) Within 90 days of the day on which this Act is passed the Secretary of State must make regulations prohibiting energy suppliers from authorising or undertaking the installation of new prepayment meters for domestic energy use unless the condition in subsection (2) is met.
- (2) The condition is that the energy supplier has received an explicit request from the consumer for the installation of a prepayment meter.
- (3) In this section “installation of new prepayment meters” includes switching existing energy meters to a prepayment mode.
- (4) The Secretary of State may make subsequent regulations that amend or repeal regulations made under this section.
- (5) Regulations under this section are subject to the affirmative procedure.”

Member's explanatory statement

This new clause would require the Secretary of State to prohibit the installation of new prepayment meters unless consumers explicitly request them.

Wera Hobhouse

NC16

Ben Lake
Liz Saville Roberts
Hywel Williams
Chris Skidmore

To move the following Clause—

“National Warmer Homes and Businesses Action Plan

- (1) The Secretary of State must, before the end of the period of 6 months beginning with the day on which this Act is passed, publish an action plan entitled the Warmer Homes and Businesses Action Plan, to set out proposals for delivery of—
 - (a) a low-carbon heat target, of 100% of installations of relevant heating appliances and connections to relevant heat networks by 2035,

- (b) an Energy Performance Certificate at band C by 2035 in all UK homes where practical, cost effective and affordable, and
 - (c) an Energy Performance Certificate at band B by 2028 in all non-domestic properties, and
 - (d) the Future Homes Standard for all new builds in England by 2025.
- (2) The Secretary of State must, in developing the Warmer Homes and Businesses Action Plan, consult the Climate Change Committee and its sub-committee on adaptation.”

Member's explanatory statement

This new clause imposes a duty on the Secretary of State to bring forward a plan with time-bound proposals for low carbon heat, energy efficient homes and non-domestic properties and higher standards on new homes.

Wera Hobhouse

NC17

Ben Lake
Liz Saville Roberts
Hywel Williams
Claire Hanna

To move the following Clause—

“Plan for vulnerable consumers

- (1) Within three months of the day on which this Act is passed, the Secretary of State must prepare and lay before Parliament a plan addressing the needs of vulnerable consumers and consumers from low-income households in relation to the cost of energy.
- (2) The plan under subsection (1) may include, but is not limited to—
 - (a) the extension of the energy price cap on heating oil,
 - (b) the extension of the warm homes discount,
 - (c) the increase of winter fuel payments,
 - (d) preventing electricity suppliers from recovering the costs of paying a revenue collection counterparty under the Nuclear Energy (Financing) Act 2022 from customers claiming Universal Credit or other legacy benefits,
 - (e) requirements for energy suppliers to offer social energy tariffs to households experiencing fuel poverty, and
 - (f) any other measures the Secretary of State believes are appropriate.”

Member's explanatory statement

This new clause would require the Secretary of State to develop a plan to protect vulnerable customers from the rising cost of energy.

Wera Hobhouse

NC18

Caroline Lucas

To move the following Clause—

“Energy performance regulations relating to existing premises

- (1) Within six months of the day on which this Act is passed, the Secretary of State must make regulations—
 - (a) to amend the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (S.I. 2015/962) to require that, subject to subsection (2), all tenancies have an Energy Performance Certificate (EPC) of at least Band C by 31 December 2028; and
 - (b) to amend the Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019 (S.I. 2019/595) to raise the cost cap to £10,000.
- (2) Regulations under subsection (1) must provide for exemptions to apply where—
 - (a) the occupier of any premises whose permission is needed to carry out works refuses to give such permission;
 - (b) it is not technically feasible to improve the energy performance of the premises to the level of EPC Band C; or
 - (c) another exemption specified in the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 has been registered in the Private Rented Sector (PRS) Exemptions Register.
- (3) Within six months of the passage of this Act the Secretary of State must make regulations—
 - (a) to amend the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 to enable local authorities to give notice to landlords that they wish to inspect a property in relation to those Regulations, requesting permissions from landlords and any tenants in situ at the time to carry out an inspection at an agreed time;
 - (b) to expand the scope of the current PRS Exemptions Register and redesign it as a database covering properties' compliance with or exemptions from EPCs;
 - (c) to require a post-improvement EPC to be undertaken to demonstrate compliance;
 - (d) to require a valid EPC be in place at all times while a property is let; and
 - (e) to raise the maximum total of financial penalties to be imposed by a local authority on a landlord of a domestic private rented sector property in relation to the same breach and for the same property to £30,000 per property and per breach of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.
- (4) The Secretary of State may make regulations—
 - (a) to enable tenants in the private rented sector to request that energy performance improvements are carried out where a property is in breach of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015; and
 - (b) to make provision for a compensation mechanism where a tenant is paying higher energy bills as a result of a property not meeting the required standard.

(5) Regulations under this section are subject to the affirmative procedure.”

Member's explanatory statement

This new clause seeks to improve the energy efficiency of private rental properties for tenants and gives powers to local authorities to conduct assessments of the energy efficiency of private rental properties and increase financial penalties for breaches of energy efficiency standards.

Wera Hobhouse

NC19

Ben Lake
Liz Saville Roberts
Hywel Williams

To move the following Clause—

“Decarbonisation of capacity market

Within six months of the day on which this Act is passed the Secretary of State must introduce measures to reduce the carbon intensity of power supplied by the capacity market by prioritising—

- (a) demand side management,
- (b) the supply of renewable energy, and
- (c) electricity storage and other non-carbon-based energy storage systems.”

Member's explanatory statement

This new clause is a probing amendment to explore the potential of decarbonising the capacity market.

Wera Hobhouse

NC20

Ben Lake
Liz Saville Roberts
Hywel Williams
Claire Hanna

To move the following Clause—

“Onshore wind and solar power

- (1) Within six months of the day on which this Act is passed, the Secretary of State must prepare and lay before Parliament a plan to significantly increase the proportion of the energy supply generated by onshore wind power in the United Kingdom.
- (2) The plan under subsection (1) must set out measures which may include but are not limited to—
 - (a) revising national planning guidance on onshore wind and solar to increase the number of onshore wind and solar installations,
 - (b) improving infrastructure to ensure access to grid connections for existing onshore wind and solar installations, and

- (c) increasing access to grants or subsidies to encourage new onshore wind and solar installations.
- (3) The Secretary of State must report annually to Parliament to provide an update on the progress in increasing onshore wind and solar power."

Member's explanatory statement

This new clause would require the Secretary of State to prepare a plan to significantly increase the proportion of the UK energy supply generated by onshore wind and solar power.

Wera Hobhouse

NC21

Ben Lake
Liz Saville Roberts
Hywel Williams

To move the following Clause—

"Value added tax on energy-saving materials

In Schedule 8, Part II, Group 23, note 1 of the Value Added Tax Act 1994 (meaning of "energy-saving materials"), at the end insert—

- "(1) batteries used solely for the purpose of storing electricity generated by solar panels."

Member's explanatory statement

This new clause includes batteries used solely to store energy generated by solar panels in the list of energy saving materials subject to a zero VAT rate.

Wera Hobhouse

NC22

To move the following Clause—

"Increasing grid capacity

Within three months of the day on which this Act is passed, the Secretary of State must prepare and lay before Parliament a plan to—

- (a) reduce access costs and time frames for grid connections,
- (b) reform the energy network to permit local energy grids, and
- (c) accelerate the development of an offshore wind energy grid in the North Sea."

Member's explanatory statement

This new clause seeks to require the Secretary of State to produce a plan to increase grid capacity.

Wera Hobhouse

NC23

Ben Lake
Liz Saville Roberts
Hywel Williams

To move the following Clause—

“Impact of insulation in homes on energy bills

The Secretary of State must, within six months of the day on which this Act is passed, prepare and lay before Parliament a report setting out—

- (a) an assessment of the average cost of energy bills if homes were properly insulated, and
- (b) the impact of improving all homes to the highest possible Energy Performance Contract rating on energy bills and greenhouse gas emissions.”

Member's explanatory statement

This new clause requires the Secretary of State to carry out an assessment of the average cost of energy bills if homes were insulated (a) properly and (b) to the highest possible Energy Performance Contract rating.

Wera Hobhouse

NC24

Ben Lake
Liz Saville Roberts
Hywel Williams

To move the following Clause—

“Government support for community energy

- (1) Within three months of the passage of this Act, the Secretary of State must publish and lay before Parliament a report setting out the financial, policy and other support that the Secretary of State plans to make available to widen the ownership of low carbon and renewable energy schemes and increase the number of such schemes owned, or part owned, by community organisations.
- (2) The report must set out—
 - (a) all policies, programmes or other initiatives with which the Secretary of State plans to support the development and construction of new low carbon community energy schemes;
 - (b) the level of financial support which will be made available for—
 - (i) the Rural Community Energy Fund,
 - (ii) the Urban Renewable Energy Fund, and
 - (iii) any other fund or support package designed to support the development of new low carbon community energy schemes;
 - (c) all policies, programmes or other initiatives the Secretary of State intends will increase community ownership of local low carbon energy schemes through shared ownership schemes;

- (d) the steps the Secretary of State is taking to develop new market rules to make it easier for low carbon community energy schemes to sell the energy they generate;
 - (e) the number and the capacity of the new community energy schemes the Secretary of State expects to be constructed as a result of the measures set out in the report.
- (3) Not less than twelve months after the publication of the report, and not later than the end of each subsequent period of twelve months, ending five years after the publication of the report, the Secretary of State must lay before Parliament and publish an assessment of the progress made by the policies, programmes and other initiatives set out in the report.
- (4) The assessment must set out—
- (a) the total amount of financial support provided by the policies in the report;
 - (b) the number and capacity of low carbon community energy schemes —
 - (i) completed, and
 - (ii) in development;
 - (c) the number and capacity of new shared ownership schemes;
 - (d) any changes the Secretary of State proposes to make to the policies, programmes and other initiatives included in the original report.”

Member's explanatory statement

This new clause would require the Government to report annually for 5 years on the support it is providing to Community Energy schemes and the number and capacity of such schemes that are delivered.

Wera Hobhouse

NC25

Caroline Lucas
 Ben Lake
 Liz Saville Roberts
 Hywel Williams
 Claire Hanna
 Mick Whitley

To move the following Clause—

“Investment protection agreements and climate change targets

Within six months of the day on which this Act is passed, the Secretary of State must—

- (a) initiate procedures for the United Kingdom to withdraw from the Energy Charter Treaty;
- (b) lay before Parliament a report setting out—
 - (i) the list of investment protection agreements to which the UK is a party which offer protections to the energy sector, and

- (ii) an assessment of the risks they pose to the Secretary of State fulfilling duties in this Act with regard to the achievement of targets set by the Climate Change Act 2008.”

Christine Jardine

NC26

Wera Hobhouse
Mr Rob Roberts
Ben Lake
Liz Saville Roberts
Hywel Williams

To move the following Clause—

“Prohibition on setting domestic energy prices according to region

Within six months of the day on which this Act is passed, the Secretary of State must by regulations prohibit energy companies from setting prices for domestic energy supply according to geographical region.”

Member's explanatory statement

This new clause would require the Government to bring forward legislation to end the regional pricing of domestic energy bills.

Helen Morgan

NC27

Wera Hobhouse
Ben Lake
Liz Saville Roberts
Hywel Williams

To move the following Clause—

“Report on extending price cap for off grid fuels

Within three months of the day on which this Act is passed, the Secretary of State must publish and lay before Parliament a report setting out the consequences of extending the price cap for off grid fuels.”

Member's explanatory statement

This new clause would require the Secretary of State to publish a report on extending the price cap for off grid fuels.

Helen Morgan

NC28

Wera Hobhouse
Caroline Lucas
Clive Lewis
Claire Hanna
Mick Whitley

To move the following Clause—

“Prohibition on hydraulic fracturing

- (1) Associated hydraulic fracturing is prohibited.
- (2) “Associated hydraulic fracturing” has the meaning given by section 4B of the Petroleum Act 1998.
- (3) The Secretary of State may by regulations make consequential provision in connection with this section.”

Member's explanatory statement

This new clause would introduce a permanent ban on fracking.

Caroline Lucas

NC29

Clive Lewis
Nadia Whittome
Claire Hanna
Stephen Farry
Ben Lake

Liz Saville Roberts
Olivia Blake

Hywel Williams

Mick Whitley

To move the following Clause—

“Prohibition of new oil and gas field developments and issuing of exploration and production licences

Within six months of the day on which this Act is passed, the Secretary of State must by regulations prohibit—

- (a) the approval of new oil and gas field developments, and
- (b) the release of new oil and gas exploration and production licences.”

Member's explanatory statement

This new clause would prohibit the approval of new oil and gas field developments and the issuing of new oil and gas exploration and production licenses.

Caroline Lucas

NC30

Chris Skidmore
Clive Lewis
Nadia Whittome
Claire Hanna
Stephen Farry

Ben Lake
Olivia Blake

Liz Saville Roberts

Hywel Williams

To move the following Clause—

“Duty to phase down UK petroleum

- (1) Within six months of the day on which this Act is passed, the Secretary of State must make regulations to amend section 9A of the Petroleum Act 1998.
- (2) Regulations under subsection (1) must—
 - (a) remove the “principal objective” of maximising the economic recovery of UK petroleum;
 - (b) define a new “principal objective”.
- (3) The new “principal objective” referred to in paragraph (2)(b) must provide for—
 - (a) delivery of a managed and orderly phase down of UK petroleum;
 - (b) advancement of the UK’s climate change commitments, including—
 - (i) the target for 2050 set out in section 1 of the Climate Change Act 2008, and
 - (ii) the commitment given by the Government of the United Kingdom in the Glasgow Climate Pact to pursue policies to limit global warming to 1.5 degrees Celsius;
 - (c) facilitation of a just transition for oil and gas workers and communities.
- (4) Before making regulations under subsection (1) the Secretary of State must hold a public consultation which must include consultation with—
 - (a) the devolved administrations,
 - (b) relevant trade union and worker representatives,
 - (c) oil and gas workers and communities,
 - (d) relevant representatives from academia,
 - (e) relevant climate and environmental organisations and representatives,
 - (f) relevant industry representatives of petroleum and renewable energy businesses supporting the transition away from fossil fuels, and
 - (g) offshore energy training bodies.
- (5) Relevant climate and environmental organisations and representatives under subsection (4(e)) must include the Climate Change Committee.”

Member's explanatory statement

This new clause would amend the Petroleum Act 1998 to remove the principal objective of maximising the economic recovery of UK petroleum and replace it with a new principal objective to deliver a managed and orderly phase down of UK petroleum, advance the UK’s climate targets, and support a just transition for oil and gas workers.

Caroline Lucas

NC31

Chris Skidmore
Wera Hobhouse
Daisy Cooper
Nadia Whittome
Claire Hanna

Stephen Farry

Mick Whitley

To move the following Clause—

“Requiring installation of solar panels on all new homes

- (1) Within six months of the day on which this Act is passed, the Secretary of State must by regulations require—
 - (a) the installation of solar panels on the roofs of all new homes; and
 - (b) that new housing developments are planned in order to maximise solar gain.
- (2) Regulations under subsection (1) may provide for exemptions in cases where the installation of solar panels on the roof of a new home is not appropriate.”

Member's explanatory statement

This new clause would mandate the installation of solar panels on the roofs of all new homes and require new housing developments to be planned in order to maximise solar gain.

Caroline Lucas

NC32

Chris Skidmore
Nadia Whittome
Claire Hanna
Stephen Farry
Ben Lake

Liz Saville Roberts

Hywel Williams

To move the following Clause—

“Capacity market

- (1) The Secretary of State must exercise the power in section 27 of the Energy Act 2013 to ensure that the capacity adequacy procured through the capacity market has a rising share of zero carbon flexible and dispatchable power that is consistent with achieving a zero carbon power system by 2035.
- (2) The Secretary of State must ensure that all new multi-year capacity market contracts awarded to unabated fossil fuel capacity market units should have a contract end date no later than 31 December 2034.
- (3) In exercising functions under this section, the Secretary of State must have regard to the desirability of maintaining security of supply.
- (4) Draft regulations under subsection (1) must be laid before Parliament within six months of the day on which this Act is passed.”

Member's explanatory statement

This new clause probes the potential of decarbonising the capacity market.

Caroline Lucas

NC33

Clive Lewis
Nadia Whittome
Beth Winter
Zarah Sultana
Stephen Farry

Rachael Maskell
Jonathan Edwards
Olivia Blake

Wera Hobhouse
Claire Hanna

Martyn Day
Dr Philippa Whitford

To move the following Clause—

“Energy Demand Reduction Delivery Plan

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, prepare and publish an Energy Demand Reduction Delivery Plan.
- (2) In preparing the Energy Demand Reduction Delivery Plan under subsection (1), the Secretary of State must consult the Climate Change Committee.
- (3) The Energy Demand Reduction Delivery Plan under subsection (1) must include but is not limited to—
 - (a) a quantitative assessment on the role of energy demand reduction in meeting the United Kingdom's carbon budgets and the 2050 net zero target;
 - (b) energy demand reduction targets for—
 - (i) aviation
 - (ii) surface transport,
 - (iii) shipping,
 - (iv) manufacturing and construction,
 - (v) buildings, and
 - (vi) agriculture,
 in line with the UK's carbon budgets and the 2050 net zero target; and
- (4) an assessment of the role in achieving those targets of—
 - (a) energy efficiency improvements and technologies, and
 - (b) avoiding unnecessary energy use through infrastructure and behaviour change
- (5) The Climate Change Committee must evaluate, monitor and report annually on the implementation of the Energy Demand Reduction Delivery Plan.”

Member's explanatory statement

This new clause would introduce a requirement to produce an Energy Demand Reduction Delivery Plan quantifying sectoral energy demand reduction targets and assessing how these can be achieved, and to review progress towards achieving them.

Chris Grayling

NC34

Robert Courts
 Paul Maynard
 Sir Graham Brady
 Henry Smith
 Sarah Champion

Iain Stewart
 Mr David Jones
 Antony Higginbotham
 Andrea Leadsom
 Sir Robert Goodwill
 Christina Rees
 Dr Philippa Whitford
 Wendy Chamberlain
 Sir Charles Walker
 Sir Bill Wiggin
 Kelly Tolhurst
 Mrs Heather Wheeler
 Sir Oliver Heald
 Sir Greg Knight
 Craig Whittaker
 Richard Drax
 Andy Carter
 Mr William Wragg
 Sir Robert Syms
 Munira Wilson
 Mr Rob Roberts

Harriett Baldwin
 Sir Paul Beresford
 Andrew Percy
 Karl McCartney
 Kim Leadbeater
 Wera Hobhouse
 Andrew Selous
 Sir Bernard Jenkin
 Daniel Kawczynski
 Mr Laurence Robertson
 Sir Jacob Rees-Mogg
 Damian Green
 Mr John Baron
 Mrs Sheryll Murray
 Greg Smith
 Alun Cairns
 Mark Pawsey
 Steve Brine
 Sir Peter Bottomley
 Stephen Metcalfe
 Peter Aldous

Stephen Hammond
 Holly Mumby-Croft
 Ian Paisley
 Mr David Davis
 Gavin Newlands
 Christine Jardine
 Martin Vickers
 Sir John Hayes
 Sir Geoffrey Clifton-Brown
 Mr Jonathan Djanogly
 Mr Ian Liddell-Grainger
 Michael Fabricant
 Esther McVey
 Andrew Jones
 Shailesh Vara
 Mr Mark Francois
 John Stevenson
 Tracey Crouch
 Mr Ranil Jayawardena
 Lia Nici
 Alan Brown

To move the following Clause—

“Production of sustainable aviation fuel

- (1) The Secretary of State may by regulations introduce a price stability mechanism to incentivise the production of sustainable aviation fuel in the United Kingdom.
- (2) A draft of regulations made under subsection (1) must be laid before Parliament within twelve months of the passage of this Act.
- (3) A Minister must make a motion in each House of Parliament to approve the regulations laid before Parliament under subsection (2) within fifteen sitting days of the date on which they were laid.
- (4) If both Houses of Parliament approve the regulations, they must be made in the form in which they were laid before Parliament.
- (5) If either House of Parliament does not approve the regulations, the Secretary of State must lay a revised draft of the regulations before Parliament, and subsections (3) to (5) of this section apply to those regulations as they do to regulations laid under subsection (2).
- (6) For the purposes of this section—
 - “price stability mechanism” is a mechanism under which a producer may enter into a private law contract with a Government-backed counterparty for the purposes of receiving a guaranteed price for a product or service;
 - “sitting day” is—

- (a) in the case of the House of Commons, a day on which the House of Commons sits;
- (b) in the case of the House of Lords, a day on which the House of Lords sits.”

Nadia Whittome

NC35

Clive Lewis
Beth Winter
Zarah Sultana
Stephen Farry
Caroline Lucas

Rachael Maskell
Liz Saville Roberts
Martyn Day
Olivia Blake

Jonathan Edwards
Hywel Williams
Wera Hobhouse

Ben Lake
Claire Hanna
Mick Whitley

To move the following Clause—

“Energy decarbonisation for homes: local authority funding

- (1) The Secretary of State must, within six months of the date on which this Act is passed, carry out and publish an assessment of the benefits of providing long-term predictable funding to local authorities for the purpose of energy decarbonisation for homes in their local authority area.
- (2) The assessment under subsection (1) must include an assessment of the likely impact of decarbonisation funding on—
 - (a) energy demand,
 - (b) fuel poverty, and
 - (c) installations of low-carbon heating systems.”

Clive Lewis

NC36

Nadia Whittome
Beth Winter
Zarah Sultana
Stephen Farry
Rachael Maskell

Jonathan Edwards
Hywel Williams
Mick Whitley
Olivia Blake

Ben Lake
Claire Hanna
Martyn Day

Liz Saville Roberts
Dr Philippa Whitford
Claudia Webbe

To move the following Clause—

“Introduction of a National Energy Guarantee

- (1) Within six months of the date on which this Act is passed, the Secretary of State must prepare and lay before Parliament a plan to replace the existing energy price guarantee with a National Energy Guarantee in the form of a rising block tariff including a free or low-cost energy allowance to cover essential needs.

- (2) When preparing the plan under subsection (1) the Secretary of State must consult independent bodies working on fuel poverty before determining the pricing of the allowance and the threshold above which the higher tariff should apply.
- (3) Once the plan under subsection (1) has been laid before Parliament, the Secretary of State may by notice in writing require the regulator to introduce a rising block tariff, provided it satisfies the following conditions—
- (a) that an allocation of energy set at no less than 50% of a defined minimum essential level is provided free of charge to all households;
 - (b) that the tariff incentivises energy-saving measures, particularly among higher income households;
 - (c) that households not connected to a mains gas supply will be given an increased electricity allowance, such that they are not disadvantaged;
 - (d) that the tariff is accompanied by additional allowances for disabled people and others who require high levels of energy usage to fulfil their essential needs; and
 - (e) that the tariff does not undermine the ability of energy suppliers to offer innovative tariffs through higher energy bands.”

Member's explanatory statement

This new clause would introduce a National Energy Guarantee in the form of a rising block tariff: an allowance for low-cost energy to cover essential needs, with a premium tariff to incentivise energy saving measures in households with high energy use, and additional allowances for those with unavoidably high energy needs.

Dame Maria Miller

NC37

Greg Smith
Ian Lavery
Alex Davies-Jones
Mr John Baron
Ian Byrne

Mr David Davis
Sir Gavin Williamson
Dr Dan Poulter
Mr Richard Bacon
Matt Hancock
Dame Andrea Jenkyns
Mr Ranil Jayawardena
Mr Rob Roberts

Valerie Vaz
Alicia Kearns
Dame Caroline Dinenage
Siobhan Baillie
Sir William Cash
Philip Davies
Mrs Flick Drummond
Andrea Leadsom

Craig Mackinlay
John Howell
Darren Jones
Alex Cunningham
Stephen Metcalfe
Peter Dowd
Hilary Benn

To move the following Clause—

“Industrial lithium-ion battery storage facilities

- (1) Within 12 months of the date on which this Act is passed, the Secretary of State must make regulations about the building of industrial lithium-ion battery storage facilities.
- (2) Regulations under subsection (1) must include—

- (a) a requirement for a relevant environmental permit to be issued by the Environment Agency, and
- (b) a requirement for the relevant fire authority to be a statutory consultee in all planning applications for such facilities.”

Member's explanatory statement

This new clause would require the Secretary of State to make regulations for the building of industrial lithium-ion storage facilities which must include requiring an Environmental Permit from the Environment Agency and for the Fire Authority to be a statutory consultee in planning applications.

Alan Brown

NC39

Stephen Flynn
Brendan O'Hara
Ben Lake
Liz Saville Roberts
Hywel Williams

To move the following Clause—

“Duties of the Gas and Electricity Markets Authority in respect of off-grid fuels

- (1) Within three months of the passage of this Act, the Secretary of State must by regulation extend the duties of the Gas and Electricity Markets Authority to the distribution and supply of fuels utilised for off-grid home heating.
- (2) Regulations under subsection (1) must provide for GEMA to apply a cap on the price of fuel supplied for off-grid home heating proportionate to the cap applied in respect of on-grid homes.”

Member's explanatory statement

This new clause seeks to extend the duty of Ofgem to regulate off-grid fuels utilised for off-grid home heating and to ensure that a cap is applied for off-grid home fuels that is proportionate to the cap applied for on-grid homes.

George Eustice

NC40

Greg Smith
Selaine Saxby
Philip Dunne
Damian Green
Mr David Jones

Sir Mike Penning
Sir Gary Streeter
Peter Aldous
Hywel Williams
Tim Farron
Andrea Leadsom

Mrs Sheryll Murray
Anne Marie Morris
Ben Lake
Robert Courts
Richard Fuller
Mrs Heather Wheeler

Jonathan Edwards
Derek Thomas
Liz Saville Roberts
Sarah Champion
Sammy Wilson

To move the following Clause—

“Renewable liquid fuels for low-carbon heating

Within six months of the passage of this Act, the Secretary of State must by regulation introduce a Renewable Liquid Heating Fuel Obligation, setting annual obligations on fuel suppliers to ensure the supply of recognised low-carbon renewable liquid fuels for domestic and commercial heating.”

Member's explanatory statement

This new clause would require the Government to introduce a Renewable Liquid Heating Fuel Obligation for home and commercial building heating purposes, which would create a scheme that mirrors the Renewable Transport Fuel Obligations Order 2007. This would offer the option to off-gas-grid properties to switch to renewable liquid fuels.

Craig Mackinlay

NC41

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

To move the following Clause—

“Duty to ensure the lowest possible cost of energy to businesses and households

In exercising any function under or in connection with this Act, it is the duty of the Secretary of State to ensure the lowest possible cost of energy to businesses and households.”

Member's explanatory statement

This new clause is designed to be placed as Clause 1 of the Bill and would give the Secretary of State the duty to exercise functions under the Act which will result from the Bill in a way which would ensure the lowest possible costs of energy to businesses and households.

Craig Mackinlay

NC42

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

To move the following Clause—

“Restriction on energy company obligations

- (1) In section 33BC of the Gas Act 1986 (promotion of reductions in carbon emissions: gas transporters and gas suppliers), after subsection (1) insert—
 - “(1ZA) An order under subsection (1) may not impose an obligation on a gas transporter or gas supplier with fewer than 1,000 employees.”
- (2) In section 33BD of the Gas Act 1986 (promotion of reductions in home-heating costs: gas transporters and gas suppliers), after subsection (1) insert—
 - “(1A) An order under subsection (1) may not impose an obligation on a gas transporter or gas supplier with fewer than 1,000 employees.”
- (3) In section 41A of the Electricity Act 1989 (promotion of reductions in carbon emissions: electricity distributors and electricity suppliers), after subsection (1) insert—
 - “(1ZA) An order under subsection (1) may not impose an obligation on an electricity distributor or electricity supplier with fewer than 1,000 employees.”
- (4) In section 41B of the Electricity Act 1989 (promotion of reductions in home-heating costs: electricity distributors and electricity suppliers), after subsection (1) insert—
 - “(1A) An order under subsection (1) may not impose an obligation on an electricity distributor or electricity supplier with fewer than 1,000 employees.””

Member's explanatory statement

This new clause would restrict the Energy Company Obligation, which places an obligation on energy suppliers to install energy efficiency and heating measures, to large companies (those with over 1000 employees).

Sir Alok Sharma

NC43

Sir Simon Clarke
 Craig Whittaker
 Jo Gideon
 Kevin Foster
 Vicky Ford

Richard Graham
 Lia Nici
 Elliot Colburn
 Robert Courts
 Selaine Saxby
 Chris Skidmore
 Sir Robert Buckland

Andrew Selous
 Mr Robin Walker
 Wendy Morton
 Elizabeth Truss
 Sir Jake Berry
 Mark Pawsey

David Simmonds
 Simon Fell
 Stephen Crabb
 John Penrose
 Scott Benton
 Alicia Kearns

To move the following Clause—

“Planning applications for onshore wind energy developments

- (1) Within three months of the date on which the Act is passed, the Secretary of State must—
 - (a) remove from the National Planning Policy Framework the restrictions placed by footnote 54 on the circumstances in which proposed wind energy developments involving one or more turbines should be considered acceptable, and
 - (b) publish guidance for wind developers on how they can engage communities, demonstrate local consent to local planning authorities, and provide financial benefits to local residents.
- (2) Section 78 of the Town and Country Planning Act 1990 is amended by the insertion, after subsection (3), of the following new subsection—

“(3A) An appeal under this section may not be brought or continued against the refusal of an application for planning permission if the development is for the purposes of installing new onshore wind sites not previously used for generating wind energy.””

Member's explanatory statement

This new clause aims to remove the current planning restriction that a single objection to an onshore wind development is sufficient to block the development, to ensure that local communities willing to take onshore wind developments will receive some community benefit, and to provide that local decisions made on onshore wind cannot be overturned on appeal.

Mrs Pauline Latham

NC44

Sir Peter Bottomley
 Chris Grayling
 Sir Oliver Heald
 Selaine Saxby
 Sally-Ann Hart

Derek Thomas
 Mr Peter Bone

Adam Afriyie

Andrew Selous

To move the following Clause—

“Independent review of the generation of bioenergy with carbon capture and storage

- (1) The Secretary of State must commission an independent review of the generation of bioenergy with carbon capture and storage (BECCS).
- (2) The review must report on the potential impact of BECCS on—
 - (a) household energy bills,
 - (b) lifecycle carbon emissions in the generation of energy,
 - (c) biodiversity,
 - (d) land use, and
 - (e) any other matter the Secretary of State considers appropriate.

- (3) The Secretary of State must lay before Parliament—
 - (a) the report of the review, and
 - (b) the Government’s response to the review.
- (4) No subsidy may be given for BECCS until the report of the review and the Government’s response have been laid before Parliament in accordance with subsection (3).
- (5) Subsection (4) does not apply if an agreement for the giving of subsidy was concluded before the passage of this Act.
- (6) For the purposes of this section—
 - “bioenergy” means energy from biomass;
 - “biomass” has the meaning given by paragraph 3 of the Renewables Obligation Order 2015 (SI 2015/1947);
 - “subsidy” has the meaning given by section 2 of the Subsidy Control Act 2022.”

Member's explanatory statement

This new clause would prohibit new government subsidies for generating bioenergy with carbon capture and storage (BECCS) until the Secretary of State commissions and publishes an independent review of BECCS to establish its impact on household energy bills, lifecycle carbon emissions, biodiversity and land use, and the Government’s response.

Caroline Lucas

NC45

Ben Lake
Liz Saville Roberts
Hywel Williams
Claire Hanna

To move the following Clause—

“Modelling of the UK’s energy needs

- (1) The Secretary of State must commission—
 - (a) a report on the most energy efficient, most economic and least carbon-intensive means to fulfil the UK’s current energy needs, and
 - (b) a report on comprehensive future energy modelling for the UK on the most energy efficient, most economic and least carbon-intensive means to meet the UK’s future energy needs.
- (2) The Secretary of State must lay before Parliament the reports required under subsection (1) within six months of the day on which this section comes into force.”

Member's explanatory statement

This new clause would require the Secretary of State to commission and publish reports on the most energy efficient, most economic and least carbon-intensive means of satisfying the UK’s energy needs.

Alan Brown

NC46

Stephen Flynn
 Brendan O'Hara
 Ben Lake
 Liz Saville Roberts
 Hywel Williams

To move the following Clause—

“Review of Contract for Difference strike prices

- (1) Within three months of the passage of this Act, the Secretary of State must undertake a review of Contract for Difference strike prices, and make a report to Parliament on the review.
- (2) The review must—
 - (a) include an assessment of the viability of existing projects that have already been allocated,
 - (b) include an assessment of the UK-based supply chain for each project awarded Contracts for Difference, and
 - (c) re-evaluate the parameters for—
 - (i) the allocation for round five of Contracts for Difference funding, and
 - (ii) future allocation rounds.”

Member's explanatory statement

This new clause requires the Secretary of State to assess the viability of projects that have been awarded Contracts for Difference, and to undertake a review of the existing parameters for Contracts for Difference allocation.

Alicia Kearns

NC47

Mr Rob Roberts
 Graham Stringer
 Ms Marie Rimmer
 Dr Dan Poulter
 Sammy Wilson

Tim Loughton
 Kate Osamor
 Hywel Williams
 Tony Lloyd
 Jim Shannon
 Drew Hendry
 Alan Brown
 Sir Chris Bryant

Rushanara Ali
 Ben Lake
 Sir Edward Leigh
 Derek Thomas
 Virginia Crosbie
 Liam Byrne
 Royston Smith
 Greg Smith

Jason McCartney
 Liz Saville Roberts
 Mr Alistair Carmichael
 Jill Mortimer
 Mrs Flick Drummond
 Bob Seely
 Henry Smith

To move the following Clause—

“Nationally significant infrastructure projects and forced labour

- (1) Within six months of the day on which this Act is passed, the Secretary of State must by regulations provide that existing and new applicants for nationally

significant infrastructure projects (within the meaning given by sections 14 and 15 of the Planning Act 2008) of over 50mw must demonstrate that their goods were not manufactured in, or produced with materials using forced labour.

- (2) Regulations under subsection (1) must require all existing and new NSIP energy applicants to submit a report to the Planning Inspectorate to demonstrate clear and convincing evidence that the goods, or materials in the goods, were not mined, produced, or manufactured wholly or in part by forced labour.
- (3) Within six months of the day on which this Act is passed the Foreign, Commonwealth and Development Office must create and publish a guide on interpreting reports for the Planning Inspectorate to consult when determining whether goods, or materials in the goods, were mined, produced, or manufactured wholly or in part by forced labour.
- (4) Regulations under subsection (1) must provide that any nationally significant infrastructure project of over 50mw unable to demonstrate beyond reasonable doubt that its goods, or materials in the goods, were not mined, produced, or manufactured wholly or in part by forced labour must be recommended for rejection by the Planning Inspectorate upon the submission of the Inspection to the Secretary of State for Energy Security and Net Zero.
- (5) Regulations under subsection (1) must provide for any company found to be circumnavigating the requirements of the regulations through third parties, subcontractors or third countries to be permanently barred from operating in the United Kingdom."

Member's explanatory statement

This new clause will require the developers of new NSIP energy projects to demonstrate that their projects do not use, benefit from, or contribute to the forced labour.

Alicia Kearns

NC48

Mr Rob Roberts
Selaine Saxby
Robert Courts
Sir Robert Goodwill
Sally-Ann Hart

Graham Stringer
Sammy Wilson
Derek Thomas
Virginia Crosbie
Siobhan Baillie

Ms Marie Rimmer
Sir Edward Leigh
Jill Mortimer
Mrs Flick Drummond
Greg Smith

Dr Dan Poulter
Andrea Leadsom
Jim Shannon
Dr Caroline Johnson

To move the following Clause—

"Development of solar energy plants on agricultural land

- (1) The Secretary of State must by regulations prevent the development of solar energy projects on sites of over 500 acres where over 20% of the land is Best and Most Versatile agricultural land.

- (2) For the purposes of this section “Best and Most Versatile agricultural land” means land classed as grade 1, grade 2 or subgrade 3a under the agricultural land classification published by Natural England.
- (3) Regulations under subsection (1) must—
 - (a) include provision for the prevention of the development of solar energy projects for which permission has already been sought, but not granted, and
 - (b) apply both to applications determined by local planning authorities and to those determined by the Planning Inspectorate.
- (4) Regulations under subsection (1) may amend primary legislation.
- (5) Within six months of the day on which this Act is passed, the Secretary of State must publish plans and incentives for the development of solar energy on rooftops, commercial and residential sites, and brownfield sites composed of ungraded land.”

Member's explanatory statement

This new clause would end the development of large-scale solar plants on BMV land and require the Secretary of State to publish plans to incentivise the building of solar on rooftops and brownfield sites.

Alan Brown

NC49

Ben Lake
Liz Saville Roberts
Hywel Williams

To move the following Clause—

“Electricity Storage Capacity

- (1) Within six months of the day on which this Act is passed the Secretary of State must lay before Parliament a strategy for an increase in the provision of electricity storage facilities to enhance the resilience and flexibility of electricity supply and ensure fair pricing for electricity users.
- (2) The strategy referred to in subsection (1) must cover all forms of electricity storage, including—
 - (a) battery,
 - (b) hydrogen,
 - (c) ammonia,
 - (d) adiabatic compressed air energy storage systems, and
 - (e) hydroelectric storage.
- (3) The strategy referred to in subsection (1) must address considerations relating to—
 - (a) licensing,
 - (b) planning,
 - (c) regulation,

- (d) subsidy, and
 - (e) taxation.
- (4) The strategy referred to in subsection (1) must set out—
- (a) proposed pricing mechanisms for stored electricity, and
 - (b) provisions ensuring consumers pay a fair price for electricity.”

Member's explanatory statement

This new clause seeks to ensure the UK Government sets out a report to Parliament that demonstrates how it plans to meet the increased storage capacity that will be required with a future electricity network that is heavily reliant on renewable sources.

George Eustice

NC50

Selaine Saxby
Sir Jacob Rees-Mogg
Greg Smith
Richard Fuller

To move the following Clause—

“Renewable Liquid Heating Fuel Obligation

- (1) Within twelve months of the date of Royal Assent to this Act, the Secretary of State must carry out a consultation on a renewable liquid heating fuel obligation.
- (2) For the purposes of subsection (1) a renewable liquid heating fuel obligation means requiring fuel suppliers to meet annual targets to ensure the supply of recognised low-carbon renewable liquid fuels for domestic and commercial heating.
- (3) For the purposes of the consultation under subsection (1) the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) Within three months of the conclusion of the consultation under subsection (1) the Secretary of State must lay before Parliament a report of the consultation.
- (5) Following publication of the report under subsection (4) the Secretary of State may by regulations set out a scheme requiring fuel suppliers to meet annual targets to ensure the supply of recognised low-carbon renewable liquid fuels for domestic and commercial heating.
- (6) Regulations under subsection (5) may provide for—
 - (a) a scheme for the imposition of low-carbon renewable liquid fuel obligations on fuel suppliers;
 - (b) the appointment of an Administrator to run the scheme;
 - (c) matters in relation to the functions of the Administrator;
 - (d) the method by which amounts of low-carbon renewable liquid fuel are to be counted or determined for the purposes of provision made by or under the regulations;

- (e) the Administrator to issue certificates to suppliers setting out the amounts of low-carbon renewable liquid fuel supplied, the time period in which they were supplied and other relevant facts;
- (f) a supplier which does not wholly discharge its low-carbon renewable liquid fuel obligation for a given period to pay the Administrator a specified sum within a specified period, and further provision for connected purposes;
- (g) the imposition of civil penalties, and objections to and appeals against civil penalties;
- (h) the disclosure of relevant information by relevant persons; and
- (i) such other provision as the Secretary of State considers appropriate.”

Member's explanatory statement

This new clause would require the Secretary of State to consult on a scheme for renewable liquid heating fuel obligations for home and commercial building heating purposes, and to publish a report on the consultation. The new clause would further allow the Secretary of State make regulations to set up a scheme for renewable liquid heating fuel obligations for home and commercial building heating purposes.

Mick Whitley

NC51

Kim Johnson
Grahame Morris
Peter Dowd
John McDonnell
Olivia Blake

To move the following Clause—

“Tidal Range power

- (1) Within three months of the day on which this Act is passed, the Secretary of State must establish a Tidal Range Assessment Grant for the purposes of funding an independent evidence-led review of the potential contribution to be made by tidal range energy generation to the future energy generating capacity of the United Kingdom.
- (2) The review under subsection (1) must include—
 - (a) pre-feasibility assessments of proposed tidal range projects and their potential both individually and together to contribute to the future energy generating capacity of the United Kingdom;
 - (b) whole life-cycle analysis and financial modelling to identify the optimum framework for the financing of tidal range projects as ultra-long lifecycle infrastructure assets, including an assessment of the potential merits of a Regulated Asset Base funding model for tidal range projects;
 - (c) a whole energy market analysis to establish and quantify the potential contribution of tidal range power to the decarbonisation of the United Kingdom’s energy system with particular reference to the value of predictable, flexible energy generation near centres of increasing demand and the potential of operational tidal range projects to bypass

- major grid barrier issues and enable a stable, operable, and secure decarbonised energy grid;
- (d) an assessment of the current and planned innovations in sectors related to the development of operational tidal range projects, including in the broader supply chain, digital twins, power handling and distribution, and energy storage, and how these can be used to drive a reduction in cost and maximise the contribution of materials and components produced in the United Kingdom to tidal range projects;
 - (e) environmental baseline research and monitoring programmes of the proposed locations of selected tidal range projects for the purposes of establishing an enhanced understanding of the possible impacts on biodiversity and local ecosystems of operational tidal range projects; and
 - (f) whole-system analysis to evaluate other potential benefits of operational tidal range projects, such as coastal and flooding protection, the stimulation of related industries, and contributions to local economies.”

Edward Miliband

NC53

Dr Alan Whitehead
Kerry McCarthy
Olivia Blake

To move the following Clause—

“Community and Smaller-scale Electricity Supplier Services Scheme

- (1) Within six months of the passage of this Act, the Secretary of State must by regulations require licensed energy suppliers with more than 150,000 customers (“eligible licensed suppliers”) to offer a Community and Smaller-scale Electricity Supplier Service agreement to any Community or Smaller-scale Energy site registered under section [Community and Smaller-scale Electricity Export Guarantee Scheme] for the purposes of allowing that site to sell electricity to local consumers.
- (2) A Community and Smaller-scale Electricity Supplier Service agreement is an agreement which requires licensed suppliers to make a community or smaller-scale energy tariff available to consumers local to the exporting site that has regard to the export price paid or that would be paid to that site under section [Community and Smaller-scale Electricity Export Guarantee Scheme].
- (3) The eligible licensed supplier may limit the total number of consumers the community or smaller-scale energy tariff is available to such that the total annual energy under the tariff is broadly equivalent to the total annual energy generated by the site.
- (4) The eligible licensed supplier is the registrant for the meters of any local consumer purchasing energy under the community or smaller-scale energy tariff.

- (5) The eligible licensed supplier may charge a reasonable fee for the provision of services under this section provided that it has regard to distribution, licensing and regulatory costs and any guidance provided by GEMA.
- (6) The eligible licensed supplier must return any money raised through the sale of energy under a tariff set up under this section to the Community or Smaller-scale Energy site, save for the fee allowed under subsection (5).
- (7) Eligible licensed suppliers must report annually to GEMA on—
 - (a) the number and capacity of community energy groups or smaller-scale sites offered Community and Smaller-scale Electricity Supplier Service agreements and the number who have contracted to use them,
 - (b) the total amount of electricity purchased under these agreements, and
 - (c) the tariffs for each agreement.
- (8) GEMA must—
 - (a) produce guidance on the level of community or smaller-scale energy tariffs and on the reasonable charges that eligible suppliers may charge for Community and Smaller-scale Electricity Supplier Service agreements,
 - (b) make and publish a report annually on the operation of the export purchase agreements, setting out—
 - (i) the number of community energy projects or smaller-scale sites contracted with licensed energy suppliers under this section and the total amount of electricity purchased,
 - (ii) the licensed suppliers contracting with community energy groups or smaller-scale sites and the amount of electricity each has purchased,
 - (iii) an assessment of how the mechanism is performing and the contribution it is making to delivering secure and low carbon electricity supplies, and
 - (iv) recommendations for how Community and Smaller-scale Electricity Supplier Service agreements could be improved.
- (9) Regulations under this section are subject to the affirmative procedure.”

Edward Miliband

NC55

Dr Alan Whitehead
Kerry McCarthy
Olivia Blake

To move the following Clause—

“Energy performance regulations relating to existing premises

- (1) Within six months of the day on which this Act is passed, the Secretary of State must make regulations—
 - (a) amending the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (S.I. 2015/962) to require that, subject to

- subsection (2), all tenancies have an Energy Performance Certificate (EPC) of at least Band C by 31 December 2028; and
- (b) amending the Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019 (S.I. 2019/595) to raise the cost cap to £10,000.
- (2) Regulations under subsection (1) must provide for exemptions to apply where—
- (a) the occupier of any premises whose permission is needed to carry out works refuses to give such permission;
 - (b) it is not technically feasible to improve the energy performance of the premises to the level of EPC Band C; or
 - (c) another exemption specified in the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 has been registered in the Private Rented Sector (PRS) Exemptions Register.
- (3) Within six months of the passage of this Act the Secretary of State must make regulations—
- (a) amending the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 to enable local authorities to give notice to landlords that they wish to inspect a property in relation to those Regulations, requesting permissions from landlords and any tenants in situ at the time to carry out an inspection at an agreed time;
 - (b) expanding the scope of the current PRS Exemptions Register and redesigning it as a database covering properties' compliance with or exemptions from EPCs;
 - (c) requiring a post-improvement EPC to be undertaken to demonstrate compliance;
 - (d) requiring a valid EPC to be in place at all times while a property is let; and
 - (e) raising the maximum total of financial penalties to be imposed by a local authority on a landlord of a domestic private rented sector property in relation to the same breach and for the same property to £30,000 per property and per breach of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.
- (4) The Secretary of State may make regulations—
- (a) enabling tenants in the private rented sector to request that energy performance improvements be carried out where a property is in breach of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015; and
 - (b) making provision for a compensation mechanism where a tenant is paying higher energy bills as a result of a property not meeting the required standard.
- (5) Regulations under this section are subject to the affirmative procedure.”

Member's explanatory statement

This new clause seeks to improve the energy efficiency of private rental properties for tenants and gives powers to local authorities to conduct assessments of the energy efficiency of private rental properties and increase financial penalties for breaches of energy efficiency standards.

Edward Miliband

NC56

Dr Alan Whitehead
Kerry McCarthy

To move the following Clause—

“Delinking of renewable and gas prices in the retail market

- (1) Within six months of the passage of this Act the Secretary of State must publish a plan to ensure the delinking of gas and renewable and low carbon energy prices as they appear in the retail market.
- (2) The plan may take into account—
 - (a) the establishment of a “green pool” for the direct sale of renewable and low carbon power into the retail market;
 - (b) the incorporation of low carbon and renewable power plants not possessing a Contract for Difference into Contract for Difference arrangements suitable for inclusion in a green power pool after it is established.”

Member's explanatory statement

This new clause requires the Secretary of State to produce a plan to end the linkage between renewable and low carbon energy and gas prices at retail level which results in most renewable power being priced in the retail market as if it were gas.

Edward Miliband

NC57

Dr Alan Whitehead
Kerry McCarthy
Olivia Blake

To move the following Clause—

“Onshore wind

- (1) The Secretary of State must by regulations ensure that onshore wind installations are treated for the purpose of planning and development as local infrastructure and will be permitted or otherwise as if they were.
- (2) Regulations under subsection (1) may amend any primary legislation passed before the passage of this Act.”

Member's explanatory statement

This new clause ensures that onshore wind development proposals in England and Wales are permitted to proceed on the same basis as other local infrastructure projects.

Edward Miliband

NC58

Dr Alan Whitehead
Kerry McCarthy
Olivia Blake

To move the following Clause—

“Community and Smaller-scale Electricity Export Guarantee Scheme (No. 2)

- (1) Within six months of the passage of this Act, the Secretary of State must by regulations require licensed energy suppliers with more than 150,000 customers (“eligible licensed suppliers”) to purchase electricity exports from sites, including those operated by community groups, which generate low carbon electricity with a capacity below 5MW.
- (2) The requirement imposed by regulations under subsection (1) is to be known as the Community and Smaller-scale Electricity Export Guarantee Scheme.
- (3) Fossil fuelled local power plants with a capacity of less than 5MW are not eligible for participation in the Community and Smaller-scale Electricity Export Guarantee Scheme, with the exception of a local combined heat and power plant that generates electricity ancillary to its purpose of providing heat for local heat networks.
- (4) “Fossil fuel” has the meaning given in section 104(4).
- (5) Licensed energy suppliers with fewer than 150,000 customers may also purchase electricity exports from the sites specified in subsection (1) provided that they do so on the terms set out by the regulations.
- (6) The regulations must require that eligible licensed suppliers—
 - (a) offer to the sites specified in subsection (1) a minimum export price set annually by the Gas and Electricity Markets Authority (“GEMA”),
 - (b) offer to those sites a minimum contract period of five years, and
 - (c) allow the exporting site to end the contract after no more than one year.
- (7) Within six months of the passage of this Act, GEMA must—
 - (a) set an annual minimum export price for those sites that has regard to current wholesale energy prices and inflation in energy prices and the wider economy,
 - (b) introduce a registration system for exporting sites meeting the requirements set out in subsection (1) and wanting to access these export purchases,
 - (c) define specifications for the smart export meters required by such sites,
 - (d) define “low carbon electricity” in such a way that it includes renewable generation technology and may include other technology with extremely low carbon dioxide emissions,
 - (e) define requirements for an exporting site generating low carbon electricity with a capacity of less than 5MW to be registered as a Community or Smaller-scale Energy site, and maintain a register of such sites.
- (8) Regulations under subsection (1) must provide that to access export purchase agreements exporters must—
 - (a) register their site with GEMA,

- (b) install a smart export meter that meets specifications defined by GEMA, and
 - (c) notify GEMA if they are a community group.
- (9) All licensed suppliers providing purchase agreements for sites specified in subsection (1) must report annually to GEMA—
 - (a) the number and capacity of Community or Smaller-scale Energy sites that have been offered contracts to purchase electricity and the number of such sites which agreed those contracts,
 - (b) the total amount of electricity purchased under those agreements, and
 - (c) the price paid for that electricity.
- (10) OFGEM must make and publish a report annually on the operation of the export purchase agreements, setting out—
 - (a) the number of Community or Smaller scale Energy sites contracted with licensed energy suppliers under this section and the total amount of electricity purchased,
 - (b) the licensed suppliers contracting with Community or Smaller-scale Energy sites and the amount of electricity each has purchased,
 - (c) an assessment of how the mechanism is performing and the contribution it is making to delivering secure and low carbon electricity supplies, and
 - (d) recommendations on how the mechanism could be improved.
- (11) Regulations under this section are subject to the affirmative procedure.”

Edward Miliband

NC59

Dr Alan Whitehead
Kerry McCarthy
Olivia Blake

To move the following Clause—

“Decarbonised electricity supply by 2030

- (1) It is the duty of the Secretary of State to ensure that the supply of electricity in the UK is decarbonised by 2030.
- (2) The Secretary of State must, within six months of the passage of this Act, produce and publish a plan which will set out how the duty in subsection (1) is to be achieved.”

Member's explanatory statement

This new clause is intended to provide for the UK's electricity supply to be decarbonised by 2030.

Andrea Leadsom

NC60

Sir Simon Clarke
 John Penrose
 Mrs Heather Wheeler
 Jo Gideon
 Robin Millar

Sally-Ann Hart
 Dame Maria Miller

Mr John Baron

Derek Thomas

☆ To move the following Clause—

“Planning consent for new electricity pylons

- (1) Within six months of the passage of this Act, the Secretary of State must by regulations provide for a fast-track planning process for electricity pylons along motorways and rail lines.
- (2) Regulations under this section may amend primary legislation.”

Edward Miliband

NC61

Dr Alan Whitehead
 Kerry McCarthy

☆ To move the following Clause—

“National Warmer Homes and Businesses Action Plan (No. 2)

- (1) The Secretary of State must, before the end of the period of 6 months beginning with the day on which this Act is passed, publish an action plan entitled the Warmer Homes and Businesses Action Plan, to set out proposals for delivery of—
 - (a) an Energy Performance Certificate at band C by 2035 in all UK homes where practical, cost effective and affordable, and
 - (b) an Energy Performance Certificate at band B by 2030 in all privately rented non-domestic properties, and
 - (c) the Future Homes Standard for all new builds in England by 2025.
- (2) The Secretary of State must, in developing the Warmer Homes and Businesses Action Plan, consult the Climate Change Committee and its sub-committee on adaptation.”

Edward Miliband

NC62

Dr Alan Whitehead
 Kerry McCarthy

☆ To move the following Clause—

“Energy performance regulations relating to existing premises (No. 2)

- (1) Within six months of the day on which this Act is passed, the Secretary of State must make regulations—
 - (a) amending the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (S.I. 2015/962) to require that, subject to subsection (2), all tenancies have an Energy Performance Certificate (EPC) of at least Band C by 31 December 2028; and
 - (b) amending the Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019 (S.I. 2019/595) to raise the cost cap to £10,000.
- (2) Regulations under subsection (1) must provide for exemptions to apply where—
 - (a) the occupier of any premises whose permission is needed to carry out works refuses to give such permission;
 - (b) it is not technically feasible to improve the energy performance of the premises to the level of EPC Band C; or
 - (c) another exemption specified in the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 has been registered in the Private Rented Sector (PRS) Exemptions Register.
- (3) Within six months of the passage of this Act the Secretary of State must make regulations—
 - (a) amending the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 to enable local authorities to give notice to landlords that they wish to inspect a property in relation to those Regulations, requesting permissions from landlords and any tenants in situ at the time to carry out an inspection at an agreed time;
 - (b) expanding the scope of the current PRS Exemptions Register and redesigning it as a database covering properties’ compliance with or exemptions from EPCs;
 - (c) requiring a post-improvement EPC to be undertaken to demonstrate compliance;
 - (d) requiring a valid EPC to be in place at all times while a property is let; and
 - (e) raising the maximum total of financial penalties to be imposed by a local authority on a landlord of a domestic private rented sector property in relation to the same breach and for the same property to £30,000 per property and per breach of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.
- (4) Regulations under this section are subject to the affirmative procedure.”

Alan Brown

NC67

☆ To move the following Clause—

“Local supply rights

- (1) Within six months of the day on which this Act is passed, the Secretary of State must publish a report on and consult on the introduction of local supply rights for community energy schemes, which would enable these schemes to sell their power to local customers.
- (2) The report must set out—
 - (a) the potential benefits of community energy,
 - (b) the estimated additional costs to consumer bills that would be incurred in order for community energy schemes to account for 10% of energy generation by 2033, and
 - (c) an estimate of typical cost/benefit ratios for local communities and consumers.”

Member's explanatory statement

This new clause seeks to require the Government to publish a consultation on the introduction of local supply rights for community energy schemes within 6 months of the Act being passed.

Alan Brown

NC68

☆ To move the following Clause—

“Reports on the functioning of the energy price support framework

Within six months of the day on which this Act is passed, the Secretary of State must prepare and lay before Parliament reports assessing—

- (a) the potential benefits of a social tariff would have on levels of fuel poverty across the UK,
- (b) the adequacy of the current system for individuals who have higher energy needs due to a medical condition, and
- (c) the potential benefits of a strategy that rewards households who use less energy by guaranteeing them a lower price through a tiered electricity plan.”

Member's explanatory statement

This new clause will require the Secretary of State to report on the functioning of the current framework as it relates to certain groups.

Chris Skidmore

NC69

☆ To move the following Clause—

“Legal definition of net zero

- (1) Within six months of the passage of this Act, the Secretary of State must ask the Committee on Climate Change to produce a definition of “net zero” for the purposes of subsection (2).
- (2) Not later than one year after the passage of this Act, the Secretary of State must by regulations provide for it to be an offence for any company to claim to be “net zero” unless it has met the definition produced by the Committee.”

Secretary Claire Coutinho

Gov 180

☆ Clause 1, page 3, line 2, at end insert—

“(aa) the interim targets, as defined in section 2 of that Act;”

Member's explanatory statement

This amendment requires the Gas and Electricity Markets Authority to have regard to the interim targets set out in section 2 of the Climate Change (Scotland) Act 2009 in carrying out functions under Part 1 of the Bill.

David Duguid

3

Alan Brown
Martin Vickers

Clause 2, page 3, line 30, at end insert “issued by the economic regulator or other competent authority”

Member's explanatory statement

This amendment allows persons with a CO₂ storage licence from the North Sea Transition Authority to operate a geological storage site for CO₂ disposal, as per current legislation in the Energy Act 2010.

David Duguid

4

Alan Brown
Martin Vickers

Clause 2, page 3, line 34, leave out “a service” and insert “a monopoly service to multiple users”

Member's explanatory statement

This amendment would exclude from the requirement to have an economic licence, all forms of transportation where competitive markets are more likely to develop than monopolies e.g. shipping,

rail or road. It would also enable investment in private spur connections to the regulated CO2 network.

Secretary Claire Coutinho

Gov 131

Clause 2, page 4, line 14, after “repeals” insert “or revocations”

Member's explanatory statement

This amendment makes it clear that the amendments referred to in subsection (7)(a) include revocations as well as repeals.

Secretary Claire Coutinho

Gov 198

☆ Clause 2, page 4, line 19, at end insert—

“(7A) But regulations made by virtue of subsection (7)(a) may not make provision amending (or repealing or revoking) any provision of—

- (a) an Act of the Scottish Parliament, or an instrument made under such an Act, unless the Scottish Ministers have consented to the making of that provision;
- (b) a Measure or Act of Senedd Cymru, or an instrument made under such a Measure or Act, unless the Welsh Ministers have consented to the making of that provision;
- (c) Northern Ireland legislation, or an instrument made under Northern Ireland legislation, unless the Department for the Economy in Northern Ireland has consented to the making of that provision.”

Member's explanatory statement

This amendment provides that the Secretary of State may not by virtue of subsection (7)(a) amend the specified devolved legislation without the consent of the relevant devolved authorities.

Secretary Claire Coutinho

Gov 181

☆ Clause 6, page 7, line 39, at end insert “, and

- (b) consider any representations which are duly made and not withdrawn.”

Member's explanatory statement

This amendment imposes an express duty on the Secretary of State to consider any representations made in accordance with subsection (4).

Secretary Claire Coutinho

Gov 132

Clause 8, page 9, line 10, after “repeals” insert “or revocations”

Member's explanatory statement

This amendment makes it clear that the amendments referred to in subsection (2)(a) include revocations as well as repeals.

Secretary Claire Coutinho

Gov 199

☆ Clause 8, page 9, line 14, at end insert—

“(2A) Before making regulations under this section containing provision within devolved competence, the Secretary of State must give notice to each relevant devolved authority—

(a) stating that the Secretary of State proposes to make regulations under this section, and

(b) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to the provision within the relevant devolved competence,

and must consider any representations duly made and not withdrawn.

(2B) For the purposes of this section “relevant devolved authority” means—

(a) the Scottish Ministers, if the regulations contain provision within Scottish devolved competence;

(b) the Welsh Ministers, if the regulations contain provision within Welsh devolved competence;

(c) the Department for the Economy in Northern Ireland, if the regulations contain provision within Northern Ireland devolved competence;

and “the relevant devolved competence”, in relation to a relevant devolved authority, is to be construed accordingly.

(2C) For the purposes of this section, provision—

(a) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;

(b) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);

(c) is within Northern Ireland devolved competence if it—

(i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and

(ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998;

and references to provision being within devolved competence are to provision that is within Scottish, Welsh or Northern Ireland devolved competence.”

Member's explanatory statement

This amendment requires the Secretary of State to consult the relevant devolved authorities before making regulations under this clause that would deal with devolved matters.

Secretary Claire Coutinho

Gov 200

☆ Clause 9, page 9, line 32, at end insert "and

- (b) specify a period of not less than 28 days within which representations or objections with respect to the proposed regulations may be made, and the Secretary of State must consider any representations or objections which are duly made and not withdrawn."

Secretary Claire Coutinho

Gov 201

☆ Clause 9, page 10, line 5, at end insert ", and

- (b) sending a copy of the notice to—
 - (i) the Scottish Ministers, if an activity that would be authorised by the proposed licence is within Scottish devolved competence;
 - (ii) the Welsh Ministers, if an activity that would be authorised by the licence is within Welsh devolved competence;
 - (iii) the Department for the Economy in Northern Ireland, if an activity that would be authorised by the licence is within Northern Ireland devolved competence.

(5A) Section 17(4) (activities authorised by a licence: devolved competence) applies for the purposes of subsection (5)(b) of this section as it applies for the purposes of section 17."

Member's explanatory statement

This amendment requires the Gas and Electricity Markets Authority to notify the relevant devolved authorities where it proposes to grant a licence authorising activities that are within devolved competence.

Secretary Claire Coutinho

Gov 202

☆ Clause 9, page 10, line 15, leave out subsection (10) and insert—

- "(10) For the purposes of this section "appropriate devolved authority", in relation to regulations, means—
- (a) the Scottish Ministers, if the regulations contain provision within Scottish devolved competence;
 - (b) the Welsh Ministers, if the regulations contain provision within Welsh devolved competence;
 - (c) the Department for the Economy in Northern Ireland, if the regulations contain provision within Northern Ireland devolved competence.

- (10A) For the purposes of this section, provision—
- (a) is within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (b) is within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
 - (c) is within Northern Ireland devolved competence if it—
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.”

Member's explanatory statement

This amendment restates the definition of “appropriate devolved authority”.

Secretary Claire Coutinho

Gov 203

- ☆ Clause 10, page 11, line 4, leave out “consult” and insert “give notice to”

Member's explanatory statement

This amendment and Amendment 204 impose additional requirements on consultation under subsection (3), including that at least 28 days are to be allowed for representations to be made.

Secretary Claire Coutinho

Gov 204

- ☆ Clause 10, page 11, line 4, at end insert—

- “(a) stating that the Secretary of State proposes to make regulations under this section, and
- (b) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations must be made with respect to the proposed provisions,

and must consider any representations duly made and not withdrawn.”

Member's explanatory statement

This amendment requires the Secretary of State to allow a period of 28 days for representations to be made and to consider any representations that are properly made.

Secretary Claire Coutinho

Gov 205

☆ Clause 13, page 15, line 34, at end insert “and

(iii) the appropriate devolved authorities (if any).”

Member's explanatory statement

This amendment and Amendment 206 require consultation with the devolved authorities in cases where the proposed licence modifications are within devolved competence.

Secretary Claire Coutinho

Gov 206

☆ Clause 13, page 16, line 28, at end insert—

“(12) For the purposes of this section the “appropriate devolved authorities” are—

- (a) the Welsh Ministers, if provision making the modifications proposed in the notice under subsection (2) would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
- (b) the Scottish Ministers, if provision making the modifications proposed in that notice would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
- (c) the Department for the Economy in Northern Ireland, if provision making the modifications proposed in that notice—
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.”

Member's explanatory statement

See the explanatory statement for Amendment 205.

Secretary Claire Coutinho

Gov 207

☆ Clause 19, page 20, line 26, leave out paragraph (b) and insert—

“(b) send a copy of the notice to—

- (i) the Scottish Ministers, if an activity authorised by the licence is within Scottish devolved competence,
- (ii) the Welsh Ministers, if an activity authorised by the licence is within Welsh devolved competence,

- (iii) the Department for the Economy in Northern Ireland, if an activity authorised by the licence is within Northern Ireland devolved competence,
- (iv) the Oil and Gas Authority, and
- (v) such other persons as the economic regulator considers are likely to be affected by the decision, and"

Member's explanatory statement

This amendment and Amendment 208 require the Gas and Electricity Markets Authority to notify the specified authorities before giving consent to the transfer of a licence which authorises activities that are within devolved competence.

Secretary Claire Coutinho

Gov 208

☆ Clause 19, page 20, line 29, at end insert—

"(1A) Section 17(4) (activities authorised by a licence: devolved competence) applies for the purposes of subsection (1)(b) of this section as it applies for the purposes of section 17."

Member's explanatory statement

See the explanatory statement for the Minister's amendment at page 20, line 27.

Secretary Claire Coutinho

Gov 209

☆ Clause 39, page 35, line 4, at end insert—

"(5A) The economic regulator must send a copy of any notice given by it under subsection (4) to—

- (a) the Welsh Ministers,
- (b) the Scottish Ministers, and
- (c) the Department for the Economy in Northern Ireland."

Member's explanatory statement

This amendment requires the economic regulator to draw the draft work programme to the attention of the devolved administrations.

Secretary Claire Coutinho

Gov 144

Clause 56, page 50, leave out lines 20 to 23

Member's explanatory statement

This amendment leaves out the definition of "electricity supplier" and is consequential on Amendment 148.

Secretary Claire Coutinho

Gov 145

Clause 56, page 50, line 32, at beginning insert "GB"

Member's explanatory statement

This amendment changes the label "gas shipper" to "GB gas shipper".

Secretary Claire Coutinho

Gov 146

Clause 56, page 50, leave out lines 34 to 37

Member's explanatory statement

This amendment omits the definition of "gas supplier" and is consequential on Amendment 148.

Secretary Claire Coutinho

Gov 147

Clause 56, page 51, line 14, at end insert—

""Northern Ireland gas shipper" means a person who holds a licence under Article 8(1)(c) of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)) and who in the opinion of the Secretary of State carries on an activity which is similar to an activity that (in Great Britain) may be authorised by a licence under section 7A(2) of the Gas Act 1986;"

Member's explanatory statement

This amendment provides a definition of "Northern Ireland gas shipper" and is supplemental to Amendment 148.

Secretary Claire Coutinho

Gov 139

Clause 62, page 56, line 7, at end insert—

"(5) Regulations within subsection (4) may in particular make provision by reference to standards or other published documents (as they have effect from time to time)."

Member's explanatory statement

This amendment makes it clear that regulations defining "eligible" in relation to a hydrogen transport provider may make reference to documents external to the regulations, as the documents have effect from time to time.

Secretary Claire Coutinho

Gov 140

Clause 64, page 57, line 20, at end insert—

“(5) Regulations within subsection (4) may in particular make provision by reference to standards or other published documents (as they have effect from time to time).”

Member's explanatory statement

This amendment makes it clear that regulations defining “eligible” in relation to a hydrogen storage provider may make reference to documents external to the regulations, as the documents have effect from time to time.

David Duguid

175

Martin Vickers

☆ Clause 65, page 58, line 13, leave out “in the opinion of the Secretary of State”

Member's explanatory statement

This amendment would remove the role of the Secretary of State in determining who qualifies as a “low carbon hydrogen producer.”

Secretary Claire Coutinho

Gov 141

Clause 66, page 58, line 38, at end insert—

“(5) Regulations within subsection (4) may in particular make provision by reference to standards or other published documents (as they have effect from time to time).”

Member's explanatory statement

This amendment makes it clear that regulations defining “eligible” in relation to a low carbon hydrogen producer may make reference to documents external to the regulations, as the documents have effect from time to time.

Secretary Claire Coutinho

Gov 142

Clause 68, page 60, line 20, at end insert—

“(5) Regulations within subsection (4) may in particular make provision by reference to standards or other published documents (as they have effect from time to time).”

Member's explanatory statement

This amendment makes it clear that regulations defining “eligible” in relation to a carbon capture entity may make reference to documents external to the regulations, as the documents have effect from time to time.

Craig Mackinlay

9

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 60, line 22, leave out Clause 69

Member's explanatory statement

This amendment, together with Amendments 10 to 12, would leave out the clauses of the Bill which provide for a hydrogen levy.

Craig Mackinlay

10

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 61, line 1, leave out Clause 70

Member's explanatory statement

See explanatory statement to Amendment 9.

Edward Miliband

170

Dr Alan Whitehead
 Kerry McCarthy

Clause 70, page 61, line 2, leave out "relevant market participants (see subsection (8))" and insert "the Secretary of State"

Member's explanatory statement

This amendment, together with Amendments 171 to 174, is intended to provide that the Secretary of State, rather than relevant market participants, should fund the hydrogen levy administrator.

Edward Miliband

171

Dr Alan Whitehead
 Kerry McCarthy

Clause 70, page 61, line 19, leave out "relevant market participants" and insert "the Secretary of State"

Member's explanatory statement

See explanatory statement to Amendment 170.

Edward Miliband

172

Dr Alan Whitehead
Kerry McCarthy

Clause 70, page 61, line 34, leave out "relevant market participants" and insert "the Secretary of State"

Member's explanatory statement

See explanatory statement to Amendment 170.

Edward Miliband

173

Dr Alan Whitehead
Kerry McCarthy

Clause 70, page 61, line 37, leave out subsection (5)

Member's explanatory statement

See explanatory statement to Amendment 170.

Secretary Claire Coutinho

Gov 148

Clause 70, page 62, line 4, leave out from "but" to end of line 8 and insert "a description so specified may not include persons other than—

- (a) GB gas shippers;
- (b) Northern Ireland gas shippers."

Member's explanatory statement

This amendment limits the persons who can be brought within the definition of a "relevant market participant" to persons holding a licence under section 7A(2) of the Gas Act 1986 and certain persons holding a licence under Article 8(1)(c) of the Gas (Northern Ireland) Order 1996.

Edward Miliband

174

Dr Alan Whitehead
Kerry McCarthy

Clause 70, page 62, line 9, leave out subsection (9)

Member's explanatory statement

See explanatory statement to Amendment 170.

Craig Mackinlay

11

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 62, line 12, leave out Clause 71

Member's explanatory statement

See explanatory statement to Amendment 9.

Craig Mackinlay

12

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 63, line 11, leave out Clause 72

Member's explanatory statement

See explanatory statement to Amendment 9.

Craig Mackinlay

13

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 73, page 64, line 22, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

14

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 73, page 64, line 26, leave out “each paragraph of”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

15

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 73, page 64, line 27, leave out “under that paragraph”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Secretary Claire Coutinho

Gov 121

Clause 73, page 64, line 37, leave out “designation” and insert “appointment”

Member's explanatory statement

This amendment corrects a drafting error.

Craig Mackinlay

16

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 73, page 65, line 6, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

17

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 73, page 65, line 10, leave out “a hydrogen production revenue support contract or”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

18

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 73, page 65, line 15, leave out “a hydrogen production allocation body or”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

19

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 74, page 65, line 22, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

20

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 74, page 65, line 31, leave out “hydrogen production revenue support contract or”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

21

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 75, page 65, line 35, leave out subsection (1)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

David Duguid

6

Alan Brown
 Martin Vickers

Clause 75, page 66, line 2, after "that" insert "eligible"

Member's explanatory statement

This amendment clarifies that the low carbon hydrogen producer must be eligible to receive support, which other amendments ensure means that they are compliant with the Low Carbon Hydrogen Standard.

Craig Mackinlay

22

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 75, page 66, line 10, leave out "(1) or"

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

23

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 76, page 66, line 23, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

24

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 76, page 66, line 30, leave out "hydrogen production revenue support contracts or"

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

25

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 76, page 66, line 33, leave out "hydrogen production revenue support contracts or"

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

26

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 76, page 67, line 10, leave out "hydrogen production revenue support contracts or"

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

27

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 76, page 67, line 15, leave out “for producing hydrogen or”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

28

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 76, page 67, line 17, leave out “(whether in respect of hydrogen production or capture of carbon dioxide)”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Secretary Claire Coutinho

Gov 143

Clause 76, page 67, line 19, at end insert—

“(ba) make provision by reference to standards or other published documents (as they have effect from time to time);”

Member's explanatory statement

This amendment makes it clear that provision in an allocation framework may relate to published standards or other published documents as they have effect from time to time.

Craig Mackinlay

29

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 77, page 67, line 40, leave out subsection (1)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

30

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 77, page 68, line 19, leave out "hydrogen production counterparty or"

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

31

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 77, page 68, line 24, leave out paragraph (c) and insert—

"(c) how the eligible carbon capture entity to whom the offer is made may enter into a carbon capture revenue support contract as a result of the offer;"

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

32

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 77, page 68, line 28, leave out "eligible low carbon hydrogen producer or"

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay 33

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 78, page 68, line 36, leave out “an eligible low carbon hydrogen producer, or”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay 34

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 78, page 68, line 39, leave out “hydrogen production counterparty or (as the case requires)”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay 35

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 78, page 69, line 1, leave out “hydrogen production counterparty or”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

36

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 78, page 69, line 16, leave out “hydrogen production counterparty or”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

37

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 69, line 35, leave out Clause 80

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

38

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 81, page 70, line 33, leave out “hydrogen transport counterparty, hydrogen storage counterparty, hydrogen production counterparty”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

39

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 82, page 71, line 1, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

40

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 83, page 71, line 32, leave out sub-paragraph (i)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

41

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 83, page 71, line 40, leave out paragraph (e)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Secretary Claire Coutinho

Gov 149

Clause 83, page 72, line 3, leave out sub-paragraphs (iii) to (v) and insert—

“(iii) a relevant market participant, or”

Member's explanatory statement

This amendment is consequential on Amendments 144, 145 and 146.

Craig Mackinlay

42

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 83, page 72, line 9, leave out "hydrogen production revenue support contract or"

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Secretary Claire Coutinho

Gov 150

Clause 84, page 72, line 24, leave out sub-paragraphs (i) and (ii) and insert "a GB gas shipper"

Member's explanatory statement

This amendment is consequential on Amendment 148.

Secretary Claire Coutinho

Gov 151

Clause 84, page 72, line 30, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on Amendment 148.

Secretary Claire Coutinho

Gov 152

Clause 84, page 72, line 35, leave out sub-paragraphs (i) and (ii) and insert "a person who holds a licence under Article 8(1)(c) of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))"

Member's explanatory statement

This amendment is consequential on Amendment 148.

Craig Mackinlay

43

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 84, page 73, line 7, leave out subsections (3) and (4)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Secretary Claire Coutinho

Gov 210

☆ Clause 85, page 73, line 20, leave out “consult” and insert—

- “(a) consult the persons mentioned in subsection (1A), and
- (b) specify a period of not less than 28 days for the purposes of subsection (1B).

(1A) The persons to be consulted under subsection (1) are—”

Member's explanatory statement

This amendment requires that the period of a consultation under subsection (1) is at least 28 days.

Secretary Claire Coutinho

Gov 211

☆ Clause 85, page 73, line 38, at end insert—

- “(1B) The Secretary of State must consider any representations that are—
- (a) duly made within the period specified under subsection (1)(b) by persons consulted under subsection (1), and
- (b) not withdrawn.”

Member's explanatory statement

This amendment makes it clear that representations that are duly made within the specified time period must be considered.

Secretary Claire Coutinho

Gov 212

☆ Clause 85, page 73, line 38, at end insert—

- “(1C) Before making regulations under section 73(1) (power to appoint allocation bodies) the Secretary of State must consult—

- (a) the Scottish Ministers, if the regulations contain provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
- (b) the Welsh Ministers, if the regulations contain provision that would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
- (c) the Department for the Economy in Northern Ireland, if the regulations contain provision that—
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998,
 and the Secretary of State must consider any representations duly made by persons consulted under this subsection and not withdrawn.”

Member's explanatory statement

This amendment requires the Secretary of State to carry out consultation before making regulations appointing allocation bodies.

Secretary Claire Coutinho

Gov 213

☆ Clause 85, page 73, leave out lines 40 and 41 and insert—

- “(a) consult the persons mentioned in subsection (2A), and
 - (b) specify a period of not less than 28 days for the purposes of subsection (2B).
- (2A) The persons to be consulted under subsection (2) are—
- (a) the Scottish Ministers, if the standard terms contain provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (b) the Welsh Ministers, if the standard terms contain provision that would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006);
 - (c) the Department for the Economy in Northern Ireland, if the standard terms contain provision that—
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998;

- (d) such other persons as the Secretary of State considers appropriate.
- (2B) The Secretary of State must consider any representations that are—
- (a) duly made within the period specified under subsection (2)(b) by persons consulted under subsection (2), and
 - (b) not withdrawn.”

Member's explanatory statement

This amendment alters the list of persons who must be consulted before publishing standard terms and requires that the period of a consultation under subsection (2) is at least 28 days.

Craig Mackinlay

44

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 86, page 74, line 9, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

45

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 86, page 74, line 22, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

46

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 86, page 74, line 28, leave out “a hydrogen levy administrator”

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Craig Mackinlay

47

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 88, page 77, line 2, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Secretary Claire Coutinho

Gov 153

Clause 89, page 77, line 5, leave out subsection (1)

Member's explanatory statement

This amendment is consequential on Amendment 148.

Secretary Claire Coutinho

Gov 154

Clause 89, page 77, line 21, leave out subsection (3)

Member's explanatory statement

This amendment is consequential on Amendment 148.

Secretary Claire Coutinho

Gov 155

Clause 89, page 77, line 38, leave out "(1) to" and insert "(2) and"

Member's explanatory statement

This amendment is consequential on Amendments 153 and 154.

Secretary Claire Coutinho

Gov 156

Clause 89, page 78, line 2, leave out "(1) to" and insert "(2) and"

Member's explanatory statement

This amendment is consequential on Amendments 153 and 154.

Secretary Claire Coutinho

Gov 157

Clause 89, page 78, line 8, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on Amendment 148.

Secretary Claire Coutinho

Gov 158

Clause 89, page 78, line 10, leave out paragraph (c)

Member's explanatory statement

This amendment is consequential on Amendment 148.

Secretary Claire Coutinho

Gov 159

Clause 89, page 78, line 14, leave out "(c) and"

Member's explanatory statement

This amendment is consequential on Amendment 156.

Secretary Claire Coutinho

Gov 160

Clause 89, page 78, line 15, leave out "those sub-paragraphs" and insert "that sub-paragraph"

Member's explanatory statement

This amendment is consequential on Amendment 159.

Secretary Claire Coutinho

Gov 161

Clause 89, page 78, line 17, leave out "(1) or"

Member's explanatory statement

This amendment is consequential on Amendment 153.

Secretary Claire Coutinho

Gov 162

Clause 89, page 78, line 23, leave out "(3) or"

Member's explanatory statement

This amendment is consequential on Amendment 154.

Craig Mackinlay

48

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 78, line 37, leave out Clause 90

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Secretary Claire Coutinho

Gov 163

Clause 91, page 79, line 35, leave out "any of subsections (1) to" and insert "subsection (2) or"

Member's explanatory statement

This amendment is consequential on Amendments 153 and 154.

Craig Mackinlay

49

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 91, page 79, line 36, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on Amendments 9 to 12.

Secretary Claire Coutinho

Gov 164

Clause 91, page 80, line 31, leave out from "1986" to "or" in line 32

Member's explanatory statement

This amendment is consequential on Amendments 153 and 154.

Secretary Claire Coutinho

Gov 70

Clause 91, page 80, line 37, leave out "Smart Meters Act 2018" and insert "Energy Prices Act 2022"

Member's explanatory statement

This amendment results from the passing of the Energy Prices Act 2022 since the Bill was introduced in July 2022.

Secretary Claire Coutinho

Gov 165

Clause 91, page 80, line 39, leave out subsection (14)

Member's explanatory statement

This amendment is consequential on Amendment 153.

Secretary Claire Coutinho

Gov 122

Clause 92, page 82, line 28, at end insert—

““carbon storage installation” has the same meaning as in section 30 of the Energy Act 2008;”

Member's explanatory statement

This amendment clarifies that the definition of “carbon storage installation” in section 30 of the Energy Act 2008 applies to clause 92.

Secretary Claire Coutinho

Gov 123

Clause 94, page 84, line 17, leave out “(5)” and insert “(5A)”

Member's explanatory statement

This amendment is consequential on Amendment 124.

Secretary Claire Coutinho

Gov 124

Clause 94, page 86, line 20, leave out subsection (5) and insert—

“(5) In subsection (5), for the words from “falling” to the end substitute “which is or has been maintained, or is intended to be established, for the purposes of an activity mentioned in section 17(2)(a), (b) or (c) to which subsection (6) applies.

(5A) In subsection (6), for the words from the beginning to “it” substitute “This subsection applies to any activity which is carried on from, by means of or on an installation which”.”

Member's explanatory statement

This amendment omits “or has been” before “established” in the words amending section 30(5) of the Energy Act 2008 for greater consistency with subsection (2) of that section. It also clarifies the relationship between section 30(5) (as amended by the Bill) and section 30(6)).

Secretary Claire Coutinho

Gov 214

☆ Clause 100, page 94, line 15, leave out from beginning to “before”

Member's explanatory statement

See Amendment 215.

Secretary Claire Coutinho

Gov 215

☆ Clause 100, page 94, line 16, at end insert “the Secretary of State must give notice to the appropriate consultees—

- (a) setting out the Secretary of State’s proposed decision, and
- (b) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations must be made,

and the Secretary of State must consider any representations which are duly made and not withdrawn.

(10A) For the purposes of subsection (10), the “appropriate consultees” are—

Member's explanatory statement

This amendment and Amendment 214 provide that when the Secretary of State proposes on a review under this section to leave the strategy and policy statement as it is or to withdraw its designation the Secretary of State must allow at least 28 days for representations to be made and must consider any representations that are properly made.

Secretary Claire Coutinho

Gov 216

☆ Clause 127, page 114, line 6, leave out “consult” and insert “give to the appropriate consultees a notice—

- (a) stating that the Secretary of State proposes to make regulations under subsection (1), and
- (b) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations must be made with respect to the proposed provisions,

and must consider any representations duly made and not withdrawn.”

(6A) For the purposes of this section the “appropriate consultees” are—

Member's explanatory statement

This amendment requires the Secretary of State to allow 28 days for representations to be made about proposed regulations and imposes a duty to consider representations that are properly made.

David Duguid

7

Alan Brown
Martin Vickers

Clause 128, page 115, line 6, after “transportation” insert “by pipeline, ship or other means,”

Member's explanatory statement

Carbon dioxide transport by ship is almost certain to be a part of the Scottish Cluster and subsequent phases of other CCUS clusters and this amendment makes explicit that transportation by ship or other means would be included in the financial assistance available under clause 103.

Secretary Claire Coutinho

Gov 125

Clause 128, page 115, line 6, leave out “and storage”

Member's explanatory statement

This amendment and Amendment 126 clarify that the Secretary of State is authorised to provide financial assistance for either or both of transport and storage of carbon dioxide.

Secretary Claire Coutinho

Gov 126

Clause 128, page 115, line 6, at end insert—

“(aa) storage of carbon dioxide;”

Member's explanatory statement

See the explanatory statement for Amendment 125.

Secretary Claire Coutinho

Gov 127

Clause 128, page 115, line 8, leave out from “for” to end of line 9 and insert “any activity mentioned in paragraph (a) or (aa)”

Member's explanatory statement

This amendment ensures that the Secretary of State is authorised to provide financial assistance for carbon dioxide capture facilities which operate (or are to operate) in association with facilities for either or both of transport and storage of carbon dioxide.

Secretary Claire Coutinho

Gov 128

Clause 128, page 115, line 11, leave out “and storage”

Member's explanatory statement

This amendment and Amendment 129 clarify that the Secretary of State is authorised to provide financial assistance for either or both of transport and storage of hydrogen.

Secretary Claire Coutinho

Gov 129

Clause 128, page 115, line 11, at end insert—

“(e) storage of hydrogen.”

Member's explanatory statement

See the explanatory statement for Amendment 128.

Secretary Claire Coutinho

Gov 71

Clause 128, page 115, line 27, leave out paragraph (f) and insert—

“(f) may be provided by the acquisition of shares or any other interest in, or securities of, a body corporate;”

Member's explanatory statement

This amendment, together with Amendments 72, 77, 80, 81, 92 and 93, seeks to ensure consistency with wording used in other provisions in the Bill that confer powers to provide financial assistance.

Secretary Claire Coutinho

Gov 72

Clause 128, page 115, line 29, leave out “take the form of investment” and insert “be provided”

Member's explanatory statement

See the explanatory statement for Amendment 71.

Secretary Claire Coutinho

Gov 133

Clause 133, page 119, line 23, leave out “subsection (1)” and insert “this section”

Member's explanatory statement

This amendment corrects a minor drafting error.

Secretary Claire Coutinho

Gov 134

Clause 139, page 125, line 33, leave out “licences to which this section applies” and insert “relevant licences”

Member's explanatory statement

This amendment corrects a minor drafting error.

George Eustice

8

Greg Smith
Selaine Saxby
Philip Dunne
Damian Green
Mr David Jones

Sir Mike Penning
Sir Gary Streeter
Peter Aldous
Liz Saville Roberts
Tim Farron

Mrs Sheryll Murray
Anne Marie Morris
Mrs Heather Wheeler
Hywel Williams
Richard Fuller

Jonathan Edwards
Derek Thomas
Ben Lake
Robert Courts
Sammy Wilson

Clause 142, page 127, line 2, leave out from “heat” to the end of line 18 and insert “from a renewable source.”

Member's explanatory statement

This amendment would enable the Secretary of State to make provision for the establishment of a low-carbon heat scheme which encouraged the use of heating appliances that generate heat from a renewable source but which might previously have burnt a fossil fuel.

Secretary Claire Coutinho

Gov 217

☆ Clause 150, page 132, line 15, leave out subsection (3)

Member's explanatory statement

This amendment removes the requirement for the Secretary of State to consult the devolved administrations so far as regulations under clause 142(1) apply in relation to Scotland, Wales or Northern Ireland. The requirement is superseded by the more detailed provision made by Amendment 218.

Secretary Claire Coutinho

Gov 218

☆ Clause 150, page 132, line 23, at end insert—

“(5) Before making scheme regulations that apply in relation to Scotland, Wales or Northern Ireland, the Secretary of State must give notice—

- (a) stating that the Secretary of State proposes to make scheme regulations,
- (b) setting out or describing the provisions of the regulations that apply in relation to Scotland, Wales or Northern Ireland, and
- (c) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to those provisions,

and must consider any representations duly made and not withdrawn.

(6) A notice under subsection (5) must be given to each relevant devolved authority, that is to say—

- (a) the Scottish Ministers, so far as the regulations apply in relation to Scotland;
- (b) the Welsh Ministers, so far as the regulations apply in relation to Wales;

- (c) the Department for the Economy in Northern Ireland, so far as the regulations apply in relation to Northern Ireland.
- (7) The Secretary of State need not wait until the end of the period specified under subsection (5)(c) before making regulations if, before the end of that period, each relevant devolved authority to which the notice was given has confirmed that it has made any representations it intends to make with respect to the provisions referred to in subsection (5)(b).
- (8) The Secretary of State must, if requested to do so by a relevant devolved authority, give the authority a statement setting out whether and how representations made by the authority with respect to the provisions referred to in subsection (5)(b) have been taken into account in the regulations.”

Member's explanatory statement

This amendment requires the Secretary of State to consult the devolved administrations so far as scheme regulations under clause 142(1) apply in relation to Scotland, Wales or Northern Ireland.

Craig Mackinlay

50

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 152, page 133, line 30, at end insert “, except that that power is not exercisable without a warrant issued by a justice of the peace.”

Member's explanatory statement

This amendment would require a warrant for the exercise of the power to enter premises in a hydrogen grid conversion trial.

Caroline Lucas

130

Page 136, line 3, leave out Clause 155

Member's explanatory statement

This amendment would remove clause 155 and therefore ensure that fusion energy facilities are still required to secure a nuclear site licence.

Wera Hobhouse

1

Ben Lake
Liz Saville Roberts
Hywel Williams

Clause 159, page 137, line 31, at end insert—

“(1A) The person designated under subsection (1) must be a public body with no other roles or interests in the energy sector.”

Member's explanatory statement

This amendment ensures that the ISOP is a public body, not an individual or a private company, and has no conflicting interests.

Craig Mackinlay

51

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 160, page 138, line 9, at beginning insert—

“(A1) The ISOP must carry out its functions in the way that it considers is best calculated to ensure the lowest possible cost of energy to businesses and households.”

Member's explanatory statement

This amendment, together with Amendment 52, would introduce a new primary objective for the Independent System Operator and Planner (ISOP), to which the existing objectives for the ISOP in the Bill would become secondary.

Craig Mackinlay

52

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 160, page 138, line 9, at beginning insert “Subject to subsection (A1),”

Member's explanatory statement

See explanatory statement to Amendment 51.

Secretary Claire Coutinho

Gov 73

Clause 160, page 138, line 29, at end insert “within subsection (5)(a), (b) or (ba)”

Member's explanatory statement

This amendment limits the width of the duty of the Independent System Operator and Planner (ISOP) to promote the efficiency and economy objective. The effect is that the duty will apply, broadly

speaking, to activities in respect of which the ISOP's predecessors have functions, and to activities in respect of which the ISOP has or acquires functions; but not to activities described in clause 160(5)(c).

Secretary Claire Coutinho

Gov 74

Clause 160, page 138, line 38, at end insert—

“(ba) an activity, other than an activity within paragraph (a) or (b), in respect of which the ISOP has functions;”

Member's explanatory statement

This amendment relocates the provision currently at clause 160(5)(d) to earlier in the definition of “relevant activity”. It is also consequential on Amendment 75.

Secretary Claire Coutinho

Gov 75

Clause 160, page 138, line 39, leave out “or (b)” and insert “, (b) or (ba)”

Member's explanatory statement

This amendment is consequential on Amendment 74.

Secretary Claire Coutinho

Gov 76

Clause 160, page 139, line 7, leave out paragraph (d)

Member's explanatory statement

This amendment is consequential on Amendment 74.

Wera Hobhouse

2

Ben Lake
Liz Saville Roberts
Hywel Williams

Clause 162, page 140, line 5, leave out subsection (1) and insert—

“(1) The ISOP must have regard to the strategic priorities set out in the current strategy and policy statement but will otherwise carry out its functions independently of the Secretary of the State.”

Member's explanatory statement

This amendment ensures that the Independent System Operator and Planner (ISOP) is independent.

Secretary Claire Coutinho

Gov 166

Clause 163, page 142, line 11, leave out subsection (11)

Member's explanatory statement

This amendment is consequential on Amendment 148.

Secretary Claire Coutinho

Gov 77

Clause 173, page 148, line 31, leave out "in or securities of" and insert "or any other interest in, or securities of,"

Member's explanatory statement

See the explanatory statement for Amendment 71.

Secretary Claire Coutinho

Gov 78

Clause 177, page 150, line 31, leave out subsection (3) and insert—

"(3) For the purposes of this Part, references to the ISOP's functions are to any functions that are exercisable by the person for the time being designated as the ISOP (whether they are exercisable in the person's capacity as the ISOP or in another capacity)."

Member's explanatory statement

This amendment clarifies that references in Part 5 to the ISOP's functions include any functions that are exercisable by the person for the time being designated as the ISOP, regardless of the capacity in which such functions are exercisable by the person.

Secretary Claire Coutinho

Gov 79

Clause 200, page 165, line 10, at end insert—

"(2) The power conferred by section 325(1) (consequential provision) includes, in particular, power to amend provision inserted in the Electricity Act 1989 by Schedule 15 where the amendment is consequential on the coming into force of paragraph 4 of Schedule 11."

Member's explanatory statement

This amendment clarifies that the power under clause 325(1) includes power to amend provisions inserted in the Electricity Act 1989 by Schedule 15, in consequence of the coming into force of the amendment of section 4 of that Act by paragraph 4 of Schedule 11.

Craig Mackinlay

53

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 178, line 25, leave out Clause 212

Member's explanatory statement

This amendment would remove the clause granting the Secretary of State an extension of time for the extension of powers relating to smart meters.

Secretary Claire Coutinho

Gov 103

Clause 212, page 179, line 3, at end insert—

“(3A) Subsections (3B) and (3C) apply if this section comes into force after 1 November 2023.

(3B) Section 89(1) of the Energy Act 2008 (duty to consult on modifications) may be satisfied by consultation before, as well as by consultation after, 1 November 2023.

(3C) Where—

(a) on or before 1 November 2023 the Secretary of State has, in accordance with section 89(3) of the Energy Act 2008, laid before Parliament a draft of proposed modifications under section 88 of that Act, and

(b) on that date the 40-day period referred to in section 89(4) of that Act has not expired,

in calculating that 40-day period no account is to be taken of the period beginning with 2 November 2023 and ending immediately before the day on which this section comes into force.”

Member's explanatory statement

This amendment makes provision dealing with transitional issues that would arise if clause 212 were to come into force after 1 November 2023 (when the power under section 88 of the Energy Act 2008 ceases to be exercisable).

Secretary Claire Coutinho

Gov 219

☆ Clause 216, page 181, line 13, leave out “provisions amending or repealing primary legislation” and insert “—

(a) provisions amending or repealing an Act of Parliament, an Act or Measure of Senedd Cymru or Northern Ireland legislation;

(b) provisions amending the Heat Networks (Scotland) Act 2021 (asp 9).”

Member's explanatory statement

This amendment clarifies the primary legislation that may be amended or repealed by regulations under clause 216 (heat networks regulations), where the regulations make consequential, incidental, supplementary, transitional or saving provision. So far as Acts of the Scottish Parliament are concerned, only the Heat Networks (Scotland) Act 2021 may be amended (but not repealed) by such regulations.

Secretary Claire Coutinho

Gov 220

- ☆ Clause 216, page 181, leave out lines 18 to 24

Member's explanatory statement

This amendment removes the requirement for the Secretary of State to consult the Scottish Ministers before making regulations under clause 216 that contain provision within devolved legislative competence. The requirement is superseded by the more detailed provisions set out in NC65.

Secretary Claire Coutinho

Gov 221

- ☆ Clause 216, page 181, line 25, leave out "or (8)"

Member's explanatory statement

This amendment is consequential on Amendment 220.

Secretary Claire Coutinho

Gov 222

- ☆ Clause 216, page 181, leave out lines 32 to 36

Member's explanatory statement

This amendment removes the definition of "primary legislation", which is no longer needed as a result of Amendment 219.

Secretary Claire Coutinho

Gov 223

- ☆ Clause 217, page 182, line 12, leave out "primary legislation (as defined in section 216)" and insert "legislation mentioned in section 216(5)"

Member's explanatory statement

This amendment is consequential on Amendment 219.

Secretary Claire Coutinho

Gov 224

- ☆ Clause 220, page 184, line 22, at end insert—

"(3A) The Secretary of State may make regulations under this section only if the Secretary of State has also made regulations under section 219(1) (and those regulations are still in force)."

Member's explanatory statement

This amendment provides that regulations to make provision about monitoring compliance with, and enforcing, conditions of heat networks licences issued under section 5(5) of the Heat Networks (Scotland) Act 2021 may not be made if no regulations have been made designating the Gas and Electricity Markets Authority as the licensing authority for the purposes of that Act.

Craig Mackinlay

54

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 227, page 188, line 31, leave out paragraph (c)

Member's explanatory statement

This amendment would ensure that it was not possible to impose a penalty on a person for not complying with a request for information relating to a heat network zone.

Craig Mackinlay

55

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Clause 228, page 189, line 9, leave out subsections (2) to (10) and insert—

“(2) Regulations made by virtue of subsection (1) may not impose a requirement on any person.”

Member's explanatory statement

This amendment would prevent regulations about heat networks within heat network zones from imposing mandatory requirements.

Craig Mackinlay

56

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 192, line 30, leave out Clause 230

Member's explanatory statement

This amendment would leave out the clause which provides for the enforcement of heat network zone requirements.

Craig Mackinlay

57

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 193, line 12, leave out Clause 231

Member's explanatory statement

This amendment would leave out the clause which provides for penalties to be imposed by regulations about heat network zones.

Craig Mackinlay

58

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 196, line 3, leave out Clause 235

Member's explanatory statement

This amendment, together with Amendments 59 to 63, would remove Chapter 2 of Part 9 of the Bill, on energy smart appliances.

Craig Mackinlay

59

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 197, line 13, leave out Clause 236

Member's explanatory statement

See explanatory statement to Amendment 58.

Craig Mackinlay

60

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 198, line 4, leave out Clause 237

Member's explanatory statement

See explanatory statement to Amendment 58.

Craig Mackinlay

61

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 199, line 39, leave out Clause 238

Member's explanatory statement

See explanatory statement to Amendment 58.

Craig Mackinlay

62

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 200, line 22, leave out Clause 239

Member's explanatory statement

See explanatory statement to Amendment 58.

Craig Mackinlay

63

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 201, line 14, leave out Clause 240

Member's explanatory statement

See explanatory statement to Amendment 58.

Craig Mackinlay

64

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 205, line 14, leave out Clause 246

Member's explanatory statement

This amendment, together with Amendments 65 to 67, would leave out Part 10 of the Bill, on the energy performance of premises.

Secretary Claire Coutinho

Gov 182

☆ Clause 246, page 205, line 15, leave out "Secretary of State" and insert "appropriate authority"

Member's explanatory statement

This amendment enables energy performance regulations to be made by the Scottish Ministers in relation to Scotland and by the Department of Finance in relation to Northern Ireland.

Secretary Claire Coutinho

Gov 183

☆ Clause 246, page 206, line 17, at end insert—

“the appropriate authority” means—

- (a) in relation to England and Wales, the Secretary of State;
- (b) in relation to Scotland, the Scottish Ministers;
- (c) in relation to Northern Ireland, the Department;”

Member's explanatory statement

This amendment defines “the appropriate authority” for the purposes of Amendments 182 and 185.

Secretary Claire Coutinho

Gov 184

☆ Clause 246, page 206, line 19, at end insert—

“the Department” means the Department of Finance in Northern Ireland;”

Member's explanatory statement

This amendment defines “the Department” for the purposes of Part 10.

Craig Mackinlay

65

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 206, line 29, leave out Clause 247

Member's explanatory statement

See explanatory statement to Amendment 64.

Craig Mackinlay

66

Sir Jacob Rees-Mogg
Julian Knight
Scott Benton
Sammy Wilson
Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 207, line 1, leave out Clause 248

Member's explanatory statement

See explanatory statement to Amendment 64. This amendment would remove a clause which would enable the creation of criminal offences by regulations.

Secretary Claire Coutinho

Gov 185

☆ Clause 248, page 207, line 40, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment enables the amount specified in clause 248(2) (maximum civil penalty for which energy performance regulations may provide) to be amended for the purpose of reflecting inflation by the Scottish Ministers in relation to Scotland and by the Department of Finance in relation to Northern Ireland.

Craig Mackinlay

67

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 208, line 6, leave out Clause 249

Member's explanatory statement

See explanatory statement to Amendment 64. This amendment would remove a clause which would enable the amendment, repeal or revocation of primary legislation by regulations.

Secretary Claire Coutinho

Gov 186

☆ Clause 249, page 208, line 9, leave out paragraphs (a) and (b) and insert "primary legislation"

Member's explanatory statement

This amendment enables energy performance regulations to amend, reveal or revoke provision made by or under an Act of the Scottish Parliament or Northern Ireland legislation.

Secretary Claire Coutinho

Gov 187

☆ Clause 249, page 208, line 10, at end insert—

"(1A) Regulations under this Part containing provision within subsection (2) (with or without other provision)—

- (a) if made by the Secretary of State, are subject to the affirmative procedure (see section 327);
- (b) if made by the Scottish Ministers, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
- (c) if made by the Department, may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly."

Member's explanatory statement

This amendment ensures that energy performance regulations that would be subject to the affirmative procedure if made by the Secretary of State are subject to equivalent procedures where made by the Scottish Ministers or by the Department of Finance in Northern Ireland.

Secretary Claire Coutinho

Gov 188

☆ Clause 249, page 208, line 11, leave out from beginning to end of line 12 and insert "The provision within this subsection is—"

Member's explanatory statement

This amendment is consequential on Amendment 187.

Secretary Claire Coutinho

Gov 189

- ☆ Clause 249, page 208, line 16, at end insert “(but excluding provision made by virtue of section 248(7) (inflation-related adjustments))”

Member's explanatory statement

This amendment clarifies that provision amending the cap on civil penalties to reflect inflation does not attract the affirmative procedure (or equivalent procedures in Scotland or Northern Ireland).

Secretary Claire Coutinho

Gov 190

- ☆ Clause 249, page 208, line 17, leave out “an Act of Parliament” and insert “primary legislation”

Member's explanatory statement

This amendment ensures that provision amending or repealing provision made by an Act of the Scottish Parliament, an Act or Measure of Senedd Cymru or Northern Ireland legislation is subject to equivalent affirmative procedures in the relevant devolved legislatures.

Secretary Claire Coutinho

Gov 191

- ☆ Clause 249, page 208, line 18, at end insert—

“(2A) Any other regulations under this Part—

- (a) if made by the Secretary of State, are subject to the negative procedure (see section 327);
- (b) if made by the Scottish Ministers, are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
- (c) if made by the Department, are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).”

Member's explanatory statement

This amendment clarifies that energy performance regulations that do not contain provision within subsection (2) are subject to the affirmative procedure if made by the Secretary of State and to equivalent procedures where made by the Scottish Ministers or by the Department of Finance in Northern Ireland.

Secretary Claire Coutinho

Gov 192

☆ Clause 249, page 208, line 22, at end insert—

“(4) A power of the Department to make regulations under this Part is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).”

Member's explanatory statement

This amendment is consequential on Amendments 182 and 185.

Secretary Claire Coutinho

Gov 193

☆ Clause 249, page 208, line 22, at end insert—

“(5) In this section “primary legislation” means—
 (a) an Act of Parliament,
 (b) an Act of the Scottish Parliament,
 (c) an Act or Measure of Senedd Cymru, or
 (d) Northern Ireland legislation.”

Member's explanatory statement

This amendment defines “primary legislation” for the purposes of Amendment 186.

Craig Mackinlay

68

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 214, line 1, leave out Clause 255

Member's explanatory statement

This amendment would leave out the clause which provides for requirements to be imposed by energy savings opportunity scheme regulations.

Craig Mackinlay

69

Sir Jacob Rees-Mogg
 Julian Knight
 Scott Benton
 Sammy Wilson
 Karl McCartney

Mr Philip Hollobone

Greg Smith

Sir Iain Duncan Smith

Page 216, line 16, leave out Clause 257

Member's explanatory statement

This amendment would leave out the clause which provides for the enforcement of energy savings opportunity scheme regulations and the creation of connected penalties and offences.

Secretary Claire Coutinho

Gov 225

☆ Clause 259, page 218, line 26, leave out from beginning to end of line 32

Member's explanatory statement

This amendment removes the requirement for the Secretary of State to consult the devolved administration so far as ESOS regulations make provision within devolved legislative competence. That requirement is superseded by the more detailed provision made by Amendment 226.

Secretary Claire Coutinho

Gov 226

☆ Clause 259, page 218, line 34, at end insert—

- “(2A) Before making ESOS regulations that contain provision within devolved competence, the Secretary of State must give notice—
- (a) stating that the Secretary of State proposes to make ESOS regulations,
 - (b) setting out or describing the provisions of the regulations that contain provision within devolved competence, and
 - (c) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to those provisions,
- and must consider any representations duly made and not withdrawn.
- (2B) A notice under subsection (2A) must be given to each relevant devolved authority, that is to say—
- (a) the Scottish Ministers, so far as the regulations contain provision within Scottish devolved competence;
 - (b) the Welsh Ministers, so far as the regulations contain provision within Welsh devolved competence;
 - (c) the Department for the Economy in Northern Ireland, so far as the regulations contain provision within Northern Ireland devolved competence.
- (2C) The Secretary of State need not wait until the end of the period specified under subsection (2A)(c) before making ESOS regulations if, before the end of that period, each relevant devolved authority to which the notice was given has confirmed that it has made any representations it intends to make with respect to the provisions referred to in subsection (2A)(b).
- (2D) The Secretary of State must, if requested to do so by a relevant devolved authority, give the authority a statement setting out whether and how

representations made by the authority with respect to the provisions referred to in subsection (2A)(b) have been taken into account in the regulations.

- (2E) References in subsection (2A) to provision within devolved competence are to provision that is within Scottish, Welsh or Northern Ireland devolved competence.
- (2F) Where the Secretary of State makes ESOS regulations that have effect in relation to the compliance period beginning on 6 December 2019 (see regulation 4 of the Energy Savings Opportunity Schemes Regulations 2014 (S.I. 2014/1643))—
- (a) subsections (2A) to (2E) do not apply, and
 - (b) before making the regulations, the Secretary of State must consult—
 - (i) the Scottish Ministers, so far as the regulations contain provision within Scottish devolved competence,
 - (ii) the Welsh Ministers, so far as the regulations contain provision within Welsh devolved competence, and
 - (iii) the Department for the Economy in Northern Ireland, so far as the regulations contain provision within Northern Ireland devolved competence,
- and subsection (2) applies to consultation under paragraph (b) as it applies to consultation under subsection (1)."

Member's explanatory statement

This amendment requires the Secretary of State to carry out a consultation process with the devolved administrations so far as ESOS regulations make provision within devolved legislative competence.

Secretary Claire Coutinho

Gov 227

- ☆ Clause 259, page 218, line 35, leave out subsection (3)

Member's explanatory statement

This amendment removes provision that enables ESOS regulations to make consequential provision amending primary legislation. The provision is no longer thought to be necessary.

Secretary Claire Coutinho

Gov 228

- ☆ Clause 259, page 219, line 18, leave out paragraph (h)

Member's explanatory statement

This amendment is consequential on Amendment 227.

Secretary Claire Coutinho

Gov 229

- ☆ Clause 259, page 219, line 20, leave out subsection (8)

Member's explanatory statement

This amendment is consequential on Amendment 227.

Secretary Claire Coutinho

Gov 80

Clause 283, page 237, line 6, leave out paragraph (d) and insert—

“(d) the acquisition of shares or any other interest in, or securities of, a body corporate;”

Member's explanatory statement

See the explanatory statement for Amendment 71.

Secretary Claire Coutinho

Gov 81

Clause 283, page 237, line 8, leave out “investment by”

Member's explanatory statement

See the explanatory statement for Amendment 71.

Secretary Claire Coutinho

Gov 230

☆ Clause 288, page 241, line 9, leave out “for and in connection with the determination of the extent to which” and insert “enabling a determination to be made, by or on behalf of the relevant person, as to whether (and, if so, the extent to which)”

Member's explanatory statement

This amendment, together with Amendment 233, provides that regulations under clause 288 may enable a determination to be made, by the person who imposed a compensation condition (as defined by clause 288(5)), of the extent to which a payment into a recovery fund discharges the condition.

Secretary Claire Coutinho

Gov 231

☆ Clause 288, page 241, line 11, leave out “a person” and insert “another person”

Member's explanatory statement

This amendment is consequential on Amendment 230.

Secretary Claire Coutinho

Gov 232

☆ Clause 288, page 241, line 14, after “extent” insert “(if any)”

Member's explanatory statement

This amendment is consequential on Amendment 230.

Secretary Claire Coutinho

Gov 233

☆ Clause 288, page 241, line 18, at end insert—

“(5A) “Relevant person”, for the purposes of a determination made by virtue of subsection (4)(a), means the person who imposed the compensation condition.”

Member's explanatory statement

See the explanatory statement for Amendment 230.

Secretary Claire Coutinho

Gov 234

☆ Clause 288, page 241, line 31, at end insert “, where the functions relate to the operation or management of a marine recovery fund”

Member's explanatory statement

This amendment makes it clear that only functions of the Secretary of State that relate to the operation or management of a marine recovery fund are capable of being delegated by regulations under clause 288.

Secretary Claire Coutinho

Gov 235

☆ Clause 288, page 241, line 39, at end insert—

“(8A) Regulations made by virtue of subsection (7)(c) must provide that the delegation of a function—

- (a) to a Scottish public authority requires the consent of the Scottish Ministers;
- (b) to a Welsh public authority requires the consent of the Welsh Ministers;
- (c) to a Northern Ireland public authority requires the consent of DAERA.”

Member's explanatory statement

This amendment provides that regulations under clause 288 that make provision for delegation of functions to a Scottish, Welsh or Northern Ireland public authority must require the consent of the relevant devolved administration.

Secretary Claire Coutinho

Gov 236

☆ Clause 288, page 242, line 4, at end insert—

“(9A) Before making regulations under this section, the Secretary of State must consult—

- (a) the Scottish Ministers, so far as the regulations relate to relevant offshore wind activities in Scotland,
- (b) the Welsh Ministers, so far as the regulations relate to relevant offshore wind activities in Wales,
- (c) DAERA, so far as the regulations relate to relevant offshore wind activities in Northern Ireland, and
- (d) such other persons as the Secretary of State considers appropriate.”

Member's explanatory statement

This amendment imposes a consultation requirement on the Secretary of State before making regulations under clause 288 (including a requirement to consult the devolved administrations to the extent that the regulations relate to activities in their areas).

Secretary Claire Coutinho

Gov 237

☆ Clause 288, page 242, line 6, leave out subsection (11)

Member's explanatory statement

This amendment leaves out subsection (11) of clause 288, the substance of which has been moved into clause 291 (see Amendment 242).

Secretary Claire Coutinho

Gov 238

☆ Clause 289, page 242, line 22, leave out from “region” to end of line 23

Member's explanatory statement

This amendment removes from clause 289(2)(a) the reference to qualifying Secretary of State functions, as this is not considered necessary in relation to the Scottish inshore region.

Secretary Claire Coutinho

Gov 82

Clause 289, page 243, line 18, leave out sub-paragraph (ii)

Member's explanatory statement

This amendment and Amendment 83 remove the ability for regulations under clause 289(1) to disapply or modify rights arising under the Habitats Directive. This is because of section 2 of the Retained EU Law (Revocation and Reform) Act 2023, as a result of which such rights will cease to be recognised or enforceable in domestic law.

Secretary Claire Coutinho

Gov 194

☆ Clause 289, page 244, line 9, leave out sub-paragraph (iii)

Member's explanatory statement

This amendment removes provisions of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) from the list of provisions that may be disapplied or modified by regulations under clause 289(1) made by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

Secretary Claire Coutinho

Gov 239

☆ Clause 289, page 244, line 29, at end insert—

“(6A) Regulations made under this section by the Secretary of State—

- (a) may not provide for a function that is exercisable by a Scottish public authority, a Welsh public authority or a Northern Ireland public authority to cease to be exercisable by that authority, and
- (b) to the extent that a function is exercisable by or on behalf of a Scottish public authority, a Welsh public authority or a Northern Ireland public authority, may not provide for the function also to be exercisable to that extent by another person,

but may (subject to paragraphs (a) and (b)) modify such a function.”

Member's explanatory statement

This amendment clarifies that regulations made under clause 289 by the Secretary of State may not abolish functions that are exercisable by a Scottish, Welsh or Northern Ireland public authority or provide for such functions to be exercisable concurrently by another person.

Secretary Claire Coutinho

Gov 195

☆ Clause 289, page 244, line 31, after “authority” insert “or a specified person”

Member's explanatory statement

This amendment enables regulations under clause 289 to authorise the giving of directions by a person specified in the regulations (as well as by the appropriate authority). The regulations could, for example, authorise the giving of directions by the person carrying out an environmental assessment or by a devolved administration.

Secretary Claire Coutinho

Gov 240

☆ Clause 289, page 244, line 33, at end insert—

“(7A) But regulations made by the Secretary of State by virtue of subsection (7)(a) may not enable directions to be given—

- (a) to a Scottish public authority by a person other than the Scottish Ministers;
- (b) to a Welsh public authority by a person other than the Welsh Ministers.”

Member's explanatory statement

This amendment prevents regulations under clause 289 authorising the giving of a direction to a Scottish or Welsh public authority by a person other than (as the case may be) the Scottish Ministers or the Welsh Ministers.

Secretary Claire Coutinho

Gov 241

☆ Clause 289, page 245, line 13, leave out “the Scottish inshore region,”

Member's explanatory statement

This amendment is consequential on Amendment 238.

Secretary Claire Coutinho

Gov 83

Clause 289, page 245, line 15, leave out from beginning to end of line 21

Member's explanatory statement

This amendment is consequential on Amendment 82.

Secretary Claire Coutinho

Gov 242

☆ Clause 291, page 248, line 10, at end insert—

“(3) References in this Chapter—

- (a) to a Scottish public authority are to the Scottish Ministers or any other public authority whose functions are exercisable only or mainly in or as regards Scotland;
- (b) to a Welsh public authority are to the Welsh Ministers or any other public authority whose functions are exercisable only or mainly in or as regards Wales;
- (c) to a Northern Ireland public authority are to a Northern Ireland department or any other public authority whose functions are exercisable only or mainly in or as regards Northern Ireland.”

Member's explanatory statement

This amendment provides a Chapter-wide proposition about the meaning of references to a Scottish, Welsh or Northern Ireland public authority.

Secretary Claire Coutinho

Gov 84

Clause 295, page 253, line 17, leave out “the”

Member's explanatory statement

This amendment is consequential on Amendment 102.

Secretary Claire Coutinho

Gov 85

Clause 295, page 253, line 17, at end insert—

- “(za) the Petroleum (Production) (Landward Areas) Regulations 1995 (S.I. 1995/1436),
- (zb) the Petroleum (Current Model Clauses) Order 1999 (S.I. 1999/160),
- (zc) the Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004 (S.I. 2004/352),”

Member's explanatory statement

This amendment is consequential on Amendment 102.

Secretary Claire Coutinho

Gov 86

Clause 295, page 253, line 19, leave out “(“the 2008 Regulations”)”

Member's explanatory statement

This amendment is consequential on Amendment 102.

Secretary Claire Coutinho

Gov 87

Clause 295, page 253, line 21, leave out “(“the 2014 Regulations”)”

Member's explanatory statement

This amendment is consequential on Amendment 102.

Secretary Claire Coutinho

Gov 88

Clause 295, page 253, line 22, leave out subsections (2) and (3) and insert—

- “(2) Where a licence granted (or having effect as if granted) by the Oil and Gas Authority under the Petroleum (Production) Act 1934 or the Petroleum Act 1998—
 - (a) incorporates model clauses amended by a paragraph of Schedule 21 (whether or not any provision of those model clauses is modified or excluded), and
 - (b) is in force immediately before that paragraph comes into force, the licence has effect with the amendments provided for by that paragraph.”

Member's explanatory statement

This amendment is consequential on Amendment 102.

Secretary Claire Coutinho

Gov 89

Clause 295, page 254, line 5, leave out "2014 Regulations" and insert "Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014"

Member's explanatory statement

This amendment is consequential on Amendment 102.

Secretary Claire Coutinho

Gov 90

Clause 298, page 258, line 6, after "installation" insert "or a licensed disposal site"

Member's explanatory statement

This amendment, together with Amendment 91, ensures, in relation to an installation for the disposal of nuclear matter, consistent determination of when a person's period of responsibility ends irrespective of which regulatory framework (nuclear site licensing or environmental permitting) applies.

Secretary Claire Coutinho

Gov 91

Clause 298, page 258, line 34, at end insert—

""licensed disposal site" means a site that would be, or would at any time have been, a relevant disposal site but for section 7B(5)(a) (nuclear site licence granted in respect of site);"

Member's explanatory statement

See the explanatory statement for Amendment 90.

Secretary Claire Coutinho

Gov 92

Clause 315, page 272, line 28, after "in" insert ", or securities of,"

Member's explanatory statement

See the explanatory statement for Amendment 71.

Secretary Claire Coutinho

Gov 93

Clause 315, page 273, line 4, after "in" insert ", or securities of,"

Member's explanatory statement

See the explanatory statement for Amendment 71.

Secretary Claire Coutinho

Gov 94

Clause 325, page 281, line 10, leave out “this Act or any provision made” and insert “provision made by or under this Act or”

Member's explanatory statement

This amendment clarifies the drafting of clause 325(2).

Secretary Claire Coutinho

Gov 243

☆ Clause 326, page 282, line 23, leave out subsection (11)

Member's explanatory statement

This amendment removes a clarification that is now thought unnecessary.

Secretary Claire Coutinho

Gov 176

☆ Clause 328, page 282, line 37, leave out “Chapters 1 and 3” and insert “Chapter 1”

Member's explanatory statement

This amendment is consequential on Amendment 178.

Secretary Claire Coutinho

Gov 177

☆ Clause 328, page 282, line 37, at end insert—

“(ca) Chapter 3 of Part 4, except section (*Renewable liquid heating fuel obligations*);”

Member's explanatory statement

This amendment is consequential on Amendment 178.

Secretary Claire Coutinho

Gov 196

☆ Clause 328, page 283, line 2, after “Parts” insert “10,”

Member's explanatory statement

This amendment provides that Part 10 of the Bill extends to England and Wales, Scotland and Northern Ireland.

Secretary Claire Coutinho

Gov 178

☆ Clause 328, page 283, line 12, at end insert—

“(da) section (*Renewable liquid heating fuel obligations*);”

Member's explanatory statement

This amendment provides for the new clause inserted by NC63 to extend to England and Wales and Scotland.

Secretary Claire Coutinho

Gov 244

☆ Clause 328, page 283, line 19, leave out subsection (3) and insert—

“(3) Chapter 2 of Part 8 extends to England and Wales only, subject to subsection (5).”

Member's explanatory statement

This amendment is consequential on Amendment 196.

Secretary Claire Coutinho

Gov 104

Clause 329, page 283, line 32, at end insert—

“(za) in Chapter 1 of Part 2—

- (i) section 56;
- (ii) sections 57 and 58, so far as relating to hydrogen production revenue support contracts and a hydrogen production counterparty;
- (iii) sections 65 and 66;
- (iv) section 81(1) to (3), so far as relating to a designation under section 65;
- (v) section 83, so far as relating to hydrogen production revenue support contracts and a hydrogen production counterparty;
- (vi) sections 85 and 88, so far as relating to the exercise of any power that comes into force in accordance with this paragraph;

and in this paragraph “hydrogen production revenue support contract” and “hydrogen production counterparty” have the same meaning as in that Chapter;”

Member's explanatory statement

This amendment provides for certain provisions of Chapter 1 of Part 2 to come into force on Royal Assent, so far as they relate to hydrogen production revenue support contracts.

Secretary Claire Coutinho

Gov 105

Clause 329, page 283, line 32, at end insert—

“(za) section 128;”

Member's explanatory statement

This amendment provides for clause 128 to come into force on Royal Assent.

Secretary Claire Coutinho

Gov 106

Clause 329, page 283, line 32, at end insert—

“(za) Chapter 1 of Part 4;”

Member's explanatory statement

This amendment provides for Chapter 1 of Part 4 to come into force on Royal Assent.

Secretary Claire Coutinho

Gov 107

Clause 329, page 283, line 32, at end insert—

“(za) section 153;”

Member's explanatory statement

This amendment provides for clause 153 to come into force on Royal Assent.

Secretary Claire Coutinho

Gov 108

Clause 329, page 283, line 32, at end insert—

“(za) section 156;”

Member's explanatory statement

This amendment provides for clause 156 to come into force on Royal Assent.

Secretary Claire Coutinho

Gov 109

Clause 329, page 283, line 32, at end insert—

“(za) in Part 5—

- (i) sections 166 and 167;
- (ii) section 171 (including Schedule 9) and section 172 (including Schedule 10);
- (iii) section 175(2) and (3), so far as relating to other provisions in force by virtue of this paragraph;

(iv) sections 177 and 178;"

Member's explanatory statement

This amendment provides for certain provisions of Part 5 to come into force on Royal Assent.

Secretary Claire Coutinho

Gov 110

Clause 329, page 283, line 32, at end insert—

“(za) section 200 (including Schedule 15);”

Member's explanatory statement

This amendment provides for clause 200 and Schedule 15 to come into force on Royal Assent.

Secretary Claire Coutinho

Gov 169

Clause 329, page 283, line 32, at end insert—

“(za) section (*Revenue certainty scheme for sustainable aviation fuel producers: consultation and report*);”

Member's explanatory statement

This amendment provides for the new clause inserted by NC52 to come into force on Royal Assent.

Secretary Claire Coutinho

Gov 179

☆ Clause 329, page 283, line 32, at end insert—

“(za) section (*Renewable liquid heating fuel obligations*);”

Member's explanatory statement

This amendment provides for the new clause inserted by NC63 to come into force on Royal Assent.

Secretary Claire Coutinho

Gov 111

Clause 329, page 283, line 33, at end insert—

“(aa) section 212;”

Member's explanatory statement

This amendment provides for clause 212 to come into force on Royal Assent.

Secretary Claire Coutinho

Gov 112

Clause 329, page 283, line 36, after “sections” insert “302,”

Member's explanatory statement

This amendment provides for clause 302 to come into force on Royal Assent.

Secretary Claire Coutinho

Gov 113

Clause 329, page 283, line 37, leave out "Chapter 3" and insert "Chapters 3 and 4"

Member's explanatory statement

This amendment provides for Chapter 4 of Part 14 to come into force on Royal Assent.

Secretary Claire Coutinho

Gov 114

Clause 329, page 284, line 4, leave out paragraph (b) and insert—

"(b) Chapters 1 to 3, 5 and 6 of Part 2, so far as not already in force by virtue of subsection (2);"

Member's explanatory statement

This amendment is consequential on Amendments 104 and 105.

Secretary Claire Coutinho

Gov 115

Clause 329, page 284, line 6, leave out "Chapter 2 of Part 4" and insert "section 152"

Member's explanatory statement

This amendment is consequential on Amendment 107.

Secretary Claire Coutinho

Gov 116

Clause 329, page 284, line 7, leave out ", 156"

Member's explanatory statement

This amendment is consequential on Amendment 108.

Secretary Claire Coutinho

Gov 117

Clause 329, page 284, line 9, leave out paragraph (g)

Member's explanatory statement

This amendment is consequential on Amendment 110.

Secretary Claire Coutinho

Gov 118

Clause 329, page 284, line 10, leave out "212" and insert "211"

Member's explanatory statement

This amendment is consequential on Amendment 111.

Secretary Claire Coutinho

Gov 119

Clause 329, page 284, line 14, leave out paragraph (l)

Member's explanatory statement

This amendment removes clause 294 from the list of provisions that come into force two months after Royal Assent.

Secretary Claire Coutinho

Gov 120

Clause 329, page 284, line 16, leave out paragraph (n)

Member's explanatory statement

This amendment is consequential on Amendment 113.

Secretary Claire Coutinho

Gov 95

Schedule 8, page 323, line 7, after "decision" insert "to terminate the carbon storage licence or"

Member's explanatory statement

This amendment adds to paragraph 5(3) of Schedule 8 a right of appeal against a decision to terminate a carbon storage licence.

Secretary Claire Coutinho

Gov 96

Schedule 8, page 323, line 32, after "decision" insert "to terminate a carbon storage licence,"

Member's explanatory statement

This amendment adds to paragraph 5(8) of Schedule 8 a reference to an appeal against a decision to terminate a carbon storage licence.

Secretary Claire Coutinho

Gov 97

Schedule 9, page 326, line 39, leave out "or rights" and insert ", rights or liabilities"

Member's explanatory statement

This amendment aligns the language used in paragraph 6(1)(a) of Schedule 9 with that used in paragraph 8(6)(j) of Schedule 12.

Secretary Claire Coutinho

Gov 98

Schedule 9, page 327, line 21, at end insert—

- “(2A) Any requirement imposed on a person by a transfer scheme is enforceable by the Secretary of State in civil proceedings—
- (a) for an injunction,
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
 - (c) for any other appropriate remedy or relief.”

Member's explanatory statement

This amendment provides for the civil enforcement of a requirement imposed on a person by a transfer scheme under paragraph 1 of Schedule 9.

Secretary Claire Coutinho

Gov 99

Schedule 9, page 328, line 9, leave out “appointed by the Secretary of State and the transferor”

Member's explanatory statement

This amendment removes words that are no longer considered necessary.

Secretary Claire Coutinho

Gov 100

Schedule 9, page 328, line 15, leave out sub-paragraph (4)

Member's explanatory statement

This amendment leaves out paragraph 8(4) of Schedule 9, which is no longer thought to be needed.

Secretary Claire Coutinho

Gov 197

☆ Schedule 9, page 329, line 27, leave out “, land and buildings transaction tax, land transaction tax”

Member's explanatory statement

This amendment removes land and buildings transaction tax (in Scotland) and land transaction tax (in Wales) from the taxes in relation to which the Treasury may make regulations under paragraph 9 of Schedule 9.

Secretary Claire Coutinho

Gov 101

Schedule 10, page 336, line 17, leave out paragraphs (a) and (b) and insert—

“(a) such specified pensions information, or

(b) such specified assistance,

as the Secretary of State may reasonably require in preparation for or in connection with the exercise of a power conferred on the Secretary of State by this Schedule.”

Member's explanatory statement

This amendment clarifies that the power to require pensions information may (like the power to require assistance) be exercised where the Secretary of State reasonably requires the information in connection with the exercise of powers under Schedule 10.

Secretary Claire Coutinho

Gov 135

Schedule 14, page 350, line 26, leave out from “in” to “of” in line 28 and insert “a notice under section 181(1) of the Energy Act 2023 in relation to a designated central system (within the meaning of Part 6”

Member's explanatory statement

This amendment corrects a minor drafting error.

Secretary Claire Coutinho

Gov 136

Schedule 14, page 350, line 36, leave out from “in” to “of” in line 1 on page 351 and insert “a notice under section 181(1) of the Energy Act 2023 in relation to a designated central system (within the meaning of Part 6”

Member's explanatory statement

This amendment corrects a minor drafting error.

Secretary Claire Coutinho

Gov 137

Schedule 14, page 351, line 14, leave out from “in” to “of” in line 16 and insert “a notice under section 181(1) of the Energy Act 2023 in relation to a designated central system (within the meaning of Part 6”

Member's explanatory statement

This amendment corrects a minor drafting error.

Secretary Claire Coutinho

Gov 138

Schedule 14, page 351, line 24, leave out from “in” to “of” in line 25 and insert “a notice under section 181(1) of the Energy Act 2023 in relation to a designated central system (within the meaning of Part 6”

Member's explanatory statement

This amendment corrects a minor drafting error.

Secretary Claire Coutinho

Gov 167

Schedule 14, page 352, line 18, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on Amendment 148.

Secretary Claire Coutinho

Gov 168

Schedule 14, page 352, line 31, leave out paragraph (d)

Member's explanatory statement

This amendment is consequential on Amendment 148.

Secretary Claire Coutinho

Gov 102

Schedule 21, page 416, line 16, at end insert—

“PART A1**PETROLEUM (PRODUCTION) (LANDWARD AREAS) REGULATIONS 1995**

A1 In the Petroleum (Production) (Landward Areas) Regulations 1995 (S.I. 1995/1436), Schedule 3 (model clauses for petroleum exploration and development licences in landward areas) is amended as follows.

A2 After clause 37 insert—

“37A Change in control of Licensee

- (1) This clause applies if—
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,
 and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).

- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 37(4).”

A3 (1) Clause 38 (power of revocation) is amended as follows.

- (2) In paragraph (2)—

- (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 37A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Petroleum Act 1998;”
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
 - (3) Omit paragraphs (3) to (5).
- A4 (1) Clause 38A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute—
 - “(1) This clause applies in a case where two or more persons are the Licensee and—
 - (a) an event mentioned in clause 38(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 38(2)(b) occurs which consists of a breach of clause 37A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 38(2)(j) occurs in relation to a change in control of one of those persons (see clause 37A); or
 - (d) an event mentioned in clause 38(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

PART A2

PETROLEUM (CURRENT MODEL CLAUSES) ORDER 1999

Introduction

- A5 The Petroleum (Current Model Clauses) Order 1999 (S.I. 1999/160) is amended in accordance with this Part of this Schedule.

Part 2 of Schedule 2

- A6 Part 2 of Schedule 2 (current model clauses for controlled waters or seaward production licences deriving from Schedule 2 to the 1964 Regulations and Schedule 4 to the 1966 Regulations) is amended in accordance with paragraphs A7 to A9.
- A7 After clause 38 insert—
“38A Change in control of Licensee
(1) This clause applies if—

- (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.

- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 38(4)."

A8 (1) Clause 39 (power of revocation) is amended as follows.

(2) In paragraph (2)—

(a) after sub-paragraph (i) insert—

"(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 38A);

(k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;"

(b) in the closing words, after "(g)" insert "or (j) or (k)".

(3) Omit paragraphs (3) to (5).

A9 (1) Clause 39A (power of partial revocation) is amended as follows.

(2) For paragraph (1) substitute—

"(1) This clause applies in a case where two or more persons are the Licensee and—

(a) an event mentioned in clause 39(2)(c), (d), (e) or (g) occurs in relation to one of those persons;

(b) an event mentioned in clause 39(2)(b) occurs which consists of a breach of clause 38A(2) or (4) in relation to a change in control of one of those persons;

(c) an event mentioned in clause 39(2)(j) occurs in relation to a change in control of one of those persons (see clause 38A); or

(d) an event mentioned in clause 39(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision."

(3) In paragraph (2), for "or (b)" substitute ", (b), (c) or (d)".

Part 2 of Schedule 3

A10 Part 2 of Schedule 3 (current model clauses for landward production licences deriving from Schedule 3 to the 1966 regulations) is amended in accordance with paragraphs A11 to A13.

A11 After clause 36 insert—

"36A Change in control of Licensee

(1) This clause applies if—

(a) the Licensee is a company, or

(b) where two or more persons are the Licensee, any of those persons is a company,

and references in this clause to a company are to such a company.

- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 36(3).”

A12(1) Clause 37 (power of revocation) is amended as follows.

(2) In paragraph (2)—

(a) after sub-paragraph (i) insert—

“(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 36A);

(k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;

(b) in the closing words, after “(g)” insert “or (j) or (k)”.

(3) Omit paragraphs (3) to (5).

A13(1) Clause 37A (power of partial revocation) is amended as follows.

(2) For paragraph (1) substitute—

“(1) This clause applies in a case where two or more persons are the Licensee and—

(a) an event mentioned in clause 37(2)(c), (d), (e) or (g) occurs in relation to one of those persons;

(b) an event mentioned in clause 37(2)(b) occurs which consists of a breach of clause 36A(2) or (4) in relation to a change in control of one of those persons;

(c) an event mentioned in clause 37(2)(j) occurs in relation to a change in control of one of those persons (see clause 36A); or

(d) an event mentioned in clause 37(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”

(3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 4

A14 Part 2 of Schedule 4 (current model clauses for landward production licences deriving from Schedule 4 to the 1976 Regulations or Schedule 4 to the 1982 Regulations) is amended in accordance with paragraphs A15 to A17.

A15 After clause 37 insert—

“37A Change in control of Licensee

(1) This clause applies if—

(a) the Licensee is a company, or

(b) where two or more persons are the Licensee, any of those persons is a company,

and references in this clause to a company are to such a company.

(2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).

- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 37(3).”

A16(1) Clause 38 (power of revocation) is amended as follows.

- (2) In paragraph (2)—

- (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 37A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
 - (3) Omit paragraphs (3) to (5).
- A17(1) Clause 38A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute—
 - “(1) This clause applies in a case where two or more persons are the Licensee and—
 - (a) an event mentioned in clause 38(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 38(2)(b) occurs which consists of a breach of clause 37A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 38(2)(j) occurs in relation to a change in control of one of those persons (see clause 37A); or
 - (d) an event mentioned in clause 38(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 5

A18 Part 2 of Schedule 5 (current model clauses for seaward production licences deriving from Schedule 5 to the 1976 Regulations) is amended in accordance with paragraphs A19 to A21.

A19 After clause 39 insert—

“39A Change in control of Licensee

- (1) This clause applies if—
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).

- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 39(4).”

A20(1) Clause 40 (power of revocation) is amended as follows.

- (2) In paragraph (2)—

- (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 39A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
 - (3) Omit paragraphs (3) to (5).
- A21(1) Clause 40A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute—
 - “(1) This clause applies in a case where two or more persons are the Licensee and—
 - (a) an event mentioned in clause 40(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 40(2)(b) occurs which consists of a breach of clause 39A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 40(2)(j) occurs in relation to a change in control of one of those persons (see clause 39A); or
 - (d) an event mentioned in clause 40(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 6

- A22 Part 2 of Schedule 6 (current model clauses for seaward production licences deriving from Schedule 5 to the 1982 Regulations) is amended in accordance with paragraphs A23 to A25.
- A23 After clause 38 insert—
- “38A Change in control of Licensee**
- (1) This clause applies if—
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
 - (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).

- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 38(4).”

A24(1) Clause 39 (power of revocation) is amended as follows.

- (2) In paragraph (2)—

- (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 38A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
 - (3) Omit paragraphs (3) to (5).
- A25(1) Clause 39A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute—
 - “(1) This clause applies in a case where two or more persons are the Licensee and—
 - (a) an event mentioned in clause 39(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 39(2)(b) occurs which consists of a breach of clause 38A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 39(2)(j) occurs in relation to a change in control of one of those persons (see clause 38A); or
 - (d) an event mentioned in clause 39(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 8

- A26 Part 2 of Schedule 8 (current model clauses for landward development licences deriving from Schedule 5 to the 1984 Regulations) is amended in accordance with paragraphs A27 to A29.
- A27 After clause 35 insert—
- “35A Change in control of Licensee**
- (1) This clause applies if—
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,
 and references in this clause to a company are to such a company.
 - (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).

- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 35(3).”

A28(1) Clause 36 (power of revocation) is amended as follows.

- (2) In paragraph (2)—

- (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 35A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
 - (3) Omit paragraphs (3) to (5).
- A29(1) Clause 36A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute—
 - “(1) This clause applies in a case where two or more persons are the Licensee and—
 - (a) an event mentioned in clause 36(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 36(2)(b) occurs which consists of a breach of clause 35A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 36(2)(j) occurs in relation to a change in control of one of those persons (see clause 35A); or
 - (d) an event mentioned in clause 36(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 9

- A30 Part 2 of Schedule 9 (current model clauses for seaward production licences deriving from Schedule 4 to the 1988 Regulations as they had effect before 16 December 1996) is amended in accordance with paragraphs A31 to A33.
- A31 After clause 41 insert—
- “41A Change in control of Licensee**
- (1) This clause applies if—
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,
 and references in this clause to a company are to such a company.
 - (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).

- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 41(4).”

A32(1) Clause 42 (power of revocation) is amended as follows.

- (2) In paragraph (2)—

- (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 41A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
 - (3) Omit paragraphs (3) to (5).
- A33(1) Clause 42A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute—
 - “(1) This clause applies in a case where two or more persons are the Licensee and—
 - (a) an event mentioned in clause 42(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 42(2)(b) occurs which consists of a breach of clause 41A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 42(2)(j) occurs in relation to a change in control of one of those persons (see clause 41A); or
 - (d) an event mentioned in clause 42(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 10

- A34 Part 2 of Schedule 10 (current model clauses for seaward production licences deriving from Schedule 4 to the 1988 Regulations as they had effect on and after 16 December 1996) is amended in accordance with paragraphs A35 to A37.
- A35 After clause 41 insert—
- “41A Change in control of Licensee**
- (1) This clause applies if—
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,
 and references in this clause to a company are to such a company.
 - (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).

- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 41(4).”

A36(1) Clause 42 (power of revocation) is amended as follows.

- (2) In paragraph (2)—

- (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 41A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
 - (3) Omit paragraphs (3) to (5).
- A37(1) Clause 42A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute—
 - “(1) This clause applies in a case where two or more persons are the Licensee and—
 - (a) an event mentioned in clause 42(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 42(2)(b) occurs which consists of a breach of clause 41A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 42(2)(j) occurs in relation to a change in control of one of those persons (see clause 41A); or
 - (d) an event mentioned in clause 42(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 13

- A38 Part 2 of Schedule 13 (current model clauses for landward appraisal licences deriving from Schedule 5 to the 1991 Regulations) is amended in accordance with paragraphs A39 to A41.
- A39 After clause 32 insert—
- “32A Change in control of Licensee**
- (1) This clause applies if—
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,
 and references in this clause to a company are to such a company.
 - (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).

- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 32(3).”

A40(1) Clause 33 (power of revocation) is amended as follows.

- (2) In paragraph (2)—

- (a) after sub-paragraph (h) insert—
 - “(i) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 32A);
 - (j) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Petroleum Act 1998;”
 - (b) in the closing words, after “(f)” insert “or (i) or (j)”.
 - (3) Omit paragraphs (3) to (5).
- A41(1) Clause 33A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute—
 - “(1) This clause applies in a case where two or more persons are the Licensee and—
 - (a) an event mentioned in clause 33(2)(c), (d), (e) or (f) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 33(2)(b) occurs which consists of a breach of clause 32A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 33(2)(i) occurs in relation to a change in control of one of those persons (see clause 32A); or
 - (d) an event mentioned in clause 33(2)(j) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Part 2 of Schedule 14

A42 Part 2 of Schedule 14 (current model clauses for landward development licences deriving from Schedule 6 to the 1991 Regulations) is amended in accordance with paragraphs A43 to A45.

A43 After clause 34 insert—

“34A Change in control of Licensee

- (1) This clause applies if—
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).

- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 34(3).”

A44(1) Clause 35 (power of revocation) is amended as follows.

- (2) In paragraph (2)—

- (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 34A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act of 1998;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
 - (3) Omit paragraphs (3) to (5).
- A45(1) Clause 35A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute—
 - “(1) This clause applies in a case where two or more persons are the Licensee and—
 - (a) an event mentioned in clause 35(2)(c), (d), (e) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 35(2)(b) occurs which consists of a breach of clause 34A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 35(2)(j) occurs in relation to a change in control of one of those persons (see clause 34A); or
 - (d) an event mentioned in clause 35(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

PART A3

PETROLEUM LICENSING (EXPLORATION AND PRODUCTION) (SEAWARD AND LANDWARD AREAS) REGULATIONS 2004

Introduction

- A46 The Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004 (S.I. 2004/352) are amended in accordance with this Part of this Schedule.

Schedule 2

- A47 Schedule 2 (model clauses for production licences relating to frontier areas — no break clause) is amended in accordance with paragraphs A48 to A50.
- A48 After clause 37 insert—
- “37A Change in control of Licensee**
- (1) This clause applies if—

- (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.

- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 37(4)."

A49(1) Clause 38 (power of revocation) is amended as follows.

(2) In paragraph (2)—

(a) after sub-paragraph (i) insert—

"(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 37A);

(k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act;"

(b) in the closing words, after "(g)" insert "or (j) or (k)".

(3) Omit paragraphs (3) to (5).

A50(1) Clause 38A (power of partial revocation) is amended as follows.

(2) For paragraph (1) substitute—

"(1) This clause applies in a case where two or more persons are the Licensee and—

(a) an event mentioned in clause 38(2)(c), (d), (e), (ee) or (g) occurs in relation to one of those persons;

(b) an event mentioned in clause 38(2)(b) occurs which consists of a breach of clause 37A(2) or (4) in relation to a change in control of one of those persons;

(c) an event mentioned in clause 38(2)(j) occurs in relation to a change in control of one of those persons (see clause 37A); or

(d) an event mentioned in clause 38(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision."

(3) In paragraph (2), for "or (b)" substitute ", (b), (c) or (d)".

Schedule 3

A51 Schedule 3 (model clauses for production licences relating to frontier areas — including break clause) is amended in accordance with paragraphs A52 to A54.

A52 After clause 38 insert—

"38A Change in control of Licensee

(1) This clause applies if—

(a) the Licensee is a company, or

(b) where two or more persons are the Licensee, any of those persons is a company,

and references in this clause to a company are to such a company.

- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 38(4).”

A53(1) Clause 39 (power of revocation) is amended as follows.

(2) In paragraph (2)—

(a) after sub-paragraph (i) insert—

“(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 38A);

(k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act;”;

(b) in the closing words, after “(g)” insert “or (j) or (k)”.

(3) Omit paragraphs (3) to (5).

A54(1) Clause 39A (power of partial revocation) is amended as follows.

(2) For paragraph (1) substitute—

“(1) This clause applies in a case where two or more persons are the Licensee and—

(a) an event mentioned in clause 39(2)(c), (d), (e), (ee) or (g) occurs in relation to one of those persons;

(b) an event mentioned in clause 39(2)(b) occurs which consists of a breach of clause 38A(2) or (4) in relation to a change in control of one of those persons;

(c) an event mentioned in clause 39(2)(j) occurs in relation to a change in control of one of those persons (see clause 38A); or

(d) an event mentioned in clause 39(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”

(3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Schedule 4

A55 Schedule 4 (model clauses for standard production licences) is amended in accordance with paragraphs A56 to A58.

A56 After clause 36 insert—

“36A Change in control of Licensee

(1) This clause applies if—

(a) the Licensee is a company, or

(b) where two or more persons are the Licensee, any of those persons is a company,

and references in this clause to a company are to such a company.

(2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).

- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.
- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA’s decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause “the interested parties” means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 36(4).”

A57(1) Clause 37 (power of revocation) is amended as follows.

- (2) In paragraph (2)—

- (a) after sub-paragraph (i) insert—
 - “(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 36A);
 - (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
 - (3) Omit paragraphs (3) to (5).
- A58(1) Clause 37A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute—
 - “(1) This clause applies in a case where two or more persons are the Licensee and—
 - (a) an event mentioned in clause 37(2)(c), (d), (e), (ee) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 37(2)(b) occurs which consists of a breach of clause 36A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 37(2)(j) occurs in relation to a change in control of one of those persons (see clause 36A); or
 - (d) an event mentioned in clause 37(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Schedule 6

A59 Schedule 6 (model clauses for petroleum exploration and development licences) is amended in accordance with paragraphs A60 to A62.

A60 After clause 35 insert—

“35A Change in control of Licensee

- (1) This clause applies if—
 - (a) the Licensee is a company, or
 - (b) where two or more persons are the Licensee, any of those persons is a company,and references in this clause to a company are to such a company.
- (2) A change in control of a company is not permitted without the consent of the Oil and Gas Authority (“the OGA”).
- (3) There is a “change in control” of a company if a person takes control of the company, not having previously been a person who controlled the company.

- (4) If a change in control of a company is contemplated, the company must apply in writing to the OGA for consent at least three months before the date on which it is proposed that the change would occur (if consent were given).
- (5) The OGA may—
 - (a) consent to the change in control unconditionally,
 - (b) consent to the change in control subject to conditions, or
 - (c) refuse consent to the change in control.
- (6) If the OGA proposes to grant consent subject to any condition or to refuse consent, the OGA must, before making a final decision—
 - (a) give the company an opportunity to make representations, and
 - (b) consider any representations that are made.
- (7) The general rule is that the OGA must decide an application within three months of receiving it, but the OGA may delay its decision by notifying the interested parties in writing.
- (8) Conditions as mentioned in paragraph (5)(b) may be imposed on the person taking control of the company (as well as on the company), and may include—
 - (a) conditions relating to the arrangements for the change in control, including the date by which it must occur,
 - (b) conditions relating to the performance of activities permitted by this licence, and
 - (c) financial conditions.
- (9) The OGA's decision on the application, and any conditions as mentioned in paragraph (5)(b), must be notified in writing to the interested parties.
- (10) In this clause "the interested parties" means—
 - (a) the company,
 - (b) the person who (if consent were granted) would take control of the company, and
 - (c) if the company and another person or persons are the Licensee, that other person or those other persons.
- (11) For the purposes of this clause, the question of whether a person has control of a company is to be determined in accordance with the test set out in clause 35(4)."

A61(1) Clause 36 (power of revocation) is amended as follows.

- (2) In paragraph (2)—
 - (a) after sub-paragraph (i) insert—
 - "(j) if the Licensee is a company, any breach of a condition subject to which the Oil and Gas Authority gave its consent to a change in control of the Licensee (see clause 35A);

- (k) if the Licensee is a company, any failure to provide full and accurate information in response to a notice given by the Oil and Gas Authority to that company under section 5D of the Act;”;
 - (b) in the closing words, after “(g)” insert “or (j) or (k)”.
 - (3) Omit paragraphs (3) to (5).
- A62(1) Clause 36A (power of partial revocation) is amended as follows.
- (2) For paragraph (1) substitute—
 - “(1) This clause applies in a case where two or more persons are the Licensee and—
 - (a) an event mentioned in clause 36(2)(c), (d), (e), (ee) or (g) occurs in relation to one of those persons;
 - (b) an event mentioned in clause 36(2)(b) occurs which consists of a breach of clause 35A(2) or (4) in relation to a change in control of one of those persons;
 - (c) an event mentioned in clause 36(2)(j) occurs in relation to a change in control of one of those persons (see clause 35A); or
 - (d) an event mentioned in clause 36(2)(k) occurs which consists of a failure by one of those persons as mentioned in that provision.”
 - (3) In paragraph (2), for “or (b)” substitute “, (b), (c) or (d)”.

Member's explanatory statement

This amendment updates the change in control provisions in certain historical sets of model clauses that are incorporated in older licences. The new provisions are substantively the same as those already included in the 2008 and 2014 regulations by virtue of clause 295 and Schedule 21.

Order of the House

[9 May 2023]

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 Thursday 29 June 2023.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings 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 on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
-

Withdrawn Amendments

The following amendments were withdrawn on 3 July 2023:

NC10 (duplicate)

The following amendments were withdrawn on 31 August 2023:

5, NC38 (duplicate) and NC54