

LORDS DISAGREEMENT AND AMENDMENTS TO WORDS SO RESTORED TO
THE BILL, AND LORDS AMENDMENT TO A COMMONS AMENDMENT TO THE
ENERGY BILL [HL]

[The page and line references are to Bill 93, the bill as first printed for the Commons.]

Clause 84

COMMONS AMENDMENT NO. 10

10 Leave out Clause 84

LORDS DISAGREEMENT AND AMENDMENTS

The Lords disagree to Amendment 10 but propose the following Amendments to the words so restored to the bill –

10A Page 64, line 29, leave out from beginning to “(the” in line 30 and insert “In each of section 4AA of the Gas Act 1986 (c. 44) and section 3A of the 1989 Act”

10B Page 64, line 31, leave out from “Authority),” to end of line 35 and insert “in subsection (5)–

(a) for the “and” at the end of paragraph (b) substitute –

“(ba) to contribute to the achievement of sustainable development; and”;

(b) for “and shall” substitute “and (so far as not otherwise required to do so by this subsection) shall”.

Clause 118

COMMONS AMENDMENT NO. 17

17 Page 95, line 15, leave out from beginning to “insert” in line 26 and insert –

“() For subsection (3) of that section substitute –

“(2A) An order under section 32 may provide that, where –

(a) a renewables obligation is one in relation to which provision made by virtue of subsection (1)(b) applies in the case of the electricity supplier who is subject to the obligation, and

- (b) the period ending with such day (after the day by which the obligation had to be complied with) as may be specified in or determined under the order has not expired,
the taking of steps under section 27A in respect of a contravention by that supplier of that obligation is prohibited or otherwise restricted to the extent specified in the order.
- (2B) An order under section 32 may provide that, in a case in which the amount received by the Authority, or by the Northern Ireland authority, by way of discharge payments for a period falls short of the amount due in respect of that period, persons who –
- (a) were subject to renewables obligations for the relevant period, and
 - (b) are of a description specified in or determined under the order,
- must, by the time and in the circumstances so specified or determined, make a payment (or further payment) to the Authority of an amount calculated in the manner so specified or determined.
- (2C) An order under section 32 may not by virtue of subsection (2B) confer an entitlement on the Authority to receive a payment in respect of the shortfall for any period –
- (a) in the case of a shortfall in the amount received by the Authority, if the receipt of the payment is to be while a prohibition or restriction by virtue of subsection (2A) applies, in one or more cases, to the taking of steps in relation to contraventions of renewables obligations for that period; or
 - (b) in the case of a shortfall in the amount received by the Northern Ireland authority, if the receipt of the payment is to be while a prohibition or restriction by virtue of a corresponding provision having effect in Northern Ireland applies, in one or more cases, to the taking of steps in relation to contraventions of Northern Ireland obligations for that period.
- (2D) The provision that may be made by virtue of subsection (2B) includes –
- (a) provision for the making of adjustments and repayments at times after a requirement to make payments in respect of a shortfall for a period has already arisen; and
 - (b) provision that sections 25 to 28 are to apply in relation to a requirement imposed by virtue of that subsection on a person who is not a licence holder as if he were a licence holder.
- (3) The amounts received by the Authority by virtue of the preceding provisions of this section must be paid by it to electricity suppliers in accordance with a system of allocation specified in an order under section 32.”
- () In that section, at the end”

LORDS AGREEMENT WITH AMENDMENT

The Lords agree to Commons Amendment 17 with the following Amendment –

- 17A** Line 16, leave out from “period” to end of line 20 and insert “, every person who—
- (a) was subject to a renewables obligation for the relevant period or for a subsequent period specified in or determined under the order, and,
 - (b) is of a description so specified or determined,”

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