

# Management of Energy in Buildings Bill

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## CONTENTS

- 1 Reports regarding section 217 of the Housing Act 2004
- 2 Duty to amend permitted development orders
- 3 Building regulations
- 4 Dynamic demand technologies
- 5 Orders and regulations
- 6 Short title, commencement and extent

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TO

Make provision about the promotion of renewable and sustainable energy, energy efficiency in buildings and the alleviation of fuel poverty; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Reports regarding section 217 of the Housing Act 2004**

- (1) The Secretary of State must, in each calendar year, beginning with 2006, lay before Parliament a report on the progress made towards achieving the energy efficiency targets set under section 217 of the Housing Act 2004 (c. 34) (energy efficiency of residential accommodation: England). 5
- (2) The report must specify the impact of that progress on—
  - (a) reductions in emissions of carbon dioxide; and
  - (b) the alleviation of fuel poverty.
- (3) In this section “fuel poverty” has the same meaning as in section 1 of the Sustainable Energy Act 2003 (c. 30). 10

**2 Duty to amend permitted development orders**

- (1) The Secretary of State shall by order amend Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) to provide that a “small renewable energy development” is classed as a permitted development within the meaning of that Order. 15
- (2) A development is a “small renewable energy development” if it meets the criterion set out in subsection (3) and the criterion set out in subsection (4).
- (3) The first criterion is that the source of energy or technology is one of the following—
  - (a) photovoltaic; 20
  - (b) wind;
  - (c) solar thermal; or

- (d) a combined heat and power system.
- (4) The second criterion is that the capacity of the development is the generation of energy of 10 kilowatts or less.
- (5) In making an order under subsection (1), the Secretary of State may make provision about conditions relating to the environmental impact of a small renewable energy development that need to be met for it to be classed as a permitted development including provision about appearance and noise. 5

### 3 Building regulations

- (1) The Building Act 1984 (c. 55) is amended as follows.
- (2) In section 1 (power to make building regulations) – 10
- (a) after subsection (1A) insert –
- “(1B) It shall be the duty of the Secretary of State, in exercising his power to make regulations under subsection (1), to have regard to the desirability of promoting the availability of microgeneration in new buildings; and 15
- (b) after subsection (4) insert –
- “(5) In this section ‘microgeneration’ has the same meaning as in section 82 of the Energy Act 2004.”
- (3) The Secretary of State shall by order amend Regulation 16 of the Building (Approved Inspectors etc) Regulations 2000 (S.I. 2000/2532) to provide that the energy rating of a dwelling indicates the estimated amount of energy generated by the building expressed as a percentage of energy use for a typical dwelling of the same type. 20
- (4) The Secretary of State shall by order designate a minimum point on this rating as the standard for the operation of regulations made under subsection (1B) of the Building Act 1984. 25
- (5) In this section “typical dwelling of the same type” has the meaning to be prescribed by regulations made by the Secretary of State.

### 4 Dynamic demand technologies

- (1) Section 1 of the Sustainable Energy Act 2003 (c. 30) is amended as follows. 30
- (2) In subsection (1A), after paragraph (c), insert –
- “(d) the potential for carbon saving that would in his opinion result from greater use of dynamic demand technologies;
- (e) obstacles to the introduction of such technologies; and
- (f) measures he proposes to overcome such obstacles.” 35
- (3) After subsection (6), insert –
- “(7) In this section, ‘dynamic demand technologies’ means those technologies that have the ability to adjust their electricity consumption or putput according to instantaneous power imbalances on the national electricity grid.” 40

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**5 Orders and regulations**

- (1) Any power of the Secretary of State to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) Any order or regulations under this Act shall be laid before Parliament after being made and is subject to annulment in pursuance of a resolution of either House of Parliament. 5

**6 Short title, commencement and extent**

- (1) This Act may be cited as the Management of Energy in Buildings Act 2005.
- (2) This Act shall come into force at the end of two months beginning with the day on which it is passed. 10
- (3) Sections 1 to 3 extend to England and Wales only.

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To make provision about the promotion of renewable and sustainable energy, energy efficiency in buildings and the alleviation of fuel poverty; and for connected purposes.

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