



# Energy Act 2013

## 2013 CHAPTER 32

### PART 6

#### CONSUMER PROTECTION AND MISCELLANEOUS

#### CHAPTER 1

##### CONSUMER PROTECTION

##### *Domestic tariffs*

#### **139 Power to modify energy supply licences: domestic supply contracts**

- (1) The Secretary of State may modify—
- (a) a condition of a particular licence under section 7A(1) of the Gas Act 1986 (supply licences);
  - (b) the standard conditions incorporated in licences under that provision by virtue of section 8 of that Act;
  - (c) a condition of a particular licence under section 6(1)(d) of EA 1989 (supply licences);
  - (d) the standard conditions incorporated in licences under that provision by virtue of section 8A of that Act;
- by making provision of any of the kinds specified in subsection (2).
- (2) The kinds of provision mentioned in subsection (1) are—
- (a) provision requiring a licence holder to adopt one or more standard domestic tariffs;
  - (b) provision for restricting the number of domestic tariffs, or domestic tariffs of a particular category, a licence holder may adopt;

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- (c) provision about discretionary terms (which may in particular require the same discretionary terms to be offered in connection with, or incorporated into, all domestic supply contracts of any particular category);
  - (d) provision for requiring a licence holder to provide information about its domestic tariffs and other supply contract terms, which may include information for enabling or facilitating the comparison—
    - (i) of different domestic tariffs or supply contract terms of the licence holder;
    - (ii) of domestic tariffs and supply contract terms of different licence holders;
  - (e) provision for requiring a licence holder to change the domestic tariff on which it supplies gas or electricity to a domestic customer who is on a closed tariff by—
    - (i) switching to a different domestic tariff for the time being offered by the licence holder, unless the customer objects, or
    - (ii) offering the customer, or inviting the customer to switch to, a different domestic tariff for the time being offered by the licence holder;
  - (f) provision for requiring a licence holder to provide information to domestic customers about the licence holder's costs, or profit, attributable to its domestic supply contracts, which may, in particular, include information about—
    - (i) particular kinds of those costs, and
    - (ii) the extent to which domestic customers' costs are attributable to any of those kinds of costs, or to profit.
- (3) Any limit imposed by virtue of subsection (2)(b) on the number of tariffs, or tariffs of any category, that a licence holder may adopt must be greater than the number of standard domestic tariffs, or (as the case may be) standard domestic tariffs of that category, that the licence holder is required to adopt.
- (4) Provision that may be included in a licence by virtue of subsection (2)(d) may in particular require a licence holder to provide each domestic customer with information—
- (a) about the customer's existing domestic tariff and supply contract terms;
  - (b) about the expected cost to the customer of supplies under the customer's existing domestic supply contract and on one or more other domestic tariffs (including the lowest domestic tariff for the customer) or other supply contract terms of the licence holder;
  - (c) about how to switch to different supply contract terms.
- (5) Provision that may be included in a licence by virtue of subsection (2)(d) or (f) may in particular—
- (a) require information to be provided in a form that is clear and easy to understand;
  - (b) make provision about the times at which information is to be provided;
  - (c) make provision about the format in which information is to be provided, which may in particular require information about a domestic tariff or supply contract terms to be provided in the form of a single figure or set of figures;
  - (d) make provision about the way in which information is to be provided, which may in particular require information to be provided—

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- (i) by means of a code or otherwise using a format readable by an electronic device, or
  - (ii) in a way which facilitates processing of the information by means of an electronic device.
- (6) Provision included in a licence by virtue of the power in subsection (1)—
  - (a) may make provision for determining when a licence holder is, or is not, to be regarded as offering to supply gas or electricity on a particular tariff (or as offering other terms in connection with domestic supply contracts) for the purpose of a relevant provision;
  - (b) may make provision for supplies (or proposed supplies) of gas or electricity to be regarded as being on the same tariff or different tariffs for the purpose of a relevant provision;
  - (c) may make provision for specifying how any domestic tariff (including a licence holder's lowest domestic tariff for a customer), or other supply contract terms, is or are to be identified for the purpose of any relevant provision;
  - (d) may make provision about the calculation or estimation of any amount or figure for the purpose of a relevant provision, which may, in particular, include provision—
    - (i) about assumptions to be made;
    - (ii) requiring information about a customer's circumstances or previous consumption of gas or electricity to be taken into account;
  - (e) may confer functions on the Secretary of State or the Authority;
  - (f) may make different provision for different kinds of domestic customers or different supply contract terms, or otherwise in relation to different cases;
  - (g) may make provision generally or only in relation to specified categories of domestic customers, domestic tariffs or domestic supply contracts or otherwise only in relation to specified cases or subject to exceptions;
  - (h) need not relate to the activities authorised by the licence;
  - (i) may do any of the things authorised for licences of that type by section 7B(5) (a), (6) or (7) of the Gas Act 1986 or section 7(3), (4), (5) or (6A) of EA 1989.
- (7) The power in subsection (1)—
  - (a) may be exercised generally, only in relation to specified cases or subject to exceptions (including provision for a case to be excepted only so long as specified conditions are satisfied);
  - (b) may be exercised differently in different cases or circumstances;
  - (c) includes a power to make incidental, supplementary or consequential modifications.
- (8) In this section—
  - “closed tariff” means a domestic tariff on which a licence holder—
    - (a) supplies gas or electricity to customers under existing domestic supply contracts, but
    - (b) no longer offers to supply gas or electricity to customers who are not already on the tariff;
  - “discretionary terms”, in relation to a domestic supply contract (or proposed domestic supply contract), means the supply contract terms other than the principal terms;
  - “domestic customer” means a customer under a domestic supply contract;

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“domestic supply contract” means a contract for the supply of gas or electricity at domestic premises wholly or mainly for domestic purposes;

“domestic tariff” means the set of principal terms of a domestic supply contract (or proposed domestic supply contract);

“modify” includes amend, add to or remove, and references to modifications are to be construed accordingly;

“the principal terms”, in relation to a domestic supply contract, means the terms of the contract of the types specified in an order under subsection (11);

“relevant provision” means any provision included in a licence by virtue of subsection (1);

“standard domestic tariff” means a domestic tariff some or all of whose terms are specified by, or in accordance with, a relevant provision;

“supply contract terms” means the terms and conditions of a domestic supply contract.

(9) For the purposes of the definition of “standard domestic tariff”, the terms that may be specified by, or in accordance with, a relevant provision—

- (a) may include a term providing for a charge or rate to be fixed for a period to be determined by the licence holder, but
- (b) may not include any term setting the amount of a charge or rate or otherwise specifying how it is to be determined.

(10) For the purposes of this section—

- (a) gas or electricity is supplied on a tariff if the supply is made under a contract whose principal terms are the terms of the tariff,
- (b) a domestic customer is on a particular domestic tariff if gas or electricity is supplied to the customer on that tariff, and
- (c) a licence holder adopts a tariff if it supplies or offers to supply gas or electricity on that tariff (and references to adopting a tariff include references to doing either or both of them).

(11) The Secretary of State may by order specify types of terms of domestic supply contracts which are the principal terms of such contracts.

(12) An order under subsection (11) may—

- (a) include incidental, supplementary and consequential provision;
- (b) make transitory or transitional provision or savings;
- (c) make different provision for different domestic supply contracts or otherwise for different purposes;
- (d) make provision subject to exceptions.

(13) An order under subsection (11) is to be made by statutory instrument.

(14) A statutory instrument containing an order under subsection (11) is subject to annulment in pursuance of an order of either House of Parliament.

## 140 Section 139: procedure etc

(1) Before making modifications of a licence under section 139(1) the Secretary of State must consult—

- (a) the holder of any licence being modified,
- (b) the Authority, and

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- (c) such other persons as the Secretary of State considers it appropriate to consult.
- (2) Subsection (1) may be satisfied by consultation before, as well as by consultation after, the passing of this Act.
- (3) Before making modifications under section 139(1) the Secretary of State must lay a draft of the modifications before Parliament.
- (4) If, within the 40-day period, either House of Parliament resolves not to approve the draft, the Secretary of State may not take any further steps in relation to the proposed modifications.
- (5) If no such resolution is made within that period, the Secretary of State may make the modifications in the form of the draft.
- (6) Subsection (4) does not prevent a new draft of proposed modifications being laid before Parliament.
- (7) In this section “40-day period”, in relation to a draft of proposed modifications, means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the 2 days on which it is laid).
- (8) For the purposes of calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.
- (9) The Secretary of State must publish details of any modifications made under section 139(1) as soon as reasonably practicable after they are made.
- (10) Where the Secretary of State makes a modification of the standard conditions of a licence of any type, the Authority must—
  - (a) make the same modification of those standard conditions for the purposes of their incorporation in licences of that type granted after that time, and
  - (b) publish the modification.
- (11) A modification of part of a standard condition of a particular licence does not prevent any other part of the condition from continuing to be regarded as a standard condition for the purposes of Part 1 of the Gas Act 1986 or Part 1 of EA 1989.
- (12) The power in section 139(1) may not be exercised after 31 December 2018.

## **141 General duties of Secretary of State**

- (1) Sections 4AA to 4B of the Gas Act 1986 (principal objective and general duties) apply in relation to functions of the Secretary of State under section 139 or 140 of this Act with respect to holders of licences under section 7A(1) of that Act as they apply in relation to functions of the Secretary of State under Part 1 of that Act.
- (2) Sections 3A to 3D of EA 1989 (principal objective and general duties) apply in relation to functions of the Secretary of State under section 139 or 140 of this Act with respect to holders of licences under section 6(1)(d) of that Act as they apply in relation to functions of the Secretary of State under Part 1 of that Act.

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## 142 Consequential provision

- (1) The Utilities Act 2000 is amended as follows.
- (2) In section 33 (standard conditions of electricity licences), in subsection (1)(f), omit “76 or”.
- (3) In section 81 (standard conditions of gas licences), in subsection (2), for “or under Chapter 1 of Part 1 or section 76 or 98 of the Energy Act 2011” substitute “, under Chapter 1 of Part 1 or section 98 of the Energy Act 2011 or under section 139 of the Energy Act 2013”.
- (4) In the Energy Act 2011, sections 76 to 78 (power to modify energy supply licences: information about tariffs) are repealed.

### *Licensable activities*

## 143 Powers to alter activities requiring licence: activities related to supply contracts

- (1) In section 41C of the Gas Act 1986 (power to alter activities requiring licence), after subsection (4) insert—
 

“(4A) For the purposes of subsection (4), activities connected with the supply of gas include the following activities, whether or not carried on by a person supplying gas—

  - (a) giving advice, information or assistance in relation to contracts for the supply of gas to persons who are or may become customers under such contracts, and
  - (b) the provision of any other services to such persons in connection with such contracts.”
- (2) In section 56A of EA 1989 (power to alter activities requiring licence), after subsection (4) insert—
 

“(4A) For the purposes of subsection (4), activities connected with the supply of electricity include the following activities, whether or not carried on by a person supplying electricity—

  - (a) giving advice, information or assistance in relation to contracts for the supply of electricity to persons who are or may become customers under such contracts, and
  - (b) providing any other services to such persons in connection with such contracts.”

### *Consumer redress orders*

## 144 Consumer redress orders

Schedule 14 (which enables the Authority to impose requirements on a regulated person to take remedial action in respect of loss, damage or inconvenience caused to consumers of gas or electricity) has effect.

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## *Fuel poverty*

### **145 Fuel poverty**

- (1) The Warm Homes and Energy Conservation Act 2000 is amended as follows.
- (2) After section 1 insert—

#### **“1A Objective for addressing fuel poverty: England**

- (1) The Secretary of State must make regulations setting out an objective for addressing the situation of persons in England who live in fuel poverty.
- (2) The regulations must specify a target date for achieving the objective.
- (3) Regulations under this section must be made by statutory instrument; and a statutory instrument containing such regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (4) The Secretary of State must lay a draft of the instrument before each House of Parliament within 6 months of the day on which section 145 of the Energy Act 2013 comes into force.

#### **1B Strategy relating to fuel poverty: England**

- (1) The Secretary of State must prepare and publish a strategy setting out the Secretary of State's policies for achieving the objective set out in regulations under section 1A by the target date specified in the regulations.
- (2) The strategy must be published within 6 months of the day on which the first regulations under section 1A come into force.
- (3) The strategy must—
  - (a) describe the households to which it applies,
  - (b) specify a comprehensive package of measures for achieving the objective by the target date, and
  - (c) specify interim objectives to be achieved and target dates for achieving them.
- (4) The Secretary of State must take such steps as are in the Secretary of State's opinion necessary to implement the strategy.
- (5) The Secretary of State must—
  - (a) from time to time assess the impact of steps taken under subsection (4) and the progress made in achieving the objectives and meeting the target dates,
  - (b) make any revision of the strategy which the Secretary of State thinks appropriate in consequence of the assessment,
  - (c) from time to time publish reports on such assessments.
- (6) If—
  - (a) further regulations under section 1A are made revising an objective or the target date for achieving it, and

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- (b) the Secretary of State considers that changes to the strategy are necessary or desirable as a result of those regulations,

the Secretary of State must revise the strategy within 6 months of the day on which those regulations come into force.
- (7) If the Secretary of State revises the strategy, the Secretary of State must publish the strategy as revised.
- (8) In preparing the strategy or any revision of the strategy, the Secretary of State must consult—
  - (a) local authorities or associations of local authorities,
  - (b) persons appearing to the Secretary of State to represent the interests of persons living in fuel poverty,
  - (c) the Gas and Electricity Markets Authority, and
  - (d) such other persons as the Secretary of State thinks fit.”
- (3) In section 2—
  - (a) in the title, after “**poverty**” insert “ : **Wales** ”;
  - (b) in subsection (1), after “strategy” insert “ as respects Wales ”;
  - (c) in subsection (2)(d), omit “England or”;
  - (d) in subsection (8)—
    - (i) in the definition of “the appropriate authority”, omit paragraph (a), and
    - (ii) in the definition of “the relevant commencement”, omit paragraph (a).

## CHAPTER 2

### MISCELLANEOUS

#### *Feed-in tariffs*

#### **146 Feed-in tariffs: increase in maximum capacity of plant**

In section 41 of the Energy Act 2008 (power to amend licence conditions etc: feed-in tariffs), in subsection (4), in the definition of “specified maximum capacity” for “5” substitute “ 10 ”.

#### *Offshore transmission*

#### **147 Offshore transmission systems**

- (1) EA 1989 is amended as follows.
- (2) In section 4 (prohibition on unlicensed supply), after subsection (3A) insert—
 

“(3AA) Subsection (3A) is subject to section 6F (offshore transmission during commissioning period).”
- (3) After section 6E insert—



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### **“6F Offshore transmission during commissioning period**

- (1) For the purposes of this Part a person is not to be regarded as participating in the transmission of electricity if the following four conditions are met.
- (2) The first condition is that the transmission takes place over an offshore transmission system (“the system”) or anything forming part of it.
- (3) The second condition is that the transmission takes place during a commissioning period (see section 6G).
- (4) The third condition is that—
  - (a) a request has been made to the Authority in accordance with the tender regulations for a tender exercise to be held for the granting of an offshore transmission licence in respect of the system,
  - (b) the Authority has determined in accordance with those regulations that the request relates to a qualifying project, and
  - (c) the system, or anything forming part of it, has not been transferred as a result of the exercise to the successful bidder.
- (5) The fourth condition is that—
  - (a) the person who is the developer in relation to the tender exercise is also the operator of a relevant generating station, and
  - (b) the construction or installation of the system is being or has been carried out by or on behalf of, or by or on behalf of a combination of, any of the following—
    - (i) the person mentioned in paragraph (a);
    - (ii) a body corporate associated with that person at any time during the period of construction or installation;
    - (iii) a previous developer;
    - (iv) a body corporate associated with a previous developer at any time during the period of construction or installation.
- (6) For the purposes of subsection (1), it does not matter whether or not the person mentioned in that subsection is the developer in relation to the tender exercise.
- (7) For the purposes of subsection (5)(b)(iii) and (iv), a person is a “previous developer” in relation to the system if—
  - (a) the person does not fall within subsection (5)(a), but
  - (b) at any time during the period of construction or installation, the person was the developer in relation to the tender exercise.
- (8) In this section—

“associated”, in relation to a body corporate, is to be construed in accordance with paragraph 37 of Schedule 2A;

“developer”, in relation to a tender exercise, means any person within section 6D(2)(a) (person who makes the connection request, including any person who is to be so treated by virtue of section 6D(4));

“offshore transmission” has the meaning given by section 6C(6);

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“offshore transmission licence” has the meaning given by section 6C(5);

“offshore transmission system” means a transmission system used for purposes connected with offshore transmission;

“operator”, in relation to a generating station, means the person who is authorised to generate electricity from that station—

- (a) by a generation licence granted under section 6(1)(a), or
- (b) in accordance with an exemption granted under section 5(1);

“qualifying project” is to be construed in accordance with the tender regulations;

“successful bidder” and “tender exercise” have the same meanings as in section 6D;

“relevant generating station”, in relation to an offshore transmission system, means a generating station that generates electricity transmitted over the system;

“the tender regulations” means regulations made under section 6C.

#### **6G Section 6F: meaning of “commissioning period”**

- (1) For the purposes of section 6F(3), transmission over an offshore transmission system (or anything forming part of it) takes place during a “commissioning period” if it takes place at any time—
  - (a) before a completion notice is given in respect of the system, or
  - (b) during the period of 18 months beginning with the day on which such a notice is given.
- (2) A “completion notice”, in relation to a transmission system, is a notice which—
  - (a) is given to the Authority by the relevant co-ordination licence holder in accordance with the co-ordination licence, and
  - (b) states that it would be possible to carry on an activity to which section 4(1)(b) applies by making available for use that system.
- (3) The Secretary of State may by order amend subsection (1) so as to specify a period of 12 months in place of the period of 18 months.
- (4) An order under subsection (3) may be made only so as to come into force during the period—
  - (a) beginning 2 years after the day on which section 147 of the Energy Act 2013 comes into force, and
  - (b) ending 5 years after that day.
- (5) An amendment made by an order under subsection (3) does not apply in relation to any transmission of electricity over a transmission system if—
  - (a) but for the making of the order, the person participating in the transmission would, by virtue of section 6F, have been regarded as not participating in the transmission, and
  - (b) the determination mentioned in subsection (4)(b) of that section in relation to the system was made on or before the day on which the order is made.

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(6) In this section—

“co-ordination licence” has the same meaning as in Schedule 2A (see paragraph 38(1) of that Schedule);

“relevant co-ordination licence-holder” has the meaning given by paragraph 13(4) of Schedule 2A.

#### **6H Sections 6F and 6G: modification of codes or agreements**

(1) The Authority may—

- (a) modify a code maintained in accordance with the conditions of a transmission licence or a distribution licence;
- (b) modify an agreement that gives effect to a code so maintained.

(2) The Authority may make a modification under subsection (1) only if it considers it necessary or desirable for the purpose of implementing or facilitating the operation of section 6F or 6G.

(3) The power to make modifications under subsection (1) includes a power to make incidental, supplemental, consequential or transitional modifications.

(4) The Authority must consult such persons as the Authority considers appropriate before making a modification under subsection (1).

(5) Subsection (4) may be satisfied by consultation before, as well as consultation after, the passing of the Energy Act 2013.

(6) As soon as reasonably practicable after making a modification under subsection (1), the Authority must publish a notice stating its reasons for making it.

(7) A notice under subsection (6) is to be published in such manner as the Authority considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by it.

(8) A modification under subsection (1) may not be made after the end of the period of 7 years beginning with the day on which section 147 of the Energy Act 2013 comes into force.”

(4) In section 64 (interpretation of Part 1), in subsection (1B) at the end insert “ and section 6F ”.

#### *Fees*

#### **148 Fees for services provided for energy resilience purposes**

(1) The Secretary of State may require fees to be paid for services or facilities provided or made available by the Secretary of State in the exercise of energy resilience powers.

(2) “Energy resilience powers” are any powers exercised by the Secretary of State for the purposes of, or in connection with, preventing or minimising disruption to the energy sector in Great Britain (including disruption to the supply of fuel in Great Britain).

(3) The amount of any fee charged under this section is—

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- (a) such amount as may be specified in, or determined by or in accordance with, regulations made by the Secretary of State, or
  - (b) if no such regulations are made, an amount specified in, or determined by or in accordance with, a direction given by the Secretary of State for the purposes of this section.
- (4) Regulations or a direction under this section may provide for the amounts of fees to be different in different cases and, in particular, for fees in respect of the exercise of the same power to be of different amounts in different circumstances.
- (5) Regulations under subsection (3)(a) must be made by statutory instrument and any such instrument is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The Secretary of State must lay before Parliament a statement of any fees specified in, or determined by or in accordance with, a direction given under subsection (3)(b).

#### Commencement Information

**II** [S. 148](#) in force at 18.2.2014 by [S.I. 2014/251](#), [art. 2\(b\)](#)

### 149 Fees in respect of decommissioning and clean-up of nuclear sites

- (1) Chapter 1 of Part 3 of the Energy Act 2008 (nuclear sites: decommissioning and clean-up) is amended as follows.
- (2) After section 45 (duty to submit funded decommissioning programme) insert—

#### “45A Costs incurred in considering proposed programmes

- (1) A person who informs the Secretary of State of a proposal to submit a funded decommissioning programme under section 45 must pay to the Secretary of State such fee as may be determined in accordance with regulations under section 54, in respect of the costs mentioned in subsection (2), at a time determined in accordance with such regulations.
- (2) The costs are those incurred by the Secretary of State in relation to the consideration of the proposed programme (or any particular aspect of it), including, in particular, the costs of obtaining advice in relation to it.”
- (3) In section 46 (approval of programme), after subsection (3G) insert—
  - “(3H) Where the Secretary of State makes or amends an agreement under subsection (3A), or it is proposed that such an agreement be made or amended, the site operator must pay to the Secretary of State such fee as may be determined in accordance with regulations under section 54, in respect of the costs mentioned in subsection (3I), at a time determined in accordance with such regulations.
  - (3I) The costs are those incurred by the Secretary of State in relation to the consideration of the agreement or amendment, including, in particular, the costs of obtaining advice in relation to the agreement or amendment.”
- (4) In section 49 (procedure for modifying approved programme)—

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- (a) in subsection (3), after “made,” insert “ or advice is sought from the Secretary of State about the making of a proposal, ”, and
  - (b) in subsection (4), in the opening words after “proposal” insert “ (or the making of a proposal) ”.
- (5) In section 66 (disposal of hazardous material), after subsection (3) insert—
- “(3A) The Secretary of State may make regulations providing for a person who makes a proposal to the Secretary of State to enter an agreement of the kind mentioned in subsection (1), or proposes an amendment to such an agreement, to pay a fee to the Secretary of State in respect of the costs incurred in relation to the consideration of the proposal, including, in particular, the costs of obtaining advice in relation to it.
- (3B) The regulations may, in particular, make provision about—
- (a) when the fee is to be paid;
  - (b) how the amount of the fee is to be determined.”

#### *Smoke and carbon monoxide alarms*

### **150 Smoke and carbon monoxide alarms**

- (1) The Secretary of State may by regulations make provision imposing duties on a relevant landlord of residential premises in England for the purposes of ensuring that, during any period when the premises are occupied under a tenancy—
- (a) the premises are equipped with a required alarm (or required alarms), and
  - (b) checks are made by or on behalf of the landlord in accordance with the regulations to ensure that any such alarm remains in proper working order.
- (2) “Required alarm” means—
- (a) a smoke alarm, or
  - (b) a carbon monoxide alarm,
- that meets the appropriate standard.
- (3) Regulations may include provision about—
- (a) the interpretation of terms used in subsections (1) and (2);
  - (b) the enforcement of any duty imposed by regulations.
- (4) Provision made by virtue of subsection (3)(b) may in particular—
- (a) confer functions on local housing authorities in England;
  - (b) require a landlord who contravenes any such duty to pay a financial penalty.
- (5) Provision about penalties made by virtue of subsection (4)(b) includes provision—
- (a) about the procedure to be followed in imposing penalties;
  - (b) about the amount of penalties;
  - (c) conferring rights of appeal against penalties;
  - (d) for the enforcement of penalties;
  - (e) about the application of sums paid by way of penalties (and such provision may permit or require the payment of sums into the Consolidated Fund).
- (6) Regulations may—
- (a) include incidental, supplementary and consequential provision;

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- (b) make transitory or transitional provision or savings;
  - (c) make different provision for different cases or circumstances or for different purposes;
  - (d) make provision subject to exceptions.
- (7) Consequential provision made by virtue of subsection (6)(a) may amend, repeal or revoke any provision made by or under an Act.
- (8) Regulations are to be made by statutory instrument.
- (9) An instrument containing regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (10) Subject to provision contained in regulations, in this section—
- “the appropriate standard”, in relation to a smoke alarm or a carbon monoxide alarm, means the standard (if any) that is specified in, or determined under, regulations;
  - “local housing authority” has the meaning given in section 261(2) of the Housing Act 2004;
  - “premises” includes land, buildings, moveable structures, vehicles and vessels;
  - “regulations” means regulations under this section;
  - “relevant landlord” means a landlord in respect of a tenancy of residential premises in England who is of a description specified in regulations;
  - “residential premises” means premises all or part of which comprise a dwelling;
  - “tenancy” includes any lease, licence, sub-lease or sub-tenancy (and “landlord” is to be read accordingly).

#### Commencement Information

**I2** [S. 150](#) in force at 11.3.2015 by [S.I. 2015/614](#), [art. 2](#)

#### Review

### 151 Review of certain provisions of Part 6

- (1) As soon as reasonably practicable after the end of the period of 5 years beginning with the relevant commencement date, the Secretary of State must carry out a review of—
  - (a) section 144 and Schedule 14 (consumer redress orders);
  - (b) section 149 (fees in respect of decommissioning etc).
- (2) The relevant commencement date—
  - (a) in relation to section 144 and Schedule 14, is the date on which that section and Schedule come into force;
  - (b) in relation to section 149, is the date on which that section comes into force.
- (3) The Secretary of State must set out the conclusions of the review in a report.
- (4) The report must, in particular—
  - (a) set out the objectives of the provisions subject to review,

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- (b) assess the extent to which those objectives have been achieved, and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which those objectives could be achieved in a way that imposes less regulation.
- (5) The Secretary of State must lay the report before Parliament.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 68(4) inserted by [2023 c. 52 s. 302\(4\)](#)