



Energy Act 2013

2013 CHAPTER 32

PART 2

ELECTRICITY MARKET REFORM

CHAPTER 8

EMISSIONS PERFORMANCE STANDARD

57 Duty not to exceed annual carbon dioxide emissions limit

- (1) The operator of any fossil fuel plant must secure that the emissions of carbon dioxide from it that are attributable to the use of fossil fuel do not exceed EL tonnes of carbon dioxide (“the emissions limit”) in any year, where—

$$EL = R \times C \times 7.446$$

and—

R is the statutory rate of emissions, in g/kWh;

C is the installed generating capacity, in MW, of the electricity generating station comprised in the fossil fuel plant.

- (2) Until (and including) 2044, the statutory rate of emissions is 450 g/kWh.
- (3) In this Chapter, “fossil fuel plant” means an electricity generating station which satisfies the conditions in subsection (4), together with any associated gasification plant and any associated CCS plant.
- (4) Those conditions are that the generating station—
- is constructed pursuant to a relevant consent given or made on or after the date on which subsection (1) comes into force, and

Changes to legislation: *Energy Act 2013, Section 57 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) uses—
 - (i) fossil fuel, or
 - (ii) fuel produced by gasification plant.
- (5) Subsection (1) is subject to—
 - (a) section 58, and
 - (b) any provision made by or under regulations made under subsection (6).
- (6) The Secretary of State may by regulations—
 - (a) make provision about the interpretation of the duty imposed by subsection (1) (“the emissions limit duty”);
 - (b) make any provision mentioned in Schedule 4 (application of emissions limit duty to additional cases or subject to modifications).
- (7) Regulations under subsection (6)(a) may, in particular, make provision—
 - (a) for determining whether gasification plant or CCS plant (including any CCS plant associated with gasification plant) is associated with a generating station;
 - (b) for determining the emissions from fossil fuel plant;
 - (c) for the use of fossil fuel—
 - (i) for operating plant that is ancillary to a generating station for safety purposes, or in an emergency, or
 - (ii) by a network generating station at a time when it is not exporting to a network,
 to be disregarded for any of the purposes of this Chapter;
 - (d) for determining (whether by apportionment or otherwise) which emissions from fossil fuel plant are attributable to the use of fossil fuel;
 - (e) for determining when plant ceases to be, or to be part of, fossil fuel plant;
 - (f) specifying the meaning of any of the following expressions—
 - (i) “operator”, in relation to fossil fuel plant;
 - (ii) “installed generating capacity”;
 - (iii) “constructed pursuant to a relevant consent”, in relation to an electricity generating station;
 - (g) specifying any category of emissions by reference to provision made, or that may from time to time be made, by or under regulations implementing the ETS Directive.
- (8) Provision that may be made by virtue of subsection (7)(d) includes provision for treating emissions attributable to the supply of heat to customers from combined heat and power plant as not being attributable to the use of fossil fuel.

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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\(4\)](#)