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DRAFT STATUTORY INSTRUMENTS

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**2009 No.**

**The Electricity and Gas (Community  
Energy Saving Programme) Order 2009**

**PART 5**

Transfers, trading, determination and reporting

**Transfers**

**20.**—(1) The carbon emissions reduction obligation of one generator or supplier (“person A”) may be treated as achieved in whole or part by qualifying action completed by a generator or a supplier (“person B”) (“a transfer”).

(2) A transfer only has effect if approved by the Authority.

(3) To obtain approval, persons A and B must—

(a) apply for approval in writing to the Authority by 31st December 2012; and

(b) provide to the Authority such information, including the number and type of qualifying actions in question, as the Authority may reasonably require.

(4) The Authority must not approve a transfer where it has reasonable grounds to believe that, if the transfer were approved, the carbon emissions reduction obligation placed on person B will not be achieved.

(5) If the Authority decides not to approve a transfer under paragraph (4) it must notify persons A and B of the reasons for that decision.

(6) The completed qualifying action under a transfer does not count towards the carbon emissions reduction obligation of person B.

**Trading**

**21.**—(1) A generator or a supplier (“transferor”) may trade up to 100% of its carbon emissions reduction obligation with any generator or supplier (“transferee”) (“a trade”).

(2) A trade only has effect if—

(a) approved by the Authority; and

(b) made between 1st March 2010 and 30th September 2012.

(3) To obtain approval, a transferor and transferee must—

(a) apply for approval in writing; and

(b) provide to the Authority such information, including the amount of the carbon emissions reduction obligation to be traded, as the Authority may reasonably require.

(4) Upon receiving an application under paragraph (3), the Authority must determine whether or not it approves a trade.

(5) The Authority must not approve a trade where it has reasonable grounds to believe that, if the trade was approved, the carbon emissions reduction obligation placed on the transferee will not be achieved.

(6) If the Authority approves a trade, it must—

- (a) adjust, as appropriate, the carbon emissions reduction obligations of each party; and
- (b) notify each party of their adjusted carbon emissions reduction obligation.

(7) If the Authority decides not to approve a trade under paragraph (5) it must notify each party of the reasons for that decision.

### Notification of actions

**22.**—(1) Generators and suppliers must notify the Authority not later than 31st January 2013 of—

- (a) the overall number and type of qualifying actions which they have completed;
- (b) the number and type of qualifying actions provided at particular premises;
- (c) the number of qualifying actions provided in a particular area of low income.

(2) On receipt of that notification, the Authority must determine the reduction in carbon emissions to be attributed to those actions.

### Determination of reduction in carbon emissions

**23.** To determine the reduction for a qualifying action the Authority must—

- (a) apply to that action the appropriate carbon co-efficient value set out in Schedule 3; and
- (b) if the qualifying action is listed in the first column of Table 3, set out in article 24, increase or decrease the carbon emissions reduction achieved by the corresponding percentage in the second column of Table 3.

### Determination of whole house bonus

**24.**—(1) Where more than one qualifying action of a type referred to in the first column of Table 3, set out in this article, is provided at the same premises, the Authority must determine the carbon emissions reduction in accordance with paragraph (2).

(2) Where paragraph (1) applies, the Authority must—

- (a) determine the whole house bonus applicable to each qualifying action by reference to the corresponding percentage in column 3 of Table 3;
- (b) determine the sum total of any whole house bonuses applicable (“the total whole house bonus”); and
- (c) further increase the carbon emissions reduction determined under article 23 for each qualifying action listed in the first column of Table 3 by the total whole house bonus.

**Table 3 – types of qualifying action eligible for individual and whole house bonuses**

<i>Description of qualifying action</i>	<i>Individual measure adjustment</i>	<i>Whole house bonus</i>
Cavity wall insulation	-50%	+10%
Connection to a district heating scheme	0%	+40%

<i>Description of qualifying action</i>	<i>Individual measure adjustment</i>	<i>Whole house bonus</i>
District heating meter for individual house billing	0%	+10%
Double glazing	0%	+10%
Draught proofing	0%	+10%
Flat-roof insulation	0%	+10%
Fuel switching	0%	+40%
Heat pump	+50%	+50%
Heating controls when provided with a new heating system	0%	+10%
Loft insulation	-50%	+10%
Replacement boiler	+50%	+40%
Solid wall insulation (external)	+200%	+50%
Solid wall insulation (internal)	+200%	+50%
Under-floor insulation	0%	+10%
<i>Microgeneration measures consisting of:</i>		
Biomass boiler	+50%	+40%
Micro combined heat and power unit	+50%	+10%
Micro Hydro unit	0%	+10%
Micro Wind unit	0%	+10%
Mini-wind unit	0%	+10%
Photovoltaic panels	0%	+10%
Solar water heater	+50%	+10%

### **Determination of area bonus**

25.—(1) Paragraph 2 applies where—

- (a) a generator or supplier (“person A”) provides qualifying actions of a type referred to in the first column of Table 3, set out in article 24; and
- (b) the percentage (X%) of domestic energy users to whom those actions are provided exceed 25% in a particular area of low income.

(2) Where this paragraph applies, the Authority must increase the carbon emissions reduction for each qualifying action listed in the first column of Table 3 provided in that area by person A by X%/2.

(3) Any increase under this article must be applied after any increase provided by article 24.

### **Final determination and reporting**

**26.**—(1) The Authority must determine whether generators and suppliers have achieved their carbon emissions reduction obligation and notify them of that determination not later than 30th April 2013.

(2) Not later than 1st May 2013 the Authority must submit to the Secretary of State a final report setting out whether—

- (a) each generator and supplier has complied with its carbon emissions reduction obligation;
- (b) generators and suppliers have achieved the carbon emissions reduction targets in article 3(2); and
- (c) the overall carbon emissions reduction target under this Order was achieved.