



Sustainable Energy Act 2003

2003 CHAPTER 30

4 Energy efficiency of residential accommodation: energy conservation authorities

- (1) In this section an “energy efficiency direction” means a direction requiring each energy conservation authority to which it applies to take such energy conservation measures as that authority considers to be—
 - (a) likely to result in achieving, by a date specified in the direction, an improvement so specified (which may be expressed as a percentage) in the energy efficiency of residential accommodation in that authority’s area; and
 - (b) practicable and cost-effective.
- (2) For the purposes of this section, “the energy efficiency” of residential accommodation in an energy conservation authority’s area has such meaning as may be specified in an order made by the Secretary of State.
- (3) The Secretary of State may, after consulting the Local Government Association, give an energy efficiency direction which applies—
 - (a) to one or more named energy conservation authorities in England;
 - (b) to all energy conservation authorities in England; or
 - (c) to a particular description of energy conservation authority in England.
- (4) The National Assembly for Wales (“the Assembly”) may, after consulting the Welsh Local Government Association, give an energy efficiency direction which applies—
 - (a) to one or more named energy conservation authorities in Wales;
 - (b) to all energy conservation authorities in Wales; or
 - (c) to a particular description of energy conservation authority in Wales.
- (5) With effect from the giving of an energy efficiency direction—
 - (a) each energy conservation authority to which the direction applies must comply with the direction, using the powers it has apart from this section; and
 - (b) the Home Energy Conservation Act 1995 (c. 10) (“HECA”) shall cease to apply in relation to each such authority.

- (6) In deciding which measures to take for the purposes of complying with an energy efficiency direction, an authority must give preference to measures which it considers would also contribute to—
- (a) achieving the objective mentioned in paragraph (d) of section 2(2) of the Warm Homes and Energy Conservation Act 2000 (c. 31) by the target date for the time being specified under that paragraph;
 - (b) achieving any interim objectives for the time being specified under paragraph (c) of section 2(2) of that Act by the target date so specified.
- (7) Different energy efficiency directions may be given in relation to different energy conservation authorities or different descriptions of such authority.
- (8) The Secretary of State may after consulting the Local Government Association, and the Assembly may after consulting the Welsh Local Government Association, alter the date or the improvement (or both) for the time being specified in an energy efficiency direction given by the Secretary of State or (as the case may be) by the Assembly.
- (9) An energy efficiency direction may be revoked, but only if each authority to which it applies either—
- (a) is subject to a new energy efficiency direction taking effect immediately on the revocation; or
 - (b) no longer exists at the time of the revocation.
- (10) The Secretary of State may give to energy conservation authorities in England, and the Assembly may give to energy conservation authorities in Wales, such guidance as he or it considers appropriate in relation to the exercise of an energy conservation authority's functions under this section.
- (11) An energy conservation authority must have regard to any such guidance.
- (12) The Secretary of State may by order—
- (a) amend this section so as to alter the body which must be consulted by him;
 - (b) make transitional provision in relation to HECA's ceasing to apply in relation to an energy conservation authority in England.
- (13) The Assembly may by order—
- (a) amend this section so as to alter the body which must be consulted by it;
 - (b) make transitional provision in relation to HECA's ceasing to apply in relation to an energy conservation authority in Wales.
- (14) Any power to make an order under this section is exercisable by statutory instrument which, in the case of an order made by the Secretary of State, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (15) In this section the following expressions have the meaning given by section 1 of HECA—
- “energy conservation authority”;
 - “residential accommodation”;
 - “area”, in relation to an energy conservation authority;
 - “energy conservation measures”.