



# Climate Change and Sustainable Energy Act 2006

## 2006 CHAPTER 19

### *Electricity from renewable sources*

#### **23 Renewables obligation: issue of green certificates**

- (1) Section 32B of the Electricity Act 1989 (c. 29) (green certificates) is amended as follows.
- (2) In subsection (1), at the end insert “or, if the order so provides, to a person of any other description specified in the order”.
- (3) In subsection (1A), at the end add “or, if the order provides that a certificate may certify the matters within subsection (2ZA), (2AA), (2AB) or (2AC), the matters within that subsection”.
- (4) In subsections (2) and (2A), for “to an electricity supplier or to a Northern Ireland supplier,” substitute “otherwise than to the operator of a generating station,”.
- (5) After subsection (2) insert—

“(2ZA) The matters within this subsection are—

  - (a) that two or more generating stations have, between them, generated from renewable sources the amount of electricity stated in the certificate; and
  - (b) that it has been supplied to customers in Great Britain (or the part of Great Britain stated in the certificate).”
- (6) After subsection (2A) insert—

“(2AA) The matters within this subsection are—

  - (a) that two or more generating stations have, between them, generated from renewable sources the amount of electricity stated in the certificate;

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*Status: This is the original version (as it was originally enacted).*

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- (b) that none of them is a generating station mentioned in Article 54(1) of the Energy (Northern Ireland) Order 2003; and
- (c) that the electricity has been supplied to customers in Northern Ireland.

(2AB) The matters within this subsection are—

- (a) that the generating station, or, in the case of a certificate issued otherwise than to the operator of a generating station, a generating station specified in the certificate, has generated from renewable sources the amount of electricity stated in the certificate; and
- (b) that the electricity has been used in a permitted way.

(2AC) The matters within this subsection are—

- (a) that two or more generating stations have, between them, generated from renewable sources the amount of electricity stated in the certificate; and
- (b) that the electricity has been used in a permitted way.

(2AD) For the purposes of subsections (2AB) and (2AC), electricity generated by a generating station, or generating stations, of any description is used in a permitted way if—

- (a) it is used in one of the ways mentioned in subsection (2AE); and
- (b) that way is specified in the order as a permitted way—
  - (i) in relation to all generating stations, or
  - (ii) in relation to generating stations of that description.

(2AE) Those ways are—

- (a) being consumed by the operator of the generating station or generating stations by which it was generated;
- (b) being provided to a distribution system or a transmission system in circumstances in which its supply to customers cannot be demonstrated;
- (c) being used, as respects part, as mentioned in paragraph (a) and, as respects the remainder, as mentioned in paragraph (b);
- (d) being used, as respects part, as mentioned in paragraph (a), (b) or (c) and, as respects the remainder, by being supplied to customers in Great Britain or customers in Northern Ireland, or both.”

(7) In subsection (2B), after “(2A)” insert “or (2AA)”.

(8) In subsection (3), after “(2)” insert “or (2AZ)”.

(9) In subsection (4), after “subsection (2A)” insert “or any of subsections (2AA) to (2AC)”.

## **24 Renewables obligation: issue of green certificates: further provisions**

(1) In section 32 of the Electricity Act 1989 (c. 29) (obligation in connection with energy from renewable sources), in subsection (5), after “supply” insert “or other use”.

(2) In section 32A(3) of that Act (orders under section 32: supplementary)—

- (a) omit “and” at the end of paragraph (a), and
- (b) after paragraph (b) insert “and

- (c) different provision in relation to generating stations of different descriptions.”.
- (3) In section 116 of the Energy Act 2004 (c. 20) (issue of green certificates in Great Britain), omit subsection (4)(b) (which amends section 32B(2)(a) of the Electricity Act 1989).
- (4) The requirements of section 32(7) of the Electricity Act 1989 (consultation before making an order) may be satisfied in the case of an order containing provision made by virtue of section 23 or this section by consultation that took place wholly or partly before the commencement of that section or this section.
- (5) The functions conferred by virtue of section 23 and this section on the Secretary of State are not to be exercisable by the Scottish Ministers, except in pursuance of an Order in Council made after the passing of this Act under section 63 of the Scotland Act 1998 (c. 46).

## **25 Adjustment of transmission charges for electricity**

- (1) Section 185 of the Energy Act 2004 (adjustment of transmission charges) is amended as provided in subsections (2) to (4).
- (2) In subsection (1)(a), for “of Great Britain” substitute “in Great Britain”.
- (3) After subsection (3) insert—
  - “(3A) If subsection (1) is satisfied in the case of two or more separate areas in Great Britain, an order under this section may relate to both, or all, of those areas.
  - (3B) This section has effect in relation to an order which, by virtue of subsection (3A), relates to two or more areas as if references in subsections (2), (3) and (10) to the area to which the scheme established by the order relates (however expressed) were references to the combined area.”
- (4) In subsection (11), for “more than ten years after the commencement of this section” substitute “later than 4 October 2024”.
- (5) Subsection (7) of section 185 may be satisfied in relation to any order to be made under that section after the commencement of this section by publications and consultation taking place wholly or partly before that commencement.