



# Energy Act 2011

## 2011 CHAPTER 16

### PART 1

#### ENERGY EFFICIENCY

### CHAPTER 1

#### GREEN DEAL

#### *Introductory*

### **3 Framework regulations**

- (1) The Secretary of State must by regulations establish a scheme making provision for the Secretary of State—
  - (a) to authorise persons to act as green deal assessors, green deal providers or green deal installers in connection with green deal plans (either individually or through membership of a body specified in, or authorised under, the scheme);
  - (b) to regulate the conduct of those assessors, providers or installers (“green deal participants”).
- (2) Regulations under subsection (1) are referred to in this Chapter as “the framework regulations”.
- (3) The scheme established by the framework regulations may, in particular, make provision—
  - (a) requiring the payment of a fee in connection with initial or continued authorisation under the scheme;
  - (b) for the establishment and maintenance of a register of green deal participants and of persons from whom authorisation under the scheme has been withdrawn;

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- (c) requiring green deal participants to provide the information required under the scheme;
  - (d) for the issuing, revision or revocation of a code of practice;
  - (e) requiring green deal participants to comply with the code of practice as a condition of their authorisation;
  - (f) requiring green deal providers to enter into an agreement with the holder of a licence under section 7 or 7A of the Gas Act 1986 (gas transporter, shipper or supply licences) or section 6(1)(c) or (d) of the Electricity Act 1989 (electricity distributor and supply licences) and to comply with that agreement as a condition of their authorisation;
  - (g) requiring that an agreement mentioned in paragraph (f) be approved by the Secretary of State before being entered into;
  - (h) for securing compliance with any condition or any other requirement of the scheme, code or agreement;
  - (i) as to the consequences of non-compliance with any such condition or requirement.
- (4) The code of practice issued for the purposes of the scheme may, in particular, make provision—
- (a) as to the qualification and training of green deal participants;
  - (b) as to their handling of queries or complaints;
  - (c) requiring green deal participants to have such arrangements for insurance as are specified in the code;
  - (d) as to the payment of green deal assessors by green deal providers or green deal installers and the payment of green deal installers by green deal providers;
  - (e) as to the circumstances in which green deal assessors may charge customers for qualifying assessments of properties and as to the amount of any such charge;
  - (f) requiring green deal assessors to act with impartiality;
  - (g) as to the provision of information by green deal providers to improvers and bill payers and prospective improvers and bill payers;
  - (h) as to marketing in connection with green deal plans.
- (5) The code may include provision for regulating a body specified or authorised for the purposes of subsection (1)(a).
- (6) The scheme and the code may make different provision for different circumstances or cases or for different purposes.
- (7) The provision made by the scheme or code in relation to green deal participants may also extend to matters in connection with any energy plans which are not green deal plans.
- (8) The provision made for the purposes of subsection (3)(h) or (i) may, in particular, include provision enabling the Secretary of State to—
- (a) cancel any liability to pay for a qualifying assessment of a property;
  - (b) require a green deal provider to suspend or cancel the liability of a bill payer to make payments under a green deal plan;
  - (c) require a green deal participant to rectify a qualifying energy improvement or its installation;
  - (d) require a green deal participant to pay compensation or a financial penalty;

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- (e) withdraw, or require a body specified or authorised for the purposes of subsection (1)(a) to withdraw, an authorisation to act as a green deal participant;
  - (f) withdraw authorisation from a body authorised for the purposes of subsection (1)(a) as a body whose members are authorised to act as green deal participants.
- (9) For the purposes of this section references to a qualifying assessment are to an energy efficiency assessment which meets the requirements specified in the framework regulations and deals with such other matters as may be so specified.
- (10) This section is without prejudice to the powers conferred on the Secretary of State by other provisions of this Chapter to make provision in or under the framework regulations.
- (11) In this Chapter references to a code of practice include references to a code of practice which has been revised by virtue of subsection (3)(d).

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**Commencement Information**

**II**    **S. 3** in force at 21.3.2012 by **S.I. 2012/873**, **art. 2(a)(i)**

**Changes to legislation:**

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