Scotland Act 2016

2016 CHAPTER 11

PART 5 U.K.

OTHER EXECUTIVE COMPETENCE

60 Apportionment of targets U.K.

(1) The Utilities Act 2000 is amended as follows.

(2) Section 103 (overall carbon emissions reduction targets) is amended as follows.

(3) After subsection (2) insert—

"(2A) Where an overall target applies in relation to a section mentioned in subsection (1) the order specifying the target may make provision for the target to be apportioned between—

(a) measures carried out in England and Wales, and

(b) measures carried out in Scotland,

by reference to such criteria as may be specified in the order."

(4) After subsection (3) insert—

"(3A) Where a target is apportioned under subsection (2A) for the purposes of a section, an order under that section may include provision for a supplier to elect, subject to any conditions specified in the order—

(a) that, for the purposes of meeting the carbon emissions reduction target under an obligation imposed by the order in relation to England and Wales, a measure carried out in Scotland is to be treated instead as carried out in England and Wales;

(b) that, for the purposes of meeting the carbon emissions reduction target under an obligation imposed by the order in relation to Scotland, a measure carried out in England and Wales is to be treated instead as carried out in Scotland.

Changes to legislation: *Scotland Act 2016, Section 60 is up to date with all changes known to be in force on or before 12 July 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*

(3B) An order may not make provision under subsection (3A)(b) unless the Scottish Ministers have agreed to such provision being made."

(5) Section 103A (overall home-heating cost reduction targets) is amended as follows.

(6) After subsection (3) insert—

"(3A) Where an overall target applies in relation to a section mentioned in subsection (1) the order specifying the target may make provision for the target to be apportioned between—

(a) measures carried out in England and Wales, and

(b) measures carried out in Scotland,

by reference to such criteria as may be specified in the order."

(7) After subsection (4) insert—

"(4A) Where a target is apportioned under subsection (3A) for the purposes of a section, an order under that section may include provision for a supplier to elect, subject to any conditions specified in the order,—

(a) that, for the purposes of meeting the home-heating cost reduction target under an obligation imposed by the order in relation to England and Wales, a measure carried out in Scotland is to be treated instead as carried out in England and Wales;

(b) that, for the purposes of meeting the home-heating cost reduction target under an obligation imposed by the order in relation to Scotland, a measure carried out in England and Wales is to be treated instead as carried out in Scotland.

(4B) An order may not make provision under subsection (4A)(b) unless the Scottish Ministers have agreed to such provision being made."

(8) Section 103B (power to require information) is amended as follows.

(9) In the heading after "Secretary of State" insert " and the Scottish Ministers ".

(10) In subsection (1) at the beginning insert " Subject to subsection (1A), " and after that subsection insert—

"(1A) The Scottish Ministers may exercise the power in subsection (1)(b) and (c) in order to require information to review the operation of any carbon emissions reduction order or home-heating cost reduction order made by the Scottish Ministers and to establish and maintain a measures record in relation to such orders."

(11) In subsection (2)—

(a) after the first "Secretary of State" insert " or the Scottish Ministers ", and

(b) after the second "Secretary of State" insert " and the Scottish Ministers ".

(12) After subsection (6) insert—

"(6A) Information obtained by virtue of subsection (1A) may be disclosed by the Scottish Ministers—

(a) to the Secretary of State;

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(b) to the Welsh Ministers for the purpose of enabling them to review the operation and effect in Wales of a carbon emissions reduction order or home-heating cost reduction order."

(13) In section 105 (general restrictions on disclosure of information), in subsection (3) after paragraph (a) insert—

"(aza) it is made for the purpose of facilitating the performance, by a body specified as the Administrator under an order under section 33BC or 33BD of the Gas Act 1986 or under section 41A or 41B of the Electricity Act 1989, of its functions under that section and the order;".

Commencement Information

I1 S. 60 in force at 1.12.2017 for specified purposes by S.I. 2017/1157, **reg. 3(c)**

I2 S. 60 in force at 1.10.2018 in so far as not already in force by S.I. 2017/1157, **reg. 5(b)**

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Changes and effects yet to be applied to :

– specified provision(s) amendment to earlier commencing S.I. 2017/455, reg. 3 by S.I. 2019/1438 reg. 2