
STATUTORY INSTRUMENTS

2009 No. 1905

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

PART 1

Introduction

Citation and commencement

1. This Order may be cited as the Electricity and Gas (Community Energy Saving Programme) Order 2009 and comes into force on 1st September 2009.

Interpretation

2. In this Order—

“April 2010 generator” means a generator for whom the obligation period commences on 1st April 2010;

“April 2011 generator” means a generator for whom the obligation period commences on 1st April 2011;

“April 2012 generator” means a generator for whom the obligation period commences on 1st April 2012;

“area of low income” means an area which appears in the document approved by the Secretary of State entitled “Communities: Areas of Low Income” which is published on 30th June 2009 and the ISBN of which is 9780108508417(1);

“carbon emissions reduction obligation” means the reduction in carbon emissions that a generator or a supplier must achieve under this Order in its obligation period;

“district heating system” means a system that delivers heat through pipes to two or more domestic premises;

“domestic customer” means an owner or occupier of domestic premises in Great Britain who is supplied with electricity or gas at those premises wholly or mainly for domestic purposes;

“domestic energy user” means a person who uses energy in domestic premises in Great Britain wholly or mainly for domestic purposes;

“energy” means energy from coal, electricity, gas, geothermal sources, liquid petroleum gas, oil, solar power, water, wind or wood;

“energy assessor” means a person with any of the following qualifications—

(a) City and Guilds (6176) in Energy Awareness(2);

(1) Communities: Areas of Low Income is published by the The Stationary Office, Mandela Way, London, SE1 5SS. Copies of this document may be obtained by contacting The Stationary Office or by visiting the DECC website.

(2) The City and Guilds (6176) in Energy Awareness is a qualification issued by the City and Guilds of London Institute, 1 Giltspur Street, London, EC1A 9DD.

- (b) Level 3 of the National Vocational Qualification 6049-03 (Provide Energy Efficiency Services)(3);
- (c) a qualification based on units one to five of the National Occupational Standards (NOS) for Home and Community Energy Advisers which qualification is awarded by a body which has been approved and quality assured by the Office of the Qualifications and Examinations Regulator(4); or
- (d) an equivalent qualification that is recognised by a member State of the European Union, an EEA State or Turkey;

“fuel switching” means changing the primary heating fuel used by a domestic energy user from coal, electricity or oil to a mains gas supply;

“G-rated boiler” means a boiler which has a seasonal efficiency value of less than 70% when that boiler is assessed against the Standard Assessment Procedure for Energy Rating of Dwellings (2005 Edition)(5);

“generation licence” means a licence granted under section 6(1)(a) of the Electricity Act 1989;

“generation period one” means 1st January 2006 to 31st December 2008;

“generation period two” means 1st January 2007 to 31st December 2009;

“generation period three” means 1st January 2008 to 31st December 2010;

“generation period four” means 1st January 2009 to 31st December 2011;

“generation periods” means any or all of the generation periods one, two, three or four, as the context admits;

“generator” has the meaning given by article 4;

“group of companies” means—

- (a) a holding company; and
- (b) the wholly-owned subsidiaries of that holding company;

“holding company” has the same meaning as in section 736 of the Companies Act 1985(6);

“home energy advice package” has the meaning given in Schedule 1;

“lifetime tonnes of carbon dioxide” means the amount of carbon dioxide that is expected to be saved over the lifetime of the measures to be promoted under this Order;

“local authority” means—

- (a) in Greater London, a London Borough Council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple;
- (b) in England outside Greater London, a county council or, in relation to an area for which there is a district council but no county council, the district council, and the Council of the Isles of Scilly;

(3) The National Vocational Qualification 6049-03 (Provide Energy Efficiency Services) is a qualification issued by the Qualifications and Curriculum Authority, 83 Piccadilly, London, W1J 8QA.

(4) The Office of the Qualifications and Examinations Regulator (Spring Place, Coventry Business Park, Hearld Avenue, Coventry, CV5 6UB). The NOS qualification is developed by Asset Skills and was approved by the UK Commission for Employment and Skills (3 Callflex Business Park, Golden Smithies Lane, Wath-upon-Deame, South Yorkshire, S63 7ER) on 3rd June 2009.

(5) The Standard Assessment Procedure for Energy Rating of Dwellings (2005 Edition) can be found at www.bre.co.uk/sap2005.

(6) 1985 c.6. Section 736 will be repealed on 1st October 2009 by section 1295 of and Schedule 16 to the Companies Act 2006 (c.46). Section 1297(5) (continuity of law) of the Companies Act 2006 provides that references to repealed provisions shall be construed as references to the corresponding provision in the Companies Act 2006, namely section 1159.

(c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(7);

(d) in Wales, a county council or county borough council;

“microgeneration” has the same meaning as in section 26 of the Climate Change and Sustainable Energy Act 2006(8);

“new generator” has the meaning given by article 4(5);

“new supplier” has the meaning given by article 5(5);

“notification” means notification in writing and includes notification by electronic mail or facsimile;

“obligation period” has the meaning given by—

(a) article 8 for a generator;

(b) article 10(3) for a supplier; or

(c) article 10(4) for a new supplier;

“October 2009 generator” means a generator for whom the obligation period commences on 1st October 2009;

“overall carbon emissions reduction target” means the target for the promotion of reduction in carbon emissions stated in article 3(1) and referred to in section 103(1) and (1A) of the Utilities Act 2000;

“qualifying action” has the meaning given in Schedule 2;

“replacement boiler” means a boiler which replaces a G-rated boiler and which meets the requirements of Part L of Schedule 1 to the Building Regulations 2000(9);

“solid wall insulation” means internal or external insulation which lowers the U-value of the walls to 0.5W/m²K or less;

“subsidiary” has the same meaning as in section 736 of the Companies Act 1985;

“supplier” has the meaning given by article 5;

“TWh/yr” means gross terawatt hours per year;

“U-value” means the measure in W/m²K of heat transmission through a wall;

“upgrade of a district heating system” means an alteration or improvement to a district heating system which enables the system to deliver heat to domestic properties at a lower value of kilograms of carbon dioxide per kilowatt hours of heat delivered.

(7) 1994 c.39.

(8) 2006 c.19.

(9) S.I. 2000/2531. These Regulations have been amended on several occasions. Two amendments are of relevance. The Building and Approved Inspectors (Amendment) Regulations 2006 (S.I. 2006/652) inserted a new Part L into Schedule 1 to the Building Regulations 2000. Regulation 2 of the Building and Approved Inspectors (Amendment) Regulations 2007 (S.I. 2007/3384) substituted a new sub-paragraph (b) into column 1 of paragraph L1 of Part L to the Schedule 1 of the Buildings Regulations 2000.