
STATUTORY INSTRUMENTS

2012 No. 1661

ENERGY CONSERVATION

The Green Deal (Acknowledgment) Regulations 2012

<i>Made</i>	- - - -	<i>27th June 2012</i>
<i>Laid before Parliament</i>		<i>28th June 2012</i>
<i>Coming into force</i>	- -	<i>28th January 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 14(4) and (5), 15(3) and 40(1) of the Energy Act 2011⁽¹⁾ and after consultation with the Welsh Ministers in accordance with section 40(12) of that Act, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Green Deal (Acknowledgment) Regulations 2012⁽²⁾ and come into force on 28th January 2013.

Interpretation

2. In these Regulations—

“acknowledgment” means an acknowledgment required by section 14 of the Act or regulation 44, 46, 48 or 50 of the Framework Regulations;

“the Act” means the Energy Act 2011;

“early repayment term” means a term included in a green deal plan pursuant to regulation 38 of the Framework Regulations;

“the Framework Regulations” means the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012⁽³⁾;

“green deal plan” has the meaning given in section 1 of the Act;

“green deal property” has the meaning given in section 12(5)(b) of the Act; and

“relevant document” means, in respect of a green deal property, a document (other than a green deal plan) described in section 14(2) of the Act or a document described in regulation 46(1) (b) of the Framework Regulations.

(1) 2011 c.16. Sections 14(4) and (5) and 15(3) of the Act extend to England and Wales only.

(2) The Scottish Ministers have powers under sections 14(7) and (8) and 15(4) of the Energy Act 2011 to make separate provision for Scotland.

(3) The Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012 were laid before Parliament in draft on 11th June 2012 for approval by resolution of each House of Parliament.

Form of acknowledgment where green deal plan contains an early repayment term

3.—(1) This regulation applies where an acknowledgment is required and the green deal plan contains an early repayment term.

- (2) An acknowledgment must—
 - (a) be in the form set out in paragraph (3) or be in substantially the same form; and
 - (b) where the acknowledgment is required to be given in a relevant document, be placed in a prominent position in that document.
- (3) The form referred to in paragraph (2)(a) is—

Acknowledgment of green deal plan

[I/We], [Insert name and address of person[s] giving acknowledgment unless this information is clear from the document in which the acknowledgment is given] acknowledge that:

- (a) a green deal plan dated [Insert date] (reference number: [Insert reference number]) has been entered into for [Insert description of green deal property] (“the property”); and
- (b) for such time as [I am/we are] the bill payer[s] (see note 1) at the property, [I/we] will:
 - (i) be liable to make payments under the green deal plan; and
 - (ii) have to comply with the terms of the green deal plan which apply to [a] bill payer[s] at the property.

[I/We] further acknowledge that, when [I/we] have ceased to be the bill payer[s] at the property, [I/we] will continue to be bound by the term[s] in the green deal plan which enable[s] the green deal provider to require early repayment of the amount outstanding under the green deal plan (see note 2).

(Note 1: A person is a bill payer if that person is:

- (a) liable to pay the electricity bill at the property; or
- (b) made the bill payer under regulation 6 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012. That regulation applies where no electricity is supplied to the property and to certain tenants and those who are entitled to sell the property.

Note 2: See regulation 38 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012 for the circumstances when a green deal plan may allow a green deal provider to require early repayment of credit, including from a person who used to be a bill payer at the property.)

[Signed.....[Insert signature of person[s] giving the acknowledgment unless the document in which the acknowledgment is given is signed]

[Dated.....[Insert date acknowledgment is given unless the document in which the acknowledgment is given is dated]

Form of acknowledgment where green deal plan does not contain an early repayment term

4.—(1) This regulation applies where an acknowledgment is required and the green deal plan does not contain an early repayment term.

- (2) An acknowledgment must—
 - (a) be in the form set out in paragraph (3) or be in substantially the same form; and

(b) where the acknowledgment is required to be given in a relevant document, be placed in a prominent position in that document.

(3) The form referred to in paragraph (2)(a) is—

Acknowledgment of green deal plan

[I/We], [Insert name and address of person[s] giving acknowledgment unless this information is clear from the document in which the acknowledgment is given] acknowledge that:

(a) a green deal plan dated [Insert date] (reference number: [Insert reference number]) has been entered into for [Insert description of green deal property] (“the property”); and

(b) for such time as [I am/we are] the bill payer[s] (see note) at the property, [I/we] will:

(i) be liable to make payments under the green deal plan; and

(ii) have to comply with the terms of the green deal plan which apply to [a] bill payer[s] at the property.

(Note: A person is a bill payer if that person is:

(a) liable to pay the electricity bill at the property; or

(b) made the bill payer under regulation 6 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012. That regulation applies where no electricity is supplied to the property and to certain tenants and those who are entitled to sell the property).

[Signed.....[Insert signature of person[s] giving the acknowledgment unless the document in which the acknowledgment is given is signed]

[Dated.....[Insert date acknowledgment is given unless the document in which the acknowledgment is given is dated]

”

Circumstances where acknowledgment is not required on sale or letting out

5. A seller or prospective landlord or licensor is not required to comply with section 14(2) of the Act(4) where the buyer, tenant or licensee gave a confirmation under regulation 36 of the Framework Regulations at the time the green deal plan was entered into.

27th June 2012

Gregory Barker
Minister of State
Department of Energy and Climate Change

(4) Section 14(2) requires a person selling a green deal property or letting such a property under a tenancy or licence agreement which is in writing to secure that the buyer, tenant or licensee includes an acknowledgment by the buyer, tenant or licensee that the bill payer at the property is liable to make payments under the green deal plan and that certain terms of that plan are binding in the bill payer.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are one of a number of statutory instruments which establish the green deal energy efficiency scheme (“the Green Deal Scheme”) using powers conferred by Chapter 1 of Part 1 of the Energy Act 2011 (c.16.) (“the Act”).

These Regulations, which apply to England and Wales, make provision relating to the requirement to secure an acknowledgment of a green deal plan where there is or may be a change of electricity bill payer at a green deal property. An acknowledgment is required by section 14(2) of the Act and regulations 44, 46, 48 and 50 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012⁽⁵⁾.

Regulation 1 provides for the commencement of these Regulations.

Regulation 2 defines terms that are used in the Regulations.

Regulation 3 provides for the form of acknowledgment that must be used where a green deal plan contains a term allowing a green deal provider to require early repayment of credit.

Regulation 4 provides for the form of acknowledgment that must be used where a green deal plan does not contain a term allowing a green deal provider to require early repayment of credit.

Regulation 5 provides for the circumstances in which a person will not be required to obtain an acknowledgment under section 14(2) of the Act.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. However, a full impact assessment of the effect that the Green Deal Scheme will have on the costs of business and the voluntary sector is available from the Green Deal Legislation Team, Department of Energy and Climate Change at 3 Whitehall Place, SW1A 2AW and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

(5) The Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012 were laid before Parliament in draft on 11th June 2012 for approval by resolution of each House of Parliament.