

**Changes to legislation:** Climate Change Act 2008, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 March 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

## SCHEDULES

### SCHEDULE 4

Section 50

#### TRADING SCHEMES: POWERS TO REQUIRE INFORMATION

##### *Introductory*

- 1 [F1(1) The powers conferred by this Schedule are exercisable by the following authorities—
- (a) the Secretary of State;
  - (b) the Scottish Ministers;
  - (c) the relevant Northern Ireland department;
  - (d) the Welsh Ministers;
  - (e) the Environment Agency;
  - (f) the Scottish Environment Protection Agency.
- (2) References in this Schedule to an “environmental authority” are to any of those authorities.]

##### **Textual Amendments**

- F1** Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), ss. [50\(2\)](#), [100\(5\)](#)

##### *Information from electricity suppliers and distributors*

- 2 [F1(1) An environmental authority may, for the purposes of enabling a trading scheme to be established, by notice require an electricity supplier or electricity distributor to provide any of the following information—
- (a) information about the electricity meters and metering systems for which the supplier or distributor is responsible, including (in particular) their locations and any identifying features;
  - (b) information about the persons to whom electricity measured by those meters or systems is supplied or who purchase such electricity;
  - (c) information about the consumption by those persons of that electricity;
  - (d) any other information that the environmental authority considers necessary for identifying the potential participants in the scheme.
- (2) An “electricity supplier”—
- (a) in relation to England and Wales and Scotland means an authorised supplier within the meaning of the Electricity Act 1989 (c. 29) (see section 64(1) of that Act);
  - (b) in relation to Northern Ireland means—

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- (i) an electricity supplier within the meaning of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231) (N.I. 1) (see Article 3 of that Order), or
  - (ii) a person who may supply electricity to premises without a licence by virtue of an exemption under Article 9 of that Order.
- (3) An “electricity distributor”—
- (a) in relation to England and Wales and Scotland means an authorised distributor within the meaning of the Electricity Act 1989 (see section 64(1) of that Act);
  - (b) in relation to Northern Ireland means an electricity distributor within the meaning of the Electricity (Northern Ireland) Order 1992 (see Article 3 of that Order).
- (4) References in this Schedule to an electricity supplier or electricity distributor include an agent of such a supplier or distributor.]

#### Textual Amendments

**F1** Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), [ss. 50\(2\), 100\(5\)](#)

#### *Information from potential participants in a trading scheme*

- 3 <sup>F1</sup>(1) An environmental authority may, for the purposes of enabling a trading scheme to be established, by notice require a potential participant in the scheme to provide any of the following information—
- (a) information about whether the criteria specified in the notice are met by the potential participant, either alone or together with any other person or persons;
  - (b) information identifying any potential co-participant;
  - (c) contact details for the potential participant and any potential co-participant;
  - (d) information about the meters that measure electricity supplied to or purchased by the potential participant or any potential co-participant;
  - (e) information about the consumption of electricity by the potential participant and any potential co-participant;
  - (f) information about any climate change agreement (within the meaning of Schedule 6 to the Finance Act 2000 (c. 17)) entered into by or on behalf of the potential participant or any potential co-participant.
- (2) A “potential participant”, in relation to a trading scheme, means a person who the environmental authority considers—
- (a) will or may be a participant in the scheme, or
  - (b) will or may fall to be treated together with any other person or persons (a “potential co-participant”) as such a participant.]

#### Textual Amendments

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#### *Requirements for a valid notice*

- 4 [F1(1) A notice under this Schedule must comply with the following requirements.
- (2) The notice must—
- (a) be in writing,
  - (b) specify the information to be provided,
  - (c) specify the name and address of the person to whom the information is to be provided,
  - (d) specify the date by which the information is to be provided, and
  - (e) explain the consequences of failure to comply with the notice.
- (3) An environmental authority must not give a notice requiring information from a person unless—
- (a) the authority has previously sent the person a request in writing for the information, and
  - (b) the person has failed to provide the information within the period of 28 days beginning with the day on which the request was sent.]

#### **Textual Amendments**

**F1** Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), ss. [50\(2\)](#), [100\(5\)](#)

#### *Failure to comply with notice etc an offence*

- 5 [F1(1) A person who—
- (a) fails without reasonable excuse to comply with a notice under this Schedule, or
  - (b) provides information in response to such a notice that the person knows or suspects to be false or misleading, commits an offence.
- (2) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

#### **Textual Amendments**

**F1** Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), ss. [50\(2\)](#), [100\(5\)](#)

#### *Disclosure of information*

- 6 (1) This paragraph applies to information obtained by an environmental authority (whether or not pursuant to a notice under this Schedule) from—
- (a) an electricity supplier or electricity distributor, or
  - (b) a potential participant,
- for the purposes of enabling a trading scheme to be established.
- (2) The information may be disclosed for the purposes of or in connection with the establishment, operation or enforcement of a trading scheme—

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- (a) by an environmental authority to another environmental authority or the administrator of the scheme, or
  - (b) by the administrator of the scheme to any other administrator of the scheme or an environmental authority.
- (3) This does not affect any other right to disclose information within sub-paragraph (1) apart from this paragraph.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 86(1)(a) words renumbered as s. 86(1)(a) by [2016 c. 22 s. 211\(2\)\(a\)](#)
- s. 86(1)(b) and word inserted by [2016 c. 22 s. 211\(2\)\(b\)](#)
- s. 86(7A)(7B) inserted by [2016 c. 22 s. 211\(5\)](#)