
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Electricity and Gas (Energy
Company Obligation) Order 2023

PART 10

Amendment of the 2022 Order

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39. The 2022 Order is amended in accordance with this Part.

Amendment to article 2 (interpretation)

40. In article 2—

(a) in paragraph (1)—

(i) in the definition of “heating measure”, after paragraph (c) insert—

“(d) related electricity generation equipment;”;

(ii) in the definition of “licence-holder”, in paragraph (b), for “section 7A” substitute
“section 7A(1)”;

(iii) for the definition of “Reduced Data Standard Assessment Procedure” substitute—
““Reduced Data Standard Assessment Procedure” means the Reduced Data
Standard Assessment Procedure for Energy Rating of Dwellings (2012 edition,
version 9.94);”;

(iv) after the definition of “Reduced Data Standard Assessment Procedure” insert—
““related electricity generation equipment” means equipment for the
generation of electricity at domestic premises where—

- (a) the electricity is generated wholly or mainly by renewable means; and
- (b) the electricity so generated is used wholly or partly by equipment that
generates heat at domestic premises;”;

(v) for the definition of “renewable heating system” substitute—

““renewable heating system” means—

- (a) equipment for the generation of heat wholly or partly by renewable
means; or
- (b) related electricity generation equipment;”;

(vi) after the definition of “renewable heating system” insert—

““renewable means” means by means of a source of energy or technology
which—

- (a) is mentioned in section 100(4)(a) or (c) to (h) of the Energy Act 2008(1);
and
 - (b) is not used to generate electricity that is supplied by a licence-holder;”;
- (b) in paragraph (3), in sub-paragraph (b) after “both” insert “generate electricity,”.

Amendment to article 4 (definition of participant)

41. In article 4, in paragraph (5), for “section 7A” substitute “section 7A(1)”.

Amendment to article 12 (qualifying actions: general requirements relating to Condition A)

42. In article 12, in paragraph (1)—

- (a) after sub-paragraph (e), omit “and”;
- (b) after sub-paragraph (f) insert—
“; and
- (g) is not a measure notified to the Administrator in accordance with article 25 of the Electricity and Gas (Energy Company Obligation) Order 2023.”.

Amendment to article 27 (general requirements relating to heating measures)

43. In article 27, in paragraph (1)—

- (a) in sub-paragraph (d), omit “or the installation of a connection to a district heating system that delivers heat generated wholly or partly from mains gas,”;
- (b) for sub-paragraphs (e) and (f) substitute—
 - “(e) where the measure is the installation of an electric storage heater, but is not a repair—
 - (i) the measure has a responsiveness rating equal to, or greater than, 0.8 when assessed against the Standard Assessment Procedure; and
 - (ii) the measure—
 - (aa) replaces an electric heating system at on-gas premises;
 - (bb) is installed at on-gas premises where one or more electric storage heaters are already installed;
 - (cc) is installed at on-gas premises which, immediately prior to the installation of the measure, have neither an efficient heating system nor an inefficient heating system; or
 - (dd) is installed at off-gas premises;
 - (f) where the measure is the installation of an electric heating system, but is not a repair—
 - (i) the measure has a responsiveness rating equal to, or greater than, 0.8 when assessed against the Standard Assessment Procedure; and
 - (ii) the measure—
 - (aa) replaces an electric heating system at on-gas premises;
 - (bb) is installed at on-gas premises where one or more electric storage heaters are already installed;

- (cc) is installed at on-gas premises which, immediately prior to the installation of the measure, have neither an efficient heating system nor an inefficient heating system; or
- (dd) is installed at off-gas premises;”;
- (c) in sub-paragraph (i), for “includes the installation of equipment for the direct conversion of sunlight into electricity” substitute “includes the installation of equipment for the generation of electricity by renewable means”.

Amendment to article 28 (requirements specific to heating measures installed at on-gas premises)

44. In article 28—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (d)(i)(ee), omit “which is broken down”;
 - (ii) in sub-paragraph (e)—
 - (aa) after paragraph (iv), omit “or”;
 - (bb) after paragraph (v), insert—
 - “(vi) an electric storage heater; or
 - (vii) an electric heating system.”;
- (b) for paragraph (2) substitute—
 - “(2) A heating measure installed at on-gas premises also meets the requirements of this article if—
 - (a) the measure—
 - (i) forms part of an ECO4 project which includes the installation of a district heating connection which meets the requirements of paragraph (1); and
 - (ii) is a wet central heating system installed after the completion of the installation of the district heating connection; or
 - (b) the measure is the installation of related electricity generation equipment.”.

Amendment to article 29 (requirements specific to heating measures installed at off-gas premises)

45. In article 29, in paragraph (2)—

- (a) after sub-paragraph (a), omit “or”;
- (b) after sub-paragraph (b), insert—
 - “; or
- (c) the measure is the installation of related electricity generation equipment.”.

Amendment to article 30 (hierarchy of heating measures installed at off-gas premises)

46. In article 30, for paragraph (2)(c)(i) substitute—

- “(i) an electric storage heater or an electric heating system, provided that—
 - (aa) the measure replaces an electric heating system at the premises;
 - (bb) the measure is installed at premises where one or more electric storage heaters are already installed; or

- (cc) the measure is installed at premises which, immediately prior to the installation of the measure, have neither an efficient heating system nor an inefficient heating system; or”.

Amendment to article 43 (notification requirements for completed measures)

47. In article 43, after paragraph (c)—

- (a) omit “and”;
- (b) insert—
- “*(ca)* indicates that the notification is made under this article;
- (cb)* is not withdrawn by a notification made under article 44A; and”.

Insertion of article 44A (withdrawal of notification)

48. After article 44, insert—

“Withdrawal of notification

44A.—(1) A participant may withdraw a notification made under article 43 by notifying the Administrator in writing.

(2) A notification under paragraph (1) must—

- (a) be made by the participant that promoted the measure;
- (b) be made on or before 30th June 2026; and
- (c) include such information relating to the measure as the Administrator may require.

Amendment to article 80 (transfer of measures)

49. In article 80—

- (a) in paragraph (2)(b)(i), for “article 43(a) to (c)” substitute “article 43(a) to (cb)”;
- (b) in paragraph (5)(a), at the beginning insert “except for the purposes of articles 20(1)(b), 21(2)(b), 43(a) and 45(4),”.

Saving provisions

50.—(1) With the exception of the amendments made by articles 40(a)(iii) and 49(b), the 2022 Order shall continue to have effect in relation to a measure completed before the day on which this Part comes into force as if the 2022 Order had not been amended by this Part.

(2) Where an assessment of the energy efficiency of domestic premises is performed using the Reduced Data Standard Assessment Procedure for Energy Rating of Dwellings (2012 Edition, version 9.92)(2) before the day on which this Part comes into force and is relied on by a participant for the purposes of the 2022 Order in relation to a measure installed at the domestic premises, the 2022 Order shall continue to have effect in relation to that measure as if the 2022 Order had not been amended by article 40(a)(iii).

(2) Published as Appendix S of the Government’s Standard Assessment Procedure for Energy Rating of Dwellings (2012 Edition, version 9.92). Copies can be accessed at https://www.bre.co.uk/filelibrary/SAP/2012/SAP-2012_9-92.pdf. A copy can be inspected by contacting the Energy Company Obligation Team at the Department for Energy Security and Net Zero, 1 Victoria Street, London SW1H 0ET.

(3) For the purposes of paragraph (1), a measure is completed when the installation of the measure is completed.

(4) In this article, “domestic premises” and “participant” have the meanings given in article 2(1) of the 2022 Order.