

ENERGY ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Energy Efficiency

Chapter 1: Green Deal

Delegation of functions

Section 31: Delegation and conferring of functions

102. *Subsection (1)* provides for the Secretary of State to delegate, by order, the exercise of certain functions to a public body specified in an order. If the function of issuing the code of practice is transferred to a public body, *subsection (2)* provides that the Secretary of State must approve the code before it is laid before Parliament. *Subsection (3)* provides that the Secretary of State must consent to the revocation of the code of practice. *Subsections (4) and (5)* enable the Secretary of State to make provision by order for functions in connection with administration of any provision in licences under sections 7 or 7A of the Gas Act 1986 or section 6(1)(c) or (d) to be conferred on the Secretary of State or a public body.
103. *Subsection (6)* provides that the order may specify different functions to be exercisable by different bodies and that the same functions may be exercised by different public bodies in relation to different areas. *Subsection (7)* enables the Secretary of State to make payments to any public body specified in an order made under subsection (1) of this section.

Section 32: Exercise of scheme functions on behalf of the Secretary of State or a public body

104. This section relates to functions connected with the scheme established by the framework regulations, pursuant to section 3.
105. *Subsection (2)* provides that the Secretary of State can arrange for such functions to be exercised by a body or person on the Secretary of State's behalf.
106. *Subsection (3)* enables a public body, to which such functions have been delegated under section 31, may also arrange for any person to exercise those functions on its behalf.
107. *Subsection (4)* makes it clear that any arrangements under this section do not affect responsibility for the exercise of the function, and may include provision for payments to the body or person exercising the function.

Section 33: Duty to report

108. This section provides the Secretary of State with an additional power where the function described is delegated to a public body. Where this is the case, the Secretary of State

*These notes refer to the Energy Act 2011 (c.16)
which received Royal Assent on 18 October 2011*

may make regulations which require the public body to collect information on specified matters and provide the Secretary of State with a report on those matters at a specified time.