



Energy Act 2013

2013 CHAPTER 32

PART 5

STRATEGY AND POLICY STATEMENT

134 Review

- (1) The Secretary of State must review the strategy and policy statement if a period of 5 years has elapsed since the relevant time.
- (2) The “relevant time”, in relation to the strategy and policy statement, means—
 - (a) the time when the statement was first designated under this Part, or
 - (b) if later, the time when a review of the statement under this section last took place.
- (3) A review under subsection (1) must take place as soon as reasonably practicable after the end of the 5 year period.
- (4) The Secretary of State may review the strategy and policy statement at any other time if—
 - (a) a Parliamentary general election has taken place since the relevant time,
 - (b) the Authority has given notice to the Secretary of State under section 132(7) since the relevant time,
 - (c) a significant change in the energy policy of Her Majesty’s government has occurred since the relevant time, or
 - (d) the Parliamentary approval requirement in relation to an amended statement was not met on the last review (see subsection (12)).
- (5) The Secretary of State may determine that a significant change in the government’s energy policy has occurred for the purposes of subsection (4)(c) only if—
 - (a) the change was not anticipated at the relevant time, and
 - (b) if the change had been so anticipated, it appears to the Secretary of State likely that the statement would have been different in a material way.

Status: This is the original version (as it was originally enacted).

- (6) On a review under this section the Secretary of State may—
- (a) amend the statement (including by replacing the whole or part of the statement with new content),
 - (b) leave the statement as it is, or
 - (c) withdraw the statement’s designation as the strategy and policy statement.
- (7) The amendment of a statement under subsection (6)(a) has effect only if the Secretary of State designates under section 131 the amended statement as the strategy and policy statement (and the procedural requirements under section 135 apply in relation to any such designation).
- (8) For the purposes of this section, corrections of clerical or typographical errors are not to be treated as amendments made to the statement.
- (9) The designation of a statement as the strategy and policy statement ceases to have effect upon a subsequent designation of an amended statement as the strategy and policy statement in accordance with subsection (7).
- (10) The Secretary of State must consult the following persons before proceeding under subsection (6)(b) or (c)—
- (a) the Authority,
 - (b) the Scottish Ministers,
 - (c) the Welsh Ministers, and
 - (d) such other persons as the Secretary of State considers appropriate.
- (11) For the purposes of subsection (2)(b), a review of a statement takes place—
- (a) in the case of a decision on the review to amend the statement under subsection (6)(a)—
 - (i) at the time when the amended statement is designated as the strategy and policy statement under section 131, or
 - (ii) if the amended statement is not so designated, at the time when the amended statement was laid before Parliament for approval under section 135(7);
 - (b) in the case of a decision on the review to leave the statement as it is under subsection (6)(b), at the time when that decision is taken.
- (12) For the purposes of subsection (4)(d), the Parliamentary approval requirement in relation to an amended statement was not met on the last review if—
- (a) on the last review of the strategy and policy statement to be held under this section, an amended statement was laid before Parliament for approval under section 135(7), but
 - (b) the amended statement was not designated because such approval was not given.