



Energy Act 2023

2023 CHAPTER 52

PART 11

ENERGY SAVINGS OPPORTUNITY SCHEMES

Establishment and application of schemes

255 Application of energy savings opportunity schemes

- (1) ESOS regulations may provide for—
 - (a) an energy savings opportunity scheme to apply to specified descriptions of undertakings;
 - (b) specified descriptions of undertakings to be excluded from the application of the scheme.
- (2) ESOS regulations may make provision about circumstances in which—
 - (a) two or more participants are to be treated for the purposes of the regulations as if they were a single participant;
 - (b) an obligation imposed under the regulations on one participant is to be treated as if it had been imposed on a different participant.
- (3) The provisions of this Part relating to energy consumption apply to energy consumed by assets located, or activities carried on—
 - (a) wholly or partly in the United Kingdom;
 - (b) wholly or partly in an offshore area;
 - (c) where [subsection \(4\)](#) applies, elsewhere.
- (4) ESOS regulations may make provision about circumstances in which the energy consumption for which a participant is, for the purposes of the regulations, responsible may include energy consumed by—
 - (a) assets located elsewhere than in the United Kingdom or an offshore area, or
 - (b) activities carried on elsewhere than in the United Kingdom or an offshore area.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 255. (See end of Document for details)

- (5) The provisions of this Part relating to greenhouse gas emissions apply to the emissions resulting from energy consumption to which this Part applies whether such emissions occur in the United Kingdom, in an offshore area or elsewhere.
- (6) ESOS regulations may make provision about the attribution of energy consumption to participants, including in particular provision about the treatment for the purposes of the regulations of—
- (a) a participant’s consumption of energy generated by that participant;
 - (b) energy consumption by a person over whom a participant has control or influence;
 - (c) energy consumption shared between a participant and one or more other participants or other persons;
 - (d) energy consumed by assets held on trust by or for a participant.
- (7) In this section, “offshore area” means—
- (a) waters landward of the seaward limit of the territorial sea adjacent to the United Kingdom,
 - (b) any designated area within the meaning of section 1(7) of the Continental Shelf Act 1964, and
 - (c) any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009,
- and includes the places above those areas and the bed and subsoil of the sea within those areas.

Commencement Information

11 S. 255 in force at Royal Assent, see [s. 334\(2\)\(m\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Section 255.