



Energy Act 2023

2023 CHAPTER 52

PART 11

ENERGY SAVINGS OPPORTUNITY SCHEMES

Assessments, energy savings and emissions reductions

256 Requirement for assessment of energy consumption

- (1) ESOS regulations may require the carrying out of assessments of—
 - (a) a participant’s energy consumption;
 - (b) the greenhouse gas emissions resulting from that consumption.Such an assessment is referred to as an “ESOS assessment”.
- (2) The provision that may be made by virtue of [subsection \(1\)](#) includes in particular provision about—
 - (a) the frequency of ESOS assessments;
 - (b) the period or periods to which assessments must relate;
 - (c) how assessments are to be carried out;
 - (d) the information that must be provided or obtained for the purposes of an assessment;
 - (e) the matters that must be taken into account in an assessment;
 - (f) record-keeping in relation to an assessment.
- (3) ESOS regulations may make provision requiring an ESOS assessment, or specified parts of an ESOS assessment, to be carried out, approved or audited by a person appointed by a participant (referred to as “an assessor”).
- (4) Regulations made by virtue of [subsection \(1\)](#) may include provision enabling or requiring an ESOS assessment to include recommendations relating to energy savings or emissions reductions.

*Changes to legislation: There are currently no known outstanding effects
 for the Energy Act 2023, Section 256. (See end of Document for details)*

- (5) The provision that may be made by virtue of [subsection \(4\)](#) includes in particular provision about—
- (a) the matters about which recommendations may, must, or must not be made;
 - (b) the matters that must be taken into account in making a recommendation;
 - (c) the carrying out of a cost-benefit analysis before including a recommendation in a report.
- (6) “Cost-benefit analysis”, in relation to a recommendation or requirement to take action, means—
- (a) an estimate of the likely costs to a participant of acting in accordance with the recommendation or requirement;
 - (b) an estimate of the energy savings or emissions reductions likely to result from such action;
 - (c) an analysis of the costs referred to in [paragraph \(a\)](#) together with an analysis of the savings or reductions referred to in [paragraph \(b\)](#) and of any other benefits likely to arise.
- (7) ESOS regulations may make provision about the reporting of ESOS assessments, including in particular provision—
- (a) about the production of written reports;
 - (b) about the form and content of such reports;
 - (c) about the dissemination of such reports within an undertaking and between related undertakings.
- (8) ESOS regulations may make provision requiring a participant to notify a scheme administrator of specified matters relating to the participant’s compliance with requirements imposed by virtue of this section and may in particular include provision—
- (a) about the procedure for giving such notice;
 - (b) about the form and content of notices;
 - (c) about the publication of certain information contained within a notice;
 - (d) requiring a participant to justify its choice of assessor.
- (9) ESOS regulations may provide for any requirement imposed by virtue of [subsection \(1\)](#)—
- (a) to be treated as having been complied with by a participant in specified circumstances, or
 - (b) not to apply to a participant in specified circumstances.

Commencement Information

II S. 256 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 256.