Draft Regulations laid before Parliament under section 40(5) of the Energy Act 2011, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No. 0000

ENERGY CONSERVATION

The Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) (Amendment) Regulations 2013

Made - - - - ***

Coming into force in accordance with regulation 1

A draft of this instrument has been laid before Parliament in accordance with section 40(5) of the Energy Act 2011(**1**) and approved by a resolution of each House of Parliament.

To the extent required by section 40(8)(a) of the Energy Act 2011, the Scottish Ministers have given consent and in accordance with section 40(8)(b) they have been consulted.

The Welsh Ministers have been consulted in accordance with section 40(12) of the Energy Act 2011.

Accordingly, the Secretary of State makes the following Regulations, in exercise of the powers conferred by the following sections of the Energy Act 2011—

(a) section 3(1), (3) and (7);

(b) section 4(8);

(c) section 6(4) and (5);

(d) section 11(6);

(e) section 16(1) and (2);

(f) section 34(1); and

(g) section 40(1).

Citation and commencement

1. These Regulations may be cited as the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) (Amendment) Regulations 2013 and come into force on the day after the day on which they are made.

(**1**) 2011 c.16.

Amendments to the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012

2. The Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012(**2**) are amended as follows.

Amendments to regulation 2

3. In regulation 2(1) (interpretation – general)—

(a) in sub-paragraph (b) of the definition of "accredited installer certification body", for the words after "persons" substitute "as able to install microgeneration improvements under the MCS;";

(b) after the definition of "disclosure document" insert—

"disclosure document data" means data from which a disclosure document may be produced;"

(c) after the definition of "energy plan" insert—

""EPC register" means the register maintained under the Energy Performance Regulations to hold disclosure document data;"; and

(d) after the definition of "green deal certification body" insert—

""green deal information" means the information about a green deal plan that is included in the disclosure document;".

Amendments to regulation 19

4. Regulation 19 (requirements which apply to green deal certification bodies) is amended as follows—

(a) in paragraph (1)(d), for "year" substitute "month";

(b) in paragraphs (2) and (3), for "reporting period" in each place it appears substitute "previous month";

(c) in paragraph (4), for "by 30th November immediately after the end of the reporting period" substitute "by the seventh day of each month commencing on 7th February 2013".

Amendments to regulation 24

5. Regulation 24 (requirements which apply to green deal providers) is amended as follows—

(a) in paragraph (1)(d)(ii), after "in" where it last appears insert "section 2 of";

(b) after paragraph (1)(d)(ii) insert—

"(iii) each month, in respect of the previous month, with a report containing the information listed in section 1 of Schedule 2;";

(c) after paragraph (3) insert—

"(3A) A report under paragraph (1)(d)(iii) must be provided by the seventh day of each month commencing on 7th February 2013.".

(**2**) S.I. 2012/2079, amended by S.I. 2012/3021.

Amendment to regulation 30

6. In paragraph (6) of regulation 30 (instalments not to exceed savings), for "in the first year of the plan" substitute "in the 12 months commencing on the date with effect from which instalments are to be included in electricity bills for the property".

Updating of disclosure document

7. After regulation 42 insert—

"CHAPTER 1A

Updating of disclosure document

Circumstances in which green deal information in disclosure document must be updated

42A.—(1) For the purposes of section 11(6)(**3**), the circumstances in which disclosure document data are required to be updated or further updated in accordance with regulation 42B are where—

(a) any of the matters described in paragraph (2) occur; and

(b) the green deal information lodged on the EPC register becomes inaccurate in consequence of that matter occurring.

(2) The matters referred to in paragraph (1)(a) are—

(a) the interest rate under a green deal plan changes;

(b) the green deal instalments change;

(c) the liability to make payments under a green deal plan is discharged early in part or in full;

(d) the liability of the bill payer and the liability of a subsequent bill payer to make payments under a green deal plan is reduced or cancelled;

(e) the green deal provider knows or has reasonable cause to believe that—

(i) an improvement has been removed from a green deal property before the end of the improvement-specific payment period applicable to that improvement; or

(ii) an alteration has been made to a green deal property which, had it existed when the estimated first year savings were calculated, would have materially affected that calculation;

(f) the green deal plan becomes a regulated consumer credit agreement;

(g) the green deal provider changes;

(h) the contact details of the green deal provider change.

(3) For the purposes of this regulation, green deal information lodged on the EPC register is inaccurate if it does not meet the requirements of the Energy Performance Regulations.

(4) In paragraph (2)(h), "contact details" means one or more of the following—

(a) postal address;

(b) electronic mail address;

(c) telephone number.

(**3**) 2011 c.16; subsections (6) and (9) of section 11 were amended by S.I. [ ] so as to refer to the updating of data from which a document specified for the purposes of section 8(4)(b) may be produced, rather than the updating of that document.

Requirement to update green deal information in disclosure document

42B.—(1) Where disclosure document data are required to be updated or further updated under regulation 42A, the green deal provider must secure that the green deal information lodged on the EPC register is replaced by green deal information which meets the requirements of the Energy Performance Regulations.

(2) The requirement in paragraph (1) must be satisfied within 14 days of a matter described in regulation 42A(2) occurring.

Updating of disclosure document where the green deal provider is no longer authorised

42C. Where, at the time the requirement under regulation 42A(1) arises, the person named as the green deal provider under the green deal plan is not authorised as such a provider, any reference to the green deal provider in regulations 42A and 42B is to be read instead as a reference to the person who is for the time being entitled under the plan to receive the green deal instalments.".

Amendments to regulation 52

8. Regulation 52 (no sanctions without receipt of complaints or information) is amended as follows—

(a) in paragraph (1), for "The Secretary of State" substitute "Subject to paragraph (4), the Secretary of State";

(b) in paragraph (1)(b), after "regulation 60" insert "or 60A";

(c) in paragraph (3), after sub-paragraph (b) insert—

"(c) the green deal accreditation body;

(d) a local weights and measures authority(**4**).";

(d) after paragraph (3) insert—

"(4) Paragraph (1) does not apply where the Secretary of State is satisfied that an authorised person has breached a requirement to provide information to the Secretary of State under regulation 86.".

Amendment to regulation 57

9. For regulation 57 (eligible complaints – breach of the relevant requirements) substitute—

"**Eligible complaints – breach of the relevant requirements by the green deal provider or the green deal installer**

57. An eligible complaint in respect of a breach of the relevant requirements by the green deal provider or the green deal installer is a complaint—

(a) by the improver or the bill payer;

(b) to the green deal provider; and

(c) which the green deal provider is required to handle under the code of practice.".

(**4**) Section 69 of the Weights and Measures Act 1985 (c.72) gives the meaning of the term "local weights and measures authority". Section 69 was amended by the Local Government (Wales) Act 1994 (c.19), section 66(6) and Schedule 16, paragraph 75, the Local Government etc. (Scotland) Act 1994 (c.39), section 180(1) and Schedule 13, paragraph 144, and the Statute Law (Repeals) Act 1989 (c.43).

Eligible complaints – breach of the relevant requirements by a green deal assessor

10. After regulation 57 insert—

"**Eligible complaints – breach of the relevant requirements by a green deal assessor**

57A.—(1) An eligible complaint in respect of a breach of the relevant requirements by a green deal assessor is a complaint—

(a) if made when there is no energy plan or green deal plan with a green deal provider for installation of any of the improvements recommended by the assessor—

(i) to the assessor;

(ii) by the owner or occupier who arranged for a qualifying assessment to be carried out by the assessor; and

(iii) which the assessor is required to handle under the code of practice; or

(b) if made when there is an energy plan or green deal plan with a green deal provider for installation of one or more of the improvements recommended by the assessor —

(i) to the green deal provider;

(ii) by the improver or the bill payer; and

(iii) which the green deal provider is required to handle under the code of practice.".

Amendments to regulation 59

11. Regulation 59 (referral of eligible complaints to the Secretary of State) is amended as follows —

(a) in paragraph (1), after "paragraph (2)" insert "or (3)";

(b) for paragraph (1)(b) substitute—

"(b) either—

(i) the complaint has not been resolved to the satisfaction of the complainant; or

(ii) having considered the complaint, the ombudsman considers that it may be appropriate to impose cancellation, reduction, withdrawal or suspension.";

(c) after paragraph (2) insert—

"(3) An eligible complaint in respect of a breach of the relevant requirements by a green deal assessor may only be referred to the Secretary of State by the complainant where the complaint—

(a) has been referred to and considered by the certification body on whose membership list the assessor is included; and

(b) has not been resolved to the satisfaction of the complainant.".

Complaints – breach of the relevant requirements by a green deal certification body

12. After regulation 60 insert—