



Energy Act 2023

2023 CHAPTER 52

PART 4

NEW TECHNOLOGY

CHAPTER 1

LOW-CARBON HEAT SCHEMES

151 Scheme regulations: procedure etc

- (1) Scheme regulations are subject to the negative procedure unless subsection (2) applies, in which case they are subject to the affirmative procedure.
- (2) This subsection applies if scheme regulations—
 - (a) establish a low-carbon heat scheme;
 - (b) extend the descriptions of person, or the kinds of relevant heating appliance, to which a low-carbon heat scheme applies;
 - (c) provide for new penalties;
 - (d) increase the amount of existing financial penalties by more than is necessary to reflect changes in the value of money;
 - (e) create an offence or increase the fine for an existing offence;
 - (f) confer new powers to enforce requirements imposed by or under a low-carbon heat scheme;
 - (g) amend primary legislation.
- (3) Scheme regulations may create exceptions to any requirement imposed by the regulations.
- (4) Before making scheme regulations that apply in relation to Scotland, Wales or Northern Ireland, the Secretary of State must give notice—
 - (a) stating that the Secretary of State proposes to make scheme regulations,

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 151. (See end of Document for details)

- (b) setting out or describing the provisions of the regulations that apply in relation to Scotland, Wales or Northern Ireland, and
 - (c) specifying the period (of not less than 28 days from the date on which the notice is given) within which representations may be made with respect to those provisions,
- and must consider any representations duly made and not withdrawn.
- (5) A notice under [subsection \(4\)](#) must be given to each relevant devolved authority, that is to say—
- (a) the Scottish Ministers, so far as the regulations apply in relation to Scotland;
 - (b) the Welsh Ministers, so far as the regulations apply in relation to Wales;
 - (c) the Department for the Economy in Northern Ireland, so far as the regulations apply in relation to Northern Ireland.
- (6) The Secretary of State need not wait until the end of the period specified under [subsection \(4\)\(c\)](#) before making regulations if, before the end of that period, each relevant devolved authority to which the notice was given has confirmed that it has made any representations it intends to make with respect to the provisions referred to in [subsection \(4\)\(b\)](#).
- (7) The Secretary of State must, if requested to do so by a relevant devolved authority, give the authority a statement setting out whether and how representations made by the authority with respect to the provisions referred to in [subsection \(4\)\(b\)](#) have been taken into account in the regulations.

Commencement Information

II S. 151 in force at Royal Assent, see [s. 334\(2\)\(c\)](#)

Changes to legislation:

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