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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

The Electricity and Gas (Energy  
Company Obligation) Order 2022

PART 11

Exemptions

**Exemptions**

- 79.**—(1) This article applies for the purposes of the following provisions—
- (a) article 24(4) (minimum insulation requirement for certain band D premises);
  - (b) article 25(4) (minimum insulation requirement for band E, F and G and other band D premises);
  - (c) article 30(3)(b) (hierarchy of heating measures installed at off-gas premises);
  - (d) article 50(3)(b) (ECO4 projects: minimum requirement for energy efficiency improvement).
- (2) A measure attracts an exemption under this Part if its installation—
- (a) is prevented due to—
    - (i) the location of the domestic premises in a conservation area; or
    - (ii) the impact that such installation would have on a listed building or protected species;
  - (b) would otherwise be unlawful; or
  - (c) is not feasible due to—
    - (i) local environmental conditions;
    - (ii) the fabric or structure of the premises; or
    - (iii) physical restrictions on access to the premises.
- (3) In this article—
- “conservation area” has the meaning given by—
- (a) in the case of premises in England and Wales, section 91(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(1);
  - (b) in the case of premises in Scotland, section 81(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(2);
- “listed building” has the meaning given by—
- (a) in the case of premises in England and Wales, section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990(3);

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(1) 1990 c. 9. There are amendments to section 91(1), but none are relevant.

(2) 1997 c. 9. There are amendments to section 81(1), but none are relevant.

(3) Section 1(5) was amended by Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

- (b) in the case of premises in Scotland, section 1(4) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997<sup>(4)</sup>;  
“protected species” means the species—
  - (a) listed in Schedules 1 and 5 to the Wildlife and Countryside Act 1981<sup>(5)</sup>; or
  - (b) defined as a European protected species in—
    - (i) in the case of premises in England and Wales, regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017<sup>(6)</sup>;
    - (ii) in the case of premises in Scotland, regulations 38 and 42 of the Conservation (Natural Habitats, &c) Regulations 1994<sup>(7)</sup>.

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(4) Section 1(4) was amended by Schedule 3 to the Historic Environment Scotland Act 2014 (asp 19).  
(5) 1981 c. 69. Schedule 1 was amended by S.S.I 2001/337. Schedule 5 was amended by section 18 of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (asp 14), S.I. 1988/288, 1989/906, 1991/367, 1992/2350, 1998/878, 2007/1843, 2008/431, 2008/1927, 2008/2172, 2011/2015 and S.S.I. 2007/80.  
(6) S.I. 2017/1012.  
(7) S.I. 1994/2716.