

Status: Point in time view as at 28/04/2014.

Changes to legislation: Climate Change Act 2008, SCHEDULE 4 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 50

TRADING SCHEMES: POWERS TO REQUIRE INFORMATION

Introductory

- 1 [F1(1) The powers conferred by this Schedule are exercisable by the following authorities—
- (a) the Secretary of State;
 - (b) the Scottish Ministers;
 - (c) the relevant Northern Ireland department;
 - (d) the Welsh Ministers;
 - (e) the Environment Agency;
 - (f) the Scottish Environment Protection Agency.
- (2) References in this Schedule to an “environmental authority” are to any of those authorities.]

Textual Amendments

- F1** Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), [ss. 50\(2\), 100\(5\)](#)

Information from electricity suppliers and distributors

- 2 [F1(1) An environmental authority may, for the purposes of enabling a trading scheme to be established, by notice require an electricity supplier or electricity distributor to provide any of the following information—
- (a) information about the electricity meters and metering systems for which the supplier or distributor is responsible, including (in particular) their locations and any identifying features;
 - (b) information about the persons to whom electricity measured by those meters or systems is supplied or who purchase such electricity;
 - (c) information about the consumption by those persons of that electricity;
 - (d) any other information that the environmental authority considers necessary for identifying the potential participants in the scheme.
- (2) An “electricity supplier”—
- (a) in relation to England and Wales and Scotland means an authorised supplier within the meaning of the Electricity Act 1989 (c. 29) (see section 64(1) of that Act);
 - (b) in relation to Northern Ireland means—

Status: Point in time view as at 28/04/2014.

Changes to legislation: Climate Change Act 2008, SCHEDULE 4 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) an electricity supplier within the meaning of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231) (N.I. 1) (see Article 3 of that Order), or
 - (ii) a person who may supply electricity to premises without a licence by virtue of an exemption under Article 9 of that Order.
- (3) An “electricity distributor”—
- (a) in relation to England and Wales and Scotland means an authorised distributor within the meaning of the Electricity Act 1989 (see section 64(1) of that Act);
 - (b) in relation to Northern Ireland means an electricity distributor within the meaning of the Electricity (Northern Ireland) Order 1992 (see Article 3 of that Order).
- (4) References in this Schedule to an electricity supplier or electricity distributor include an agent of such a supplier or distributor.]

Textual Amendments

F1 Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), [ss. 50\(2\), 100\(5\)](#)

Information from potential participants in a trading scheme

- 3 ^{F1}(1) An environmental authority may, for the purposes of enabling a trading scheme to be established, by notice require a potential participant in the scheme to provide any of the following information—
- (a) information about whether the criteria specified in the notice are met by the potential participant, either alone or together with any other person or persons;
 - (b) information identifying any potential co-participant;
 - (c) contact details for the potential participant and any potential co-participant;
 - (d) information about the meters that measure electricity supplied to or purchased by the potential participant or any potential co-participant;
 - (e) information about the consumption of electricity by the potential participant and any potential co-participant;
 - (f) information about any climate change agreement (within the meaning of Schedule 6 to the Finance Act 2000 (c. 17)) entered into by or on behalf of the potential participant or any potential co-participant.
- (2) A “potential participant”, in relation to a trading scheme, means a person who the environmental authority considers—
- (a) will or may be a participant in the scheme, or
 - (b) will or may fall to be treated together with any other person or persons (a “potential co-participant”) as such a participant.]

Textual Amendments

F1 Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), [ss. 50\(2\), 100\(5\)](#)

Status: Point in time view as at 28/04/2014.

Changes to legislation: Climate Change Act 2008, SCHEDULE 4 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Requirements for a valid notice

- 4 [F1(1) A notice under this Schedule must comply with the following requirements.
- (2) The notice must—
- (a) be in writing,
 - (b) specify the information to be provided,
 - (c) specify the name and address of the person to whom the information is to be provided,
 - (d) specify the date by which the information is to be provided, and
 - (e) explain the consequences of failure to comply with the notice.
- (3) An environmental authority must not give a notice requiring information from a person unless—
- (a) the authority has previously sent the person a request in writing for the information, and
 - (b) the person has failed to provide the information within the period of 28 days beginning with the day on which the request was sent.]

Textual Amendments

F1 Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), ss. [50\(2\)](#), [100\(5\)](#)

Failure to comply with notice etc an offence

- 5 [F1(1) A person who—
- (a) fails without reasonable excuse to comply with a notice under this Schedule, or
 - (b) provides information in response to such a notice that the person knows or suspects to be false or misleading, commits an offence.
- (2) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

Textual Amendments

F1 Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), ss. [50\(2\)](#), [100\(5\)](#)

Disclosure of information

- 6 (1) This paragraph applies to information obtained by an environmental authority (whether or not pursuant to a notice under this Schedule) from—
- (a) an electricity supplier or electricity distributor, or
 - (b) a potential participant,
- for the purposes of enabling a trading scheme to be established.
- (2) The information may be disclosed for the purposes of or in connection with the establishment, operation or enforcement of a trading scheme—

Status: Point in time view as at 28/04/2014.

Changes to legislation: Climate Change Act 2008, SCHEDULE 4 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) by an environmental authority to another environmental authority or the administrator of the scheme, or
 - (b) by the administrator of the scheme to any other administrator of the scheme or an environmental authority.
- (3) This does not affect any other right to disclose information within sub-paragraph (1) apart from this paragraph.

Status:

Point in time view as at 28/04/2014.

Changes to legislation:

Climate Change Act 2008, SCHEDULE 4 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.