

INFRASTRUCTURE ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 – Energy

Community electricity right

Section 38: The community electricity right

207. *Subsection (1)* gives the Secretary of State a power to make regulations for a community electricity right. This gives a right to individuals resident in a community or groups connected with a community (or both) to buy a stake in a local renewable electricity generation facility that is located onshore or offshore. A renewable electricity generation facility is one which uses a renewable source of energy, being a source of energy other than fossil fuel or nuclear, but including waste of which not more than a specified proportion is waste, or is derived from, fossil fuel.
208. *Subsection (2)* gives the Secretary of State a power to make further regulations about the kinds of body which may operate a renewable electricity facility, and the ownership of facility operators, in connection with the community electricity right.
209. *Subsection (3)* gives the Secretary of State a power to make further provision about the supply of information in connection with the community electricity right regulations. The activities to which this may apply are listed in this *subsection*. Further detail is provided in Part 3 of Schedule 6.
210. *Subsection (4)* gives the Secretary of State a power to make further provision about the enforcement regime associated with the community electricity right regulations. This may include (but is not limited to) enforcement through the existing electricity licensing regime and financial penalties for non-compliance.
211. *Subsection (5)* enables the Secretary of State to modify electricity licence conditions and electricity licence exemptions in connection with the community electricity right regulations.
212. *Subsection (6)* gives effect to Schedule 6. This sets out the matters to be specified in further detail under the community electricity right regulations. The duties contained within this Schedule only come into effect when the community electricity right regulations are made.
213. *Subsection (7)* contains definitions of the terms used in sections 38, 39 and Schedule 6.