
STATUTORY INSTRUMENTS

2008 No. 188

The Electricity and Gas (Carbon Emissions Reduction) Order 2008

PART 3

Qualifying actions, notifications and approvals

Approval of actions by the Authority

12.—(1) The Authority must determine whether or not it approves an action as a qualifying action.

(2) Where the Authority approves an action, it must be satisfied that the action is promoted in accordance with article 10.

(3) Subject to paragraph (4), the Authority must not approve an action as a market transformation action where—

- (a) there exists a similar action to the type of action intended to be promoted; and
- (b) the action to be promoted does not achieve a significantly greater reduction in carbon emissions than that similar action.

(4) Paragraph (3) does not apply to the promotion of solid wall insulation or micro-cogeneration units.

(5) For the purposes of paragraph (3) the Authority must compare the carbon emissions reduced by the particular action with the benchmark action.

(6) The benchmark action means the action under the 2001 Order which achieved the greatest carbon emission reductions for an action of that type.

(7) The Authority must not approve an action as a demonstration action unless—

- (a) it is satisfied that the information provided under article 11(3)(a) is reasonable; and
- (b) the supplier consents to the to the publication of information in relation to the monitoring and assessment of the action.

(8) The Authority must notify the supplier of its determination under this article and give reasons for it.

Commencement Information

II Art. 12 in force at 31.1.2008, see [art. 1](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Electricity and Gas (Carbon Emissions Reduction) Order 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- arts 1112 am by [S.I. 2010/1958 arts 21112](#)
- art. 12(4) word substituted by [S.I. 2009/1904 art. 6\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1 inserted by [S.I. 2009/1904 art. 9](#)
- Sch. 1 para. 1(bb) inserted by [S.I. 2022/907 Sch. 1 para. 25\(b\)](#)
- Sch. 2 para. 2(j) inserted by [S.I. 2009/1904 art. 10\(c\)](#)
- art. 9(6) inserted by [S.I. 2009/1905 art. 28](#)
- art. 12(7A)-(7C) inserted by [S.I. 2009/1904 art. 6\(3\)](#)
- art 13A added by [S.I. 2010/1958 arts 213](#)
- art. 15(2A) inserted by [S.I. 2009/1904 art. 7\(3\)](#)
- art. 15(3A) inserted by [S.I. 2009/1904 art. 7\(5\)](#)
- art. 19(3A) inserted by [S.I. 2009/1904 art. 8\(3\)](#)
- art. 19(4A) inserted by [S.I. 2009/1904 art. 8\(5\)](#)