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STATUTORY INSTRUMENTS

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**2014 No. 1643**

**The Energy Savings Opportunity Scheme Regulations 2014**

**PART 1**

**Introduction**

**Citation and commencement**

1. These Regulations may be cited as the Energy Savings Opportunity Scheme Regulations 2014 and come into force on 17th July 2014.

**Interpretation**

2.—(1) In these Regulations—

“approval body” has the meaning given in regulation 12(4)(b);

“approved list” has the meaning given in regulation 12(5);

“approved register” has the meaning given in regulation 12(4)(a);

“certified energy management system” has the meaning given in regulation 33(1);

“Chief Inspector” has the meaning given in regulation 6(1)(b);

“compliance body” has the meaning given in regulation 6(1);

“compliance date” has the meaning given in regulation 4(4);

“compliance notice” has the meaning given in regulation 35(1);

“the Directive” means Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency<sup>(1)</sup>;

“display energy certificate” has the meaning given in regulation 34(4)(a);

“employee” has the meaning given in—

(a) section 230(1) of the Employment Rights Act 1996<sup>(2)</sup> in relation to England, Wales and Scotland, and

(b) article 3(1) of the Employment Rights (Northern Ireland) Order 1996<sup>(3)</sup> in relation to Northern Ireland;

“energy” has the meaning given in Article 2(1) of the Directive;

“energy audit” means an audit carried out, as part of an ESOS assessment, in accordance with Chapter 3 of Part 4;

“energy consumption” has the meaning given in regulation 23(1);

“energy efficiency” has the meaning given in Article 2(4) of the Directive;

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(1) OJ No L 315, 14.11.2012, p1, to which there is an amendment not relevant to these Regulations. Article 8(4) to (6) is transposed by these Regulations.

(2) 1996 c. 18.

(3) 1996 No. 1919 (N.I. 16).

“energy measurement unit” means a unit by which the supply or consumption of energy is commonly measured;

“enforcement notice” has the meaning given in regulation 38(1);

“ESOS assessment” means an assessment carried out in accordance with Part 4;

“evidence pack” has the meaning given in regulation 28(1);

“group undertaking” has the meaning given in section 1161(5) of the Companies Act 2006<sup>(4)</sup>;

“highest parent” has the meaning given in regulation 17(3);

“highest parent group” has the meaning given in regulation 17(2);

“initial compliance period” has the meaning given in regulation 4(1);

“lead assessor” has the meaning given in regulation 11;

“legislative provision” means an enactment, including—

- (a) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament, and
- (b) Northern Ireland legislation;

“Notification System” has the meaning given in regulation 8(1);

“offshore activity” means activity which includes—

- (a) the exploitation of mineral resources in or under the shore or bed of waters in the offshore area,
- (b) the conversion of a place under the shore or bed of such waters for the purpose of storing gas,
- (c) the storage of gas in, under or over such waters or the recovery of gas so stored,
- (d) the unloading of gas at a place in, under or over such waters, and
- (e) the provision of accommodation for persons who work on or from an offshore installation which is maintained for the production of petroleum or the storage or unloading of gas

where storing gas includes storing gas with a view to its permanent disposal, and “gas” means gas within the meaning of section 2(4) of the Energy Act 2008<sup>(5)</sup> or carbon dioxide;

“offshore area” means—

- (a) the sea adjacent to England, Scotland, Wales and Northern Ireland from the low water mark to the landward baseline of the United Kingdom territorial sea,
- (b) the United Kingdom territorial sea adjacent to England, Scotland, Wales and Northern Ireland,
- (c) the sea in any designated area within the meaning of section 1(7) of the Continental Shelf Act 1964<sup>(6)</sup>, and
- (d) the sea in any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009<sup>(d)</sup>

and includes the places above those areas, and the bed and subsoil of the sea within those areas;

“offshore installation” means an installation or structure used for carrying on an offshore activity, which is situated in the waters of, or on the seabed in, the offshore area, but excluding

(4) 2006 c. 46.

(5) 2008 c. 32.

(6) 1964 c. 29, amended by paragraph 1 of Schedule 3 to the Oil and Gas (Enterprise) Act 1982 (c. 23), and by section 103 of the Energy Act 2011 (c. 16).

(d) 2009 c. 23.

a ship or a floating structure which is not being maintained on station during the course of an offshore activity;

“offshore undertaking” means an undertaking whose activities consist wholly or mainly of offshore activities;

“parent undertaking” has the meaning given in section 1162 of the Companies Act 2006;

“participant” has the meaning given in regulation 17(1);

“the PAS” has the meaning given in regulation 12(1);

“penalty notice” has the meaning given in regulation 39(1);

“premises” means any land, vehicle or vessel, or any plant which is designed to move or be moved;

“publication penalty” has the meaning given in regulation 41(1);

“qualification date” has the meaning given in regulation 4(3);

“qualifying Green Deal assessment” has the meaning given in regulation 34(4)(b);

“relevant undertaking” has the meaning given in regulation 15(1);

“responsible officer” has the meaning given in regulation 30(2);

“responsible undertaking” has the meaning given in regulation 18;

“the Scheme” means the Energy Savings Opportunity Scheme established by these Regulations;

“scheme administrator” has the meaning given in regulation 5;

“subsequent compliance period” has the meaning given in regulation 4(2);

“subsidiary undertaking” has the meaning given in section 1162 of the Companies Act 2006;

“undertaking” has the meaning given in section 1161(1) of the Companies Act 2006;

“working day” means any day other than—

- (a) a Saturday or a Sunday,
- (b) Christmas Day or Good Friday, or
- (c) a bank holiday within the meaning of section 1 of the Banking and Financial Dealings Act 1971(7).

(2) Save as otherwise appears, any reference in these Regulations to a numbered Part, Chapter or regulation is a reference to that numbered Part, Chapter or regulation in these Regulations.

### **Duty to review**

3.—(1) At intervals of no more than 5 years, the Secretary of State must—

- (a) carry out a review of the operation and effect of these Regulations,
- (b) publish the conclusions of the review in a report.

(2) In carrying out a review the Secretary of State must, so far as is reasonable, have regard to how Article 8(4) to (6) of the Directive is transposed in other Member States.

(3) Any report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations,
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and

- (d) where the objectives remain appropriate, assess the extent to which they could be more effectively achieved.