

STATUTORY INSTRUMENTS

2014 No. 1643

The Energy Savings Opportunity Scheme Regulations 2014

PART 5

[^{F1}Notification and confirmation requirements for ESOS Assessments]

Textual Amendments

- F1** Pt. 5 heading substituted (29.11.2023) by [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/1182\)](#), regs. 1(2), 20

Notification of compliance

29.—[^{F2}(1)] A responsible undertaking must notify the scheme administrator using the Notification System whether the participant has complied with Part 4, (or, as the case may be, Part 6) in relation to a compliance period by providing—

- [^{F3}(a) where the responsible undertaking has conducted an energy audit under Chapter 3 of Part 4, the information specified in column 2 of tables A, C and E, F, G and H in Schedule 3,
- (aa) where the participant is deemed to have complied with Chapter 3 of Part 4 by virtue of Part 6—
- (i) to the extent not already provided under sub-paragraph (a), the information specified in column 2 of tables A, C, E, F, and H in Schedule 3,
- (ii) to the extent that the information is obtained by the participant through its method of deemed compliance with Chapter 3 of Part 4, the information specified in column 2 of Table G in Schedule 3, and
- (iii) the information specified in column 2 of Table I in Schedule 3,
- (ab) where the responsible undertaking is one of two or more relevant undertakings complying with the Scheme as one participant, the information specified in column 2 of Table B in Schedule 3,
- (ac) where a lead assessor is required to be appointed under regulation 21, the information specified in column 2 of Table D in Schedule 3, and]
- (b) the confirmation required by regulation 31

after the qualification date, and by no later than the compliance date, for that compliance period.

[^{F4}(2) In paragraph (1)(aa)(ii), references to the participant’s “method of deemed compliance with Chapter 3 of Part 4” have the same meaning as references to “method of deemed compliance with Chapter 3” in regulation 27A(8).]

Status: Point in time view as at 29/11/2023.

Changes to legislation: There are currently no known outstanding effects for the The Energy Savings Opportunity Scheme Regulations 2014, PART 5. (See end of Document for details)

Textual Amendments

- F2** Reg. 29 renumbered as reg. 29(1) (29.11.2023) by [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/1182\)](#), regs. 1(2), **21(a)**
- F3** Reg. 29(1)(a)-(ac) substituted for reg. 29(1)(a) (29.11.2023) by [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/1182\)](#), regs. 1(2), **21(b)**
- F4** Reg. 29(2) inserted (29.11.2023) by [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/1182\)](#), regs. 1(2), **21(c)**

Responsible officers

30.—(1) A participant must appoint one or more responsible officers in relation to an ESOS assessment.

(2) In these Regulations “responsible officer” means a person who is nominated for the purposes of these Regulations and is—

- (a) where applicable, a director of the participant (or, in the case of two or more relevant undertakings complying with the Scheme as one participant, a director of one of them) within the meaning of section 250 of the Companies Act 2006 (a “director”)^{M1}, or
- (b) where there is no person falling within sub-paragraph (a) in relation to a participant, a person exercising management control in the participant (or, in the case of two or more relevant undertakings complying with the Scheme as one participant, such a person in relation to one or more of the relevant undertakings).

(3) In any case where the lead assessor appointed under regulation 21(1) is independent of the participant, one responsible officer must be nominated, and in any other case, two responsible officers must be nominated.

[^{F5}(3A) In any case where a lead assessor is not required to be appointed by virtue of regulation 21(3), two responsible officers must be nominated.]

(4) For the purposes of this regulation a person appointed by a responsible undertaking as lead assessor is independent of the participant if they are not—

- (a) connected with it by virtue of being a person who is, or has in the last 12 months been—
- (i) an employee,
- (ii) a director, partner or other person exercising management control, or
- (iii) a shareholder
- of the participant, or
- (b) a spouse or civil partner of a person falling within sub-paragraph (a).

Textual Amendments

- F5** Reg. 30(3A) inserted (29.11.2023) by [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/1182\)](#), regs. 1(2), **22**

Marginal Citations

- M1** 2006 c. 46.

Confirmation to be given by responsible officer

31. A notification required by regulation 29 must include confirmation that—

- (a) the responsible officer is satisfied to the best of their knowledge that—
- (i) the participant is within the scope of the Scheme, and
 - (ii) the responsible undertaking has complied with [^{F6}Parts 4 to 6,]
 - [^{F7}(iii) the information provided under regulation 29(a) to (ac) is correct, and]
- (b) the responsible officer has seen and considered the recommendations of the audit and any alternative routes to compliance relied upon in accordance with Part 6.

Textual Amendments

- F6** Words in reg. 31(a)(ii) substituted (29.11.2023) by [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/1182\)](#), regs. 1(2), **23(a)**
- F7** Reg. 31(a)(iii) substituted (29.11.2023) by [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/1182\)](#), regs. 1(2), **23(b)**

Status:

Point in time view as at 29/11/2023.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Savings Opportunity Scheme Regulations 2014, PART 5.