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STATUTORY INSTRUMENTS

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**2014 No. 1643**

**The Energy Savings Opportunity Scheme Regulations 2014**

**PART 5**

**Reporting of ESOS Assessments**

**Notification of compliance**

**29.** 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—

- (a) the basic information set out 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.

**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”)(**1**), 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.

(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 shareholderof the participant, or

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(1) 2006 c. 46.

- (b) a spouse or civil partner of a person falling within sub-paragraph (a).

**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 the Scheme,
    - (iii) the basic information provided under regulation 29(a) 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.