
STATUTORY INSTRUMENTS

2014 No. 1643

The Energy Savings Opportunity Scheme Regulations 2014

PART 4

ESOS Assessments

CHAPTER 2

Energy consumption

Energy consumption – general

23.—(1) Subject to regulation 24, the “energy consumption” of a participant means energy that is—

- (a) supplied to the participant, and
- (b) consumed by assets held, or activities carried on, by the participant

but excludes any energy which is supplied by the participant to another person.

(2) For the purposes of paragraph (1)—

- (a) energy is supplied to a participant where—
 - (i) the participant (or, in the case of two or more relevant undertakings complying with the Scheme as one participant, one or more of them) agrees with a person (“S”) that S will supply energy to the participant, and the participant is supplied with energy further to that agreement,
 - (ii) two or more relevant undertakings agree with S that S will supply energy to them and they are supplied with energy further to that agreement, and one or more of them agrees to be the participant in relation to some or all of that energy supply, or
 - (iii) the participant supplies energy, other than surplus heat, to itself, and
- (b) energy is supplied by a participant to another person (“R”), where the participant (or, in the case of two or more relevant undertakings complying with the Scheme as one participant, one or more of them) agrees with R that the participant will supply energy to R, and R is supplied with energy further to that agreement,

and the amount of the supply is measured.

(3) In this regulation “surplus heat” means heat generated as a by-product of an industrial process carried on by the participant (or, in the case of two or more relevant undertakings complying with the Scheme as one participant, carried on by one or more of them).

(4) Subject to regulation 24(3) and (4), the energy consumption of a participant—

- (a) in the case of an offshore undertaking, excludes energy which is consumed by the participant outside the United Kingdom and offshore area,
- (b) in any other case, excludes energy which is consumed by the participant outside the United Kingdom.

- (5) In this regulation energy supplied or consumed is “measured” where—
 - (a) the amount of energy is measured in energy measurement units, or
 - (b) the cost of the energy is measured (“energy spend”).
- (6) In calculating measured energy supplied or consumed for the purposes of this Chapter, a responsible undertaking must base that calculation—
 - (a) (except in the case of energy supplied by the participant to another person) on only one of the methods set out in paragraph (5), and
 - (b) where reasonably practicable, on verifiable data.
- (7) Where verifiable data is not available for all of the reference period—
 - (a) the calculation may be based on reasonable estimates of the amount of energy consumed, or the energy spend ^{F1}...
 - ^{F2}(b)

Textual Amendments

- F1** Word in reg. 23(7)(a) omitted (29.11.2023) by virtue of [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/1182\)](#), regs. 1(2), **12(a)**
- F2** Reg. 23(7)(b) omitted (29.11.2023) by virtue of [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/1182\)](#), regs. 1(2), **12(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Energy Savings Opportunity Scheme Regulations 2014, Section 23.