

2012 No. 214

ENERGY CONSERVATION, SCOTLAND

**The Green Deal (Acknowledgment) (Scotland) Regulations
2012**

Made - - - - *28th June 2012*

Laid before the Scottish Parliament *2nd July 2012*

Coming into force - - *28th January 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 14(7), 14(8), 15(4) and 40(1) of the Energy Act 2011^(a) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Green Deal (Acknowledgment) (Scotland) Regulations 2012 and come into force on 28th January 2013.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

“acknowledgment” means an acknowledgment required by section 14 of the Act or regulation 44, 46, 48 or 50 of the Framework Regulations;

“the Act” means the Energy Act 2011;

“early repayment term” means a term included in a green deal plan pursuant to regulation 38 of the Framework Regulations;

“the Framework Regulations” means the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012^(b);

“green deal plan” has the meaning given in section 1 of the Act; and

“green deal property” means a property in respect of which there is a green deal plan and payments are still to be made under that plan.

Form of acknowledgment where green deal plan contains an early repayment term

3.—(1) This regulation applies where a green deal plan to which an acknowledgment relates contains an early repayment term.

^(a) 2011 c.16.

^(b) The Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012 were laid before the Parliament of the United Kingdom in draft on 11th June 2012 for approval by resolution of each House of Parliament.

(2) An acknowledgment must be in the form set out in paragraph (3) or be in substantially the same form.

(3) The form referred to in paragraph (2) is—

“ **Acknowledgment of green deal plan**

[I/We]*, [Insert name and address of person[s]* giving acknowledgment]
acknowledge[s]* that:

- (a) a green deal plan dated [*insert date*] with reference number [*insert reference number*] has been entered into for [*insert description of green deal property*] (“the property”); and
- (b) for such time as [I am/we are]* the bill payer[s]* at the property, [I/we]* will be:
 - (i) liable to make payments under the green deal plan; and
 - (ii) bound by the terms of the green deal plan which bind [a]* bill payer[s]* at the property.

[I/We]* further acknowledge that, when [I/we]* have ceased to be the bill payer[s]* at the property, [I/we]* will continue to be bound by the term[s]* in the green deal plan which enable[s]* the green deal provider to require early repayment of the amount outstanding under the green deal plan (see note 2).

(Note 1: A person will be a bill payer if they are:

- (a) liable to pay the electricity bill at the property; or
- (b) made the bill payer under regulation 6 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc). Regulations 2012. That regulation applies where there is no supply of electricity to the property and applies to those who are entitled to sell such a property or those who are tenants under a registrable lease at such a property.

Note 2: See regulation 38 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012 for the circumstances when a green deal plan may allow a green deal provider to require early repayment of credit, including from a person who used to be a bill payer at the property.)

[Signed.....[Insert signature of person[s]* giving the acknowledgment]

[Dated.....[Insert date acknowledgment is given].

* Delete as appropriate.

”

(4) The form referred to in paragraph (2) may be part of a document or a series of documents.

Form of acknowledgment where green deal plan does not contain an early repayment term

4.—(1) This regulation applies where an acknowledgment is required and the green deal plan does not contain an early repayment term.

(2) An acknowledgment must be in the form set out in paragraph (3) or be in substantially the same form.

(3) The form referred to in paragraph (2) is—

“ **Acknowledgment of green deal plan**

[I/we]*, [Insert name and address of person[s]* giving acknowledgment]
acknowledge[s]* that:

- (a) a green deal plan dated [*insert date*] with reference number [*insert reference number*] has been entered into for [*insert description of green deal property*] (“the property”); and
- (b) for such time as [I am/we are]* the bill payer[s]* at the property, [I/we]* will be:
 - (i) liable to make payments under the green deal plan; and
 - (ii) bound by the terms of the green deal plan which bind [a]* bill payer[s]* at the property.

(Note: A person will be a bill payer if they are:

- (a) liable to pay the electricity bill at the property; or
- (b) made the bill payer under regulation 6 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012. That regulation applies where there is no supply of electricity to the property and applies to those who are entitled to sell such a property or those who are tenants under a registrable lease at such a property.)

[Signed.....[Insert signature of person[s]* giving the acknowledgment]

[Dated.....[Insert date acknowledgment is given]

* Delete as appropriate.

”

(4) The form referred to in paragraph (2) may be part of a document or a series of documents.

Circumstances where acknowledgment is not required on sale or letting out

5. A seller or prospective landlord or licensor is not required to comply with section 14(2) of the Act(a) where the buyer, tenant or licensee gave a confirmation under regulation 36 of the Framework Regulations at the time the green deal plan was entered into.

ALEX NEIL

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
28th June 2012

(a) Section 14(2) requires a person selling a green deal property or letting such a property under a tenancy or licence agreement which is in writing to secure an acknowledgment by the buyer, tenant or licensee that the bill payer at the property is liable to make payments under the green deal plan and that certain terms of that plan are binding on the bill payer.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to green deal plans in place under section 1 of the Energy Act 2011 (“the Energy Act”), where payments are still to be made under that plan.

These Regulations make provision relating to the requirement to secure an acknowledgment of a green deal plan where there is or may be a change of electricity bill payer at a green deal property. An acknowledgment is required by section 14(2) of the Act and regulations 44, 46, 48 and 50 of the Green Deal Framework (Disclosure, Acknowledgment and Redress etc.) Regulations 2012(a) (“the Framework Regulations”).

Regulation 1 provides for the commencement of these Regulations.

Regulation 2 defines terms that are used in the Regulations.

Regulation 3 provides for the form of acknowledgment that must be used where a green deal plan contains a term allowing a green deal provider to require early repayment of credit.

Regulation 4 provides for the form of acknowledgment that must be used where a green deal plan does not contain a term allowing a green deal provider to require early repayment of credit.

Regulation 5 provides for circumstances in which a person will not be required to obtain an acknowledgment under section 14(2) of the Act. Where a seller or prospective landlord or licensor has obtained a confirmation under regulation 36 of the Framework Regulations, that person need not comply with section 14 of the Energy Act.

An impact assessment on the Green Deal has been prepared by the UK Government and is available at

<http://www.decc.gov.uk/media/viewfile.ashx?filetype=4&filepath=11/consultation/green-deal/5533-final-stage-impact-assessment-for-the-green-deal-a.pdf&minwidth=true>).

© Crown Copyright 2012

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen’s Printer for Scotland.

(a) The Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012 were laid before the Parliament of the United Kingdom in draft on 11th June 2012 for approval by resolution of each House of Parliament.

£4.00

S5602 07/2012 325602T 19585

ISBN 978-0-11-101768-5

