

ENERGY ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Strategy and Policy Statement

Section 134: Review

551. *Subsection (1)* places a duty on the Secretary of State to review the statement every 5 years and *subsection (3)* provides that the review must take place as soon as reasonably practicable after the end of each 5 year period. For the first strategy and policy statement, the 5 year period will begin to run from the designation of the statement (*subsection (2)(a)*). For subsequent strategy and policy statements, *subsection (2)(b)* provides that the trigger point for the 5 year period beginning to run will depend on when the review of the previous statement took place (as defined in *subsection (11)* – see below).
552. *Subsection (4)* sets out triggers for when the Secretary of State may review the statement before the end of the 5 year period. These are:
- following a Parliamentary general election;
 - after the Authority has given notice to the Secretary of State (under section 132(7)) that it is not realistically achievable to meet a policy outcome in the statement;
 - the Government’s energy policy has significantly changed (a significant change being one that was not anticipated at the relevant time, as defined in *subsections (2)* and *(11)*), but which would have led to the statement being different in a material way if it had been anticipated at a particular time (*subsection (5)*), or
 - Parliament did not give approval to an amended statement following the last review (that is, following the last review an amended statement was laid before Parliament but no approval was given so it was not designated (*subsection (12)*)).
553. *Subsection (6)* explains that following a review the Secretary of State can amend the statement, leave it unchanged or withdraw it. In all cases consultation with the persons listed in *subsection (10)* will be required.
554. Both an entirely new statement or a change to part of the previous statement constitute an amendment (*subsection (6)(a)*) but changes to the statement to correct clerical or typographical errors are not amendments for these purposes (*subsection (8)*).
555. If the decision is taken to amend the statement, this will only take effect if the Secretary of State has followed the procedural requirements in section 135 (including securing Parliamentary approval under section 135(8)) and designated the amended statement as the strategy and policy statement (*subsection (7)*). At the point of designation, the previous strategy and policy statement will cease to have effect (*subsection (9)*). The 5 year period for review begins on the date of designation of the amended statement (*subsection (11)(a)(i)*).

*These notes refer to the Energy Act 2013 (c.32)
which received Royal Assent on 18 December 2013*

556. However, if Parliament does not approve the amended statement under section 135(8), the existing statement will remain in force and the 5 year period for review begins to run from the time when the statement was laid before Parliament for approval (*subsection (11)(a)(ii)*). In this situation, the Secretary of State does have the power to review the statement before the end of the 5 year period if he or she wishes (as set out in *subsection (4)(d)*).
557. If the decision is taken to leave the statement as it is, the 5 year period for review begins when that decision is taken (*subsection (11)(b)*).