

2017 No. 1157 (C. 109)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

**The Scotland Act 2016 (Commencement No. 7) Regulations
2017**

Made - - - - - *28th November 2017*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 72(4)(c) and (d), and (6) of the Scotland Act 2016(a).

Citation and interpretation

1.—(1) These Regulations may be cited as the Scotland Act 2016 (Commencement No. 7) Regulations 2017.

(2) In these Regulations “the 2016 Act” means the Scotland Act 2016.

Provision coming into force on 29th November 2017

2. Section 49 of the 2016 Act (onshore petroleum: existing licences) comes into force on 29th November 2017.

Provisions coming into force on 1st December 2017

3. The following provisions of Part 5 of the 2016 Act (other executive competence) come into force on 1st December 2017—

- (a) section 58 (fuel poverty: support schemes) for the purpose of making regulations to come into force not earlier than 1st April 2018;
- (b) section 59 (energy company obligations) for the purpose of making orders to come into force not earlier than 1st October 2018; and
- (c) section 60 (apportionment of targets) for the purpose of making orders to come into force not earlier than 1st October 2018.

Provision coming into force on 1st April 2018

4. Section 58 of the 2016 Act (fuel poverty: support schemes) comes into force for remaining purposes on 1st April 2018.

Provisions coming into force on 1st October 2018

5. The following provisions of Part 5 of the 2016 Act (other executive competence) come into force for remaining purposes on 1st October 2018—

- (a) section 59 (energy company obligations); and
- (b) section 60 (apportionment of targets).

28th November 2017

David Mundell
Secretary of State
Scotland Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force section 49 of the Scotland Act 2016 (c.11) (“the 2016 Act”) which relates to onshore petroleum and sections 58 to 60 of that Act which relate to fuel poverty support schemes and energy company obligations.

Section 49 of the 2016 Act is brought into force on 29th November 2017.

Section 58 of the 2016 Act inserts a new section 14A into the Energy Act 2010 (c.27) (“the 2010 Act”) which enables the Scottish Ministers to exercise a range of the powers of the Secretary of State to make support schemes for the purpose of reducing fuel poverty in relation to Scotland under section 9 of the 2010 Act. Section 58 is brought into force on 1st December 2017 for the purpose of making regulations under sections 9 and 31(6A) of the 2010 Act to come into force not earlier than 1st April 2018. This has the effect that the regulations may come into force after the 31st March 2018 end date of the existing fuel poverty support scheme (known as the Warm Home Discount). Section 58 of the 2016 Act is brought into force for remaining purposes on 1st April 2018.

Section 59 of the 2016 Act inserts new sections 33BCA and 33BDA into the Gas Act 1986 (c.44) (“the 1986 Act”) and inserts new sections 41AA and 41BA into the Electricity Act 1989 (c.29) (“the 1989 Act”). These inserted provisions enable the Scottish Ministers to exercise a range of powers (which exist under sections 33BC and 33BD of the 1986 Act and under sections 41A and 41B of the 1989 Act) in relation to obligations imposed by the Secretary of State on licenced gas and electricity suppliers to promote reductions in carbon emissions or home-heating costs in relation to Scotland. Section 59 is brought into force on 1st December 2017 for the purpose of making orders under sections 33BC and 33BD of the 1986 Act and under sections 41A and 41B of the 1989 Act to come into force not earlier than 1st October 2018. This has the effect that the orders may come into force after the 30th September 2018 end date of the existing energy company obligation scheme. Section 59 of the 2016 Act is brought into force for remaining purposes on 1st October 2018.

Section 60 of the 2016 Act amends the Utilities Act 2000 (c.27) (“the 2000 Act”) to provide for the apportionment of overall carbon emissions reduction and home-heating cost reduction targets in energy company obligation schemes. Section 60 of the 2016 Act is brought into force on 1st December 2017 for the purpose of making orders under sections 103(2A) and (3A), and 103A(3A) and (4A), of the 2000 Act to come into force not earlier than 1st October 2018. Section 60 of the 2016 Act is brought into force for remaining purposes on 1st October 2018.

These commencement Regulations are the seventh Regulations to be made in respect of commencement of the 2016 Act.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Scotland Act 2016 (c.11) have been brought into force by commencement Regulations made before the date of these Regulations:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 3 to 8	18th May 2017	2017/608
Section 9	Section 9 comes into force immediately after the bringing into force of sections 3 to 8 and 10 to 12	2017/608
Sections 10 to 12	18th May 2017	2017/608
Section 13	30th November 2016	2016/1161
Section 20	1st April 2017	2016/1178

Section 21	1st April 2017	2016/1178
Section 22 (partially)	5th September 2016	2016/759
Section 22 (so far as not already in force)	17th May 2017	2017/455
Section 23(3) and subsection (1) of that section in so far as it relates to subsection (3)	5th September 2016	2016/759
Section 23(1) for remaining purposes, subsections (2) and (4) and subsection (5) for the purpose of making regulations	17th May 2017	2017/455
Section 23(5) (so far as not already in force)	1st April 2020	2017/455
Section 24	5th September 2016	2016/759
Section 25	1st April 2017	2016/759
Section 26	5th September 2016	2016/759
Sections 28 to 35	5th September 2016	2016/759
Section 62	1st April 2017	2017/300
Section 65	18th August 2016	2016/759
Section 67	1st April 2017	2016/1178

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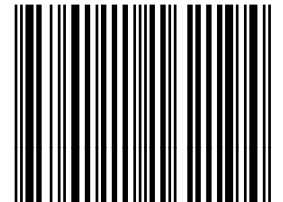
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.25

UK201711281034 12/2017 19585

<http://www.legislation.gov.uk/id/uksi/2017/1157>

ISBN 978-0-11-116219-4



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