

FOR CONSULTATION PURPOSES ONLY

November working draft - text for The Green Deal (Form of Acknowledgment) (Scotland) Regulations

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

Citation and commencement

1. These Regulations may be cited as the Green Deal (Form of Acknowledgment) (Scotland) Regulations [•] and come into force on [•].

Interpretation

2.—(1) In these Regulations—

“the Act” means the Energy Act 2011^(b);

“the framework regulations” means the Green Deal Framework (etc.) Regulations [•] ^(c);

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

“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;

“[]” means [].

Acknowledgment of green deal plan: sale or letting out

3.—(1) This regulation applies where—

(a) an acknowledgment is required by section 14(2) of the Act (acknowledgment of green deal plan on sale or letting out); and

(b) the green deal property being sold or let out is situated in Scotland.

(a)
(b)
(c)

(2) An acknowledgment required by section 14(2) of the Act must be in the form—

“The [buyer/tenant/licensee/other*] acknowledges that, as a person who is, or may become, the person who is liable to pay the electricity bill at the [property/premises/other at (*address*)*], the electricity bill payer is:

- (a) liable to make payments under a Green Deal plan (*reference number*)**; and
- (b) bound by the terms of that plan that are stated to bind the electricity bill payer.

* The seller, prospective landlord or prospective licensor is to insert the appropriate term in the circumstances and the address of the property/premises/other.

** The seller, prospective landlord or prospective licensor is to insert the reference number of the Green Deal plan.”.

Acknowledgment of green deal plan: oral tenancies and licence agreements

4.—(1) This regulation applies where—

- (a) an acknowledgment is required by regulation [54] of the framework regulations (acknowledgment of green deal plan: oral tenancies and licence agreements); and
- (b) the green deal property is situated in Scotland.

(2) An acknowledgment required by regulation [54] of the framework regulations must be—

- (a) [in writing; and]
- (b) in the form—

“[I/other*] acknowledge that, as the person who will be liable to pay the electricity bill at the [property/premises/other at (*address*)*], [I/other*] will be:

- (a) liable to make payments under a Green Deal plan (*reference number*)**; and
- (b) bound by the terms of that plan that are stated to bind the electricity bill payer.”

* The prospective landlord or prospective licensor is to insert the appropriate term in the circumstances and the address of the property/premises/other.

** The prospective landlord or prospective licensor is to insert the reference number of the Green Deal plan.”.

Acknowledgment of green deal plan: occupation under a trust liferent

5.—(1) This regulation applies where—

- (a) an acknowledgment is required by regulation [56] of the framework regulations (acknowledgment of green deal plan: occupation under a trust liferent); and
- (b) the green deal property is situated in Scotland.

(2) An acknowledgment required by regulation [56] of the framework regulations must be—

- (a) [in writing; and]
- (b) in the form—

“[I/The beneficiary/other*] acknowledge[s] that, as the person who will be liable to pay the electricity bill at the [property/premises/other at (*address*)*], [I/other*] will be:

- (a) liable to make payments under a Green Deal plan (*reference number*)**; and
- (b) bound by the terms of that plan that are stated to bind the electricity bill payer.

* The trustee is to insert the appropriate term in the circumstances and the address of the property/premises/other.

** The trustee is to insert the reference number of the Green Deal plan.”.

Acknowledgment of green deal plan: occupation under a proper liferent

- 6.—(1) This regulation applies where—
- (a) an acknowledgment is required by regulation [57] of the framework regulations (acknowledgment of green deal plan: occupation under a proper liferent); and
 - (b) the green deal property is situated in Scotland.
- (2) An acknowledgment required by regulation [57] of the framework regulations must be—
- (a) [in writing; and]
 - (b) in the form—
- “[I/The beneficiary/other*] acknowledge[s] that, as the person who will be liable to pay the electricity bill at the [property/premises/other at (*address*)*], [I/other*] will be:—
- (a) liable to make payments under a Green Deal plan (*reference number*)**; and
 - (b) bound by the terms of that plan that are stated to bind the electricity bill payer.
- * The constituent of the proper liferent is to insert the appropriate term in the circumstances and the address of the property/premises/other.
- ** The constituent of the proper liferent is to insert the reference number of the Green Deal plan.”.

Acknowledgment of green deal plan: transfer of green deal property

- 7.—(1) This regulation applies where—
- (a) an acknowledgment is required by regulation [58] of the framework regulations (acknowledgment of green deal plan: transfer of green deal property); and
 - (b) the green deal property being transferred is situated in Scotland.
- (2) An acknowledgment required by regulation [58] of the framework regulations must be in the form—
- “The [transferee/other*] acknowledges that as a person who is, or may become, the person who is liable to pay the electricity bill at the [property/premises/other at (*address*)*], the electricity bill payer is:
- (a) liable to make payments under a Green Deal plan (*reference number*)**;
 - (b) bound by the terms of that plan that are stated to bind the electricity bill payer.
- * The transferor is to insert the appropriate term in the circumstances and the address of the property/premises/other.
- ** The transferor is to insert the reference number of the Green Deal plan.”.

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Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)