The Green Deal

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Author: Louise Smith

Section Science and Environment Section

One of the main components in the *Energy Bill 2010-12* is the framework for a "Green Deal." The aim of the Green Deal is to encourage energy efficiency improvements in properties, to be paid for by savings from energy bills. It will apply in England, Wales and Scotland and will also be supported by a new Energy Company Obligation.

The Green Deal would enable customers to receive money upfront to make the energy efficiency improvements to their properties. The repayments would then attach to the energy bill at a property, rather than to an individual. The "core principle" of the Green Deal is the "golden rule"; that the instalment payment for the energy saving measures, including the cost of finance, labour and products, should not exceed the projected associated cost savings on an average bill for the duration of the green finance arrangement. The arrangement could be for as long as 25 years for houses. The obligation to make the repayments would then pass to a new occupier or bill payer should the Green Deal applicant move away.

The second strand to this new policy is to replace the current obligations on energy suppliers (the Carbon Emissions Reduction Target and the Community Energy Saving Programme), to reduce carbon dioxide emissions from homes, with the new energy company obligation (ECO). The ECO would underpin the Green Deal. It would focus the obligation on those properties and households which could not make energy savings without extra financial support, such as those with hard-to-treat homes, the vulnerable and the fuel poor. The Government estimates that this sector accounts for about a quarter of carbon emissions.

The Green Deal is being introduced in the context of rising levels of fuel poverty and legally binding carbon emission reductions targets. There have also been criticisms of existing schemes to encourage energy efficiency.

It is expected that the finer details of the Green Deal and the ECO will come into force through secondary legislation, after a consultation period in autumn 2011. The Green Deal is expected to be available to customers in the latter half of 2012, with the ECO commencing in January 2013. A Library Research Paper sets out how the *Energy Bill* establishes the framework for the Green Deal in more depth.

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1 Background

1.1 Measures to improve energy efficiency

Why we need energy efficiency

Energy efficiency is one of several aspects of UK energy policy designed to reduce energy use and hence greenhouse gas emissions. Energy use will need to be reduced if the UK is to meet legally binding climate change targets:

- The UK has a target under the Kyoto Protocol to cut greenhouse gas emissions by 12.5% below 1990 levels by 2012.

- The UK has a legally binding target under the *Climate Change Act 2008* to cut greenhouse gas emissions by 80% below 1990 levels by 2050. Within the period to 2050 the UK must set and meet carbon budgets, each lasting five years.[1]

- There is also a non-binding EU-wide energy efficiency target to save 20% of energy consumption by 2020 (compared to the energy consumption forecasts for 2020), to which the UK has agreed to contribute.[2]

All sectors responsible for the UK's emissions are expected to play a part in meeting these targets and to make carbon savings. One of the sectors where the Government hopes to make savings is from the domestic building sector. Figures from the Department of Energy and Climate Change (DECC) show that 146 $MtCO_2e$,[3] 24% of the UK's carbon dioxide emissions, are generated by the UK domestic building stock.[4] This arises either directly from the burning of fossil fuels for heating or indirectly from electricity consumption. Emission levels in the domestic sector have remained relatively unchanged over the past 20 years and will need to be cut if domestic and international climate change targets are to be met.

In addition to climate change targets, the Government also has a target to eradicate fuel poverty across England, as far as reasonably practicable, in vulnerable[5] households by 2010 (which has not been met) and in all households by 2016.[6] The target originates from the provisions in the *Warm Homes and Energy Conservation Act 2000*. A household is defined as in fuel poverty if it needs to spend more than 10% of its income on fuel to maintain a satisfactory heating regime. This is considered to be 21°C for the main living area and 18°C for other occupied rooms during daytime hours. Besides space heating, fuel costs also include spending on energy for water heating, lights and appliances and cooking. Cutting the cost of fuel and/or increasing energy efficiency will therefore be major contributors to meeting this target.

1 For further information about the carbon budgets see the H*Carbon Budgets*H page on the Department of Energy and Climate Change website [on 4 May 2011]

2 Communication from the Commission, H*Action Plan for Energy Efficiency: Realising the Potential*H, COM(2006)545 final, Brussels, 19 October 2006

3 Million tonnes of carbon dioxide equivalent

4 Department of Energy and Climate Change, H*Energy Bill Impact Assessment: Green Deal*H, December 2010, p12

5 For the purposes of fuel poverty, 'vulnerable households' are defined as those containing elderly or disabled people, children, or the long-term sick.

6 HThe UK Fuel Poverty StrategyH, DTI, November 2001. Amendments to the Fuel Poverty Strategy are contained in the *Summary of responses to the joint consultation from Defra and DTI* [dated 18 September 2002] *on proposals to clarify the intentions of the UK Fuel Poverty Strategy* dated in or after February 2003

Schemes to improve energy efficiency

Measures aimed at improving energy efficiency are a mixture of direct expenditure by the public sector and legal obligations on energy suppliers to provide free or cut price energy efficiency improvements.

There are a number of government-initiated schemes in place to improve energy efficiency in businesses and households. Amongst the main schemes are:

- The Carbon Emission Reduction Target (CERT). Introduced in April 2008, it is an obligation on energy suppliers to reduce carbon emissions in the household sector through providing energy efficiency improvements.
- The Community Energy Saving Programme (CESP). Introduced in September 2009, it is an obligation on energy suppliers and generators to deliver energy efficiency measures in certain low income areas.
- The Warm Front Scheme in England, the Nest energy efficiency scheme in Wales[7] and the Energy Assistance Package in Scotland. A range of programmes designed to offer grants to enable certain households in fuel poverty to install energy efficiency improvements such as home and loft insulation and heating measures.
- The Decent Homes Programme. A policy designed to improve conditions, including energy efficiency, in social housing.
- The CRC Energy Efficiency Scheme. A new mandatory carbon dioxide emission trading scheme to improve energy efficiency in large public and private sector organisations in the UK.

The extent of fuel poverty

The number of households in fuel poverty has risen since 2004. The latest Government progress report on fuel poverty, published in October 2010, stated the number of households in fuel poverty in the UK in 2008 was estimated to be around 4.5 million - about 18 per cent of all households.[8] This represents a rise of around 0.5 million households from 2007. Of this number in 2008, around 3.75 million households were classified as "vulnerable". A vulnerable household is one that contains the elderly, children or somebody who is disabled or long term sick. This is an increase from around 3.25 million households in 2007.

The increase in fuel poverty levels between 2007 and 2008 is attributed in the report to rising fuel prices, which have risen by an average of 80 per cent between 2004 and 2008. According to the Government, the overall effect of price rises since 2004 has far outweighed the impact of increasing incomes and energy efficiency.[9]

In the October 2010 Spending Review the Government announced that it would undertake an independent review of the fuel poverty target and definition.[10] The Government announced on 14 March 2011 that Professor John Hills, Director of the Centre for Analysis of Social Exclusion and Professor of Social Policy at the London School of Economics, would

[7] Formerly the Home Energy Efficiency Scheme (HEES)

[8] Department of Energy and Climate Change, *HAnnual Report on Fuel Poverty Statistics 2010H*, 14 October 2010

[9] Department of Energy and Climate Change, *HAnnual Report on Fuel Poverty Statistics 2010H*, 14 October 2010, p9

[10] HM Treasury, H*Spending Review 2010*H, Cm 7942, 20 October 2010, para 2.107

lead the review.[11] The Review will publish interim findings in autumn 2011 and provide a final report to Government no later than January 2012.

Problems with energy efficiency schemes

The slow progress on meeting the fuel poverty targets was highlighted by an Energy and Climate Change Select Committee inquiry in March 2010. The Committee also highlighted criticism from other groups, particularly in regard to the difficulties people face in actually obtaining help from schemes designed to improve energy efficiency:

> While there is widespread agreement about the importance of energy efficiency, the adequacy of current measures has been criticised. NEA, although noting the "significant" support for energy efficiency programmes provided directly by the Government and suppliers, said that "the current structure of domestic energy efficiency programmes makes them unfit for purpose in terms of eradicating fuel poverty. A fragmented approach in which individual households make individual applications for assistance followed by individual assessment and installation work represents grossly sub-optimal use of resources". The Fuel Poverty Advisory Group agreed, telling us "there is no doubt that the schemes we currently have, bearing in mind the task that we face, are unfit for purpose and, therefore we do need to have a radical rethink".[12]

In particular, there has been criticism of the Warm Front Scheme for not providing value for money. The House of Commons Public Accounts Committee (PAC) published a report into the Warm Front Scheme in July 2009.[13] The PAC concluded that cost comparisons for seven of the most common installation works appeared competitive overall. It said, however, that the scheme lacked clarity as to whether its aim was to improve energy efficiency or reduce fuel poverty. The PAC recommended that the scheme should be refocused on fuel poverty, with energy efficiency delivered by other measures.[14]

The Carbon Emission Reduction Target (CERT) scheme has also been criticised for not providing adequate help to the households most in need of energy efficiency help (for further information see pages 13-15 below).

2 Manifesto plans to improve energy efficiency

In the build up to the 2010 General Election, the manifestos of each of the three main political parties included plans to improve the uptake of energy efficiency measures in homes. All committed to some form of pay-as-you-save scheme to improve energy efficiency. The pay-as-you-save idea is that a householder gets an upfront sum to improve energy efficiency in their home, which is then paid back through the savings made in subsequently reduced energy bills.

The Conservative Party election manifesto 2010 outlined a "Green Deal". This was explained as being a pay-as-you-save scheme whereby home owners would be able to receive a loan of up to £6,500 to pay for energy efficiency improvements in their home. The energy efficiency improvements would result in lower energy bills, the savings from which could then

[11] Department of Energy and Climate Change press release, H*Social policy expert appointed to lead independent Fuel Poverty Review*H, 14 March 2011

[12] House of Commons Energy and Climate Change Committee, H*Fuel Poverty*H, Fifth Report of Session 2009–10, HC 424-I, 30 March 2010, p18

[13] House of Commons Public Accounts Committee, H*The Warm Front Scheme*H, Thirty–ninth Report of Session 2008–09, HC 350, 24 July 2009

[14] Ibid, p5

be used to repay the loan.[15] In March 2010 the Conservative Party also published a "green paper" *Rebuilding Security Conservative Energy Policy for an Uncertain World*. The paper gave more information about how a "Green Deal" might work and suggested that a variety of organisations would be able to participate in financing the loan, such as banks, investment funds, high street retailers, local authorities, housing associations, charities, social enterprises and community groups, as well as energy suppliers.[16]

The Liberal Democrat Party 2010 election manifesto had a number of proposals to improve energy efficiency, including: a ten-year pay-as-you-save programme of home insulation, which would offer £10,000 per home to be paid for by the savings from lower energy bills; an "Eco Cash-Back" scheme where households would get £400 if they installed double glazing, replaced an old boiler or installed microgeneration; and energy efficiency targets for companies and government departments.[17]

The Labour Party 2010 election manifesto proposed to encourage energy efficiency through the use of smart grids to provide better information about energy use to households and energy companies. It proposed a new warm standard for social homes and also a pay-as-you-save scheme under which home energy improvements could be paid for from the savings they generated on energy bills.[18]

3 The Green Deal

The *Energy Bill 2010-12,* which was introduced in the House of Lords on 8 December 2010, would allow the Government to introduce a Green Deal to encourage energy efficiency in properties.[19] The Bill and its Explanatory Notes are available from the *Energy Bill page* on the Parliament website. The impact assessment is available from the *Department of Energy and Climate Change website*. For further information about the Bill see the House of Commons Library Research Paper, *Energy Bill [HL]*, RP11/36, 4 May 2011.

The Government concluded that a market failure had resulted in many properties with poor energy efficiency ratings. It attributes the market failure to: a lack of information and understanding about energy efficiency measures; consumer inertia; lack of access to finance; and the relatively short time that people stay in one home as compared to the payback time for some energy efficiency improvements. It believes these factors have all prevented people from taking up cost effective measures to improve their homes and reduce their energy consumption.[20]

After the 2010 General Election the Coalition Programme outlined plans for a "Green Deal" to improve energy efficiency:

> Through our 'Green Deal', we will encourage home energy efficiency improvements paid for by savings from energy bills. We will also take measures to improve energy efficiency in businesses and public sector buildings.[21]

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15 HConservative Party General Election ManifestoH, April 2010, p93

16 The Conservative Party, H*Rebuilding Security Conservative Energy Policy for an Uncertain World*H, Strategic Summary, p21-22

17 HLiberal Democrat Party Election Manifesto 2010

18 HLabour Party Election Manifesto 2010H, p8.4

19 Department of Energy and Climate Change website, H*Energy Security & Green Economy Bill: Green DealH* [on 12 October 2010]

20 Department of Energy and Climate Change, H*Energy Bill Impact Assessment: Green Deal*H, December 2010

21 The Coalition: H*Our Programme for Government, Energy and Climate Change*H, 20 May 2010

The Green Deal has been billed by the Government as being the "solution" to the problem of a current lack of investment in properties with poor energy efficiency ratings. It is intended to improve energy efficiency in both domestic and non-domestic buildings, in order to reduce carbon emissions.[22]

The Government has estimated that in carbon saving terms the impact of the Green Deal could be a saving of between 3.9 and 5.9 $MtCO_2e$ per year in 2020. This is only an illustrative example and more "robust" estimates are expected to be produced in Green Deal consultation documents later in 2011.[23]

A Green Deal customer would receive money upfront to make the energy efficiency improvements to their property. The responsibility to make repayments would then attach to the energy bill at a property, rather than to an individual. The obligation to repay would then pass to the new occupier or bill payer should the Green Deal customer then move away. A briefing from DECC explains that this is done to encourage people to invest in energy efficiency, even if they might move house:

> At present we know that most people who expect to move again in the next 20 years or more are put off making large investment in energy efficiency because the costs are only affordable by factoring in savings generated after they expect to have moved; Green Deal will mean they only pay whilst they remain at the property enjoying the benefits.[24]

The Government has stressed that the Green Deal finance should not be considered to be a "loan" in the traditional sense, because the responsibility for repayments would attach to a property, not to an individual. Speaking for the Government in the House of Lords, Lord Marland explained:

> This is not a loan, so no individual is at risk of the lender calling in the whole amount. The meter is attached to the property and will stay with the property when the inhabitants change.[25]

The impact assessment accompanying the Bill also sets out that the Government does not want the Green Deal to count as a personal debt and therefore reduce personal borrowing capacity:

> Another argument against collection of Green Deal charges by finance companies is that the distinction between Green Deal charges and conventional loans would be blurred. Arguably, finance companies would count the Green Deal against a consumer's overall debt capacity and thus the Green Deal would reduce borrowing capacity.[26]

The Government has explained the Green Deal as a three-step process:

- Step 1 – an independent energy survey of the property, giving clear advice on the best energy efficiency options, such as loft or cavity wall insulation.

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22 Department of Energy and Climate Change website, H*Energy Bill: Green Deal*H [on 4 May 2011]
23 HC Deb 28 February 2011 c231W
24 Department of Energy and Climate Change website, H*Energy Bill: Green Deal*H [on 4 May 2011]
25 HL Deb 22 December 2010 H*c1101*
26 Department of Energy and Climate ChangeH*, Impact Assessment for the Energy Bill 2010-11, Impact assessment for the Green Deal elements*H, December 2010, p28

- Step 2 – Green Deal finance to be provided by a range of accredited providers, which will be repaid through savings on energy bills, making properties cheaper to run from day one.

- Step 3 – Homes and businesses will then receive their energy efficiency package. Only accredited measures will be installed by appropriately-qualified installers, overseen by Government, giving consumers confidence that the deal they are getting is high-quality and will save them money.[27]

DECC sets out that the "core principle" to the Green Deal is the "golden rule"; that the estimated instalment payments for the Green Deal plan should not exceed the projected associated cost savings on an average bill for the duration of the green finance arrangement. The Golden Rule would take account of the estimated total cost of the Green Deal package, including the cost of finance, labour and products. The arrangement could be for as long as 25 years for houses.

Green Deal: household costs and savings

At the moment homes which come onto the market either for sale or rent must have an energy performance certificate (EPC).[28] An EPC is a certificate which provides 'A' to 'G' ratings for buildings. An 'A' rating is given to the most energy efficient buildings and 'G' to the least. A PQ from October 2010 set out the cost of improving energy efficiency in some of these lower category homes:

> **John Woodcock:** To ask the Secretary of State for Communities and Local Government what estimate he has made of the average cost per home of improving its energy efficiency rating from F or G to E or above. [16983]
>
> **Andrew Stunell:** The Secretary of State has made no estimate of the average cost per home of improving its energy efficiency rating from F or G to E or above.
>
> The Energy Saving Trust has estimated that, of the total number of F and G properties in 2005, 37% can be improved to an E rating through basic insulation measures at a cost of £1,000 or less and 47% through installation of a modern condensing boiler at a cost of £3,000 or less. 15% of F and G rated homes, characterised as 'hard to make decent', will cost from £5,000 to £9,500 to improve to an E rating, leaving a small percentage (1.5%) costing up to £5,000 to upgrade.[29]

The Government estimated that each of the 26 million homes in the UK could benefit in some way from the Green Deal, as well as "many" of the UK's businesses. It calculated that there are 14 million insulation measures like loft, cavity and solid wall to be carried out in Britain's homes; that the most energy inefficient homes in the UK could save, on average, around £550 per year by installing insulation measures.[30] Statistics by DECC on the levels of home insulation levels in Great Britain were published on 30 November 2010.[31]

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[27] Department of Energy and Climate Change press release, H*Huhne heralds green homes revolution*H, 2 November 2010

[28] Under the *Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007*

[29] HC Deb 13 October 2010 Hc313W

[30] Department of Energy and Climate Change press release, H*Green Deal to create green jobs*H, 21 September 2010

[31] Department of Energy and Climate Change, H*Statistical release: experimental statistics estimates of home insulation levels in Great Britain*H, 30 November 2010

It was initially suggested that applicants may be able to claim up to £6,500 under the Green Deal, [32] but since the publication of the Bill, the Government has said that there will not be an upper limit.[33] The amount that can be borrowed for each property will depend on whether the "golden rule" can be met.

In November 2010 the Government published a leaflet on the Green Deal setting out the cost to consumers of certain energy efficiency measures and the average savings in £/year that these measures could bring to energy bills. The figures are calculated on the basis of an "average three-bedroom semi-detached house":[34]

Measure	Savings (£/year)	Estimated cost to consumer
Loft insulation top up	Around £45	Around £250
Cavity wall insulation	Around £115	Around £250
Internal solid wall insulation	Around £380	£5,000-£7,000
External solid wall insulation	Around £400	£7,600-£12,600

The Green Deal finance would not come from Government, but from the private sector. Speculation in the media suggests that companies such as Tesco, B&Q and Marks and Spencer have been involved in discussions about providing the finance.[35] The Government projects that the private sector would provide £7 billion of investment in the Green Deal per year. Concern has already been expressed in the media about what the private sector companies would expect in return for providing Green Deal finance and whether there would be enough incentive for them to provide finance for anything but the measures with the quickest payback time, such as insulation.[36]

Whether the Green Deal makes financial sense for a consumer will also depend on the price of energy. If energy prices are high, then energy efficiency savings paid for by the Green Deal will be more cost effective. If energy prices fall, then the Green Deal may not make the savings on energy bills as quickly. An article in the *Guardian* from 24 November 2010 illustrated that the amount of interest charged on any Green Deal loan would also have an impact on whether consumers could make much of a saving on their energy bills:

> However, a mid-range quote for insulating solid walls (internally) and the loft would be £6,250, and the predicted saving £425 a year. Taking a middling interest rate... of 7%, a customer borrowing £6,250 would pay back approximately £875 a year over 10 years, or £530 over 25 years.
>
> What immediately stands out in this example is that the repayments are higher than the government's estimated saving – implying those customers' bills would not fall. Decc also assumes a relatively low 15% "rebound effect" – when customers chose to use some of the saved money for extra heating, cooling or more appliances – despite

32 HC Deb 30 June 2010 Hc881

33 HL Deb 22 December 2010 Hc1152-4

34 Department of Energy and Climate Change, H*The Green Deal Energy savings for homes and business*H, November 2010

35 "UK retailers in talks to join government's 'green deal'", H*guardian.co.uk*H, 6 October 2010

36 "UK retailers in talks to join government's 'green deal'", H*guardian.co.uk*H, 6 October 2010

acknowledging by email that it is in reality 15-40%, and a separate estimate by the EU environment directorate of 20-80%.

Disappointed customers might be even less happy when they realise how much interest they are paying to fund a "government" policy: total interest paid in the example above ranges from nearly £2,460 (over 10 years) to nearly £7,000 (over 25 years).[37]

It is not yet known how, or at what level, interest rates will be set on Green Deal loans. The Government has estimated that the cost of finance should be lower under the Green Deal than many standard retail finance offers, which it estimates cost around 11%.[38]

The Government has stated clearly that the Green Deal is a market mechanism and, as such, there would be no Government guarantee that energy bills would fall for individual consumers.[39] Ultimate responsibility would lie with consumers for reducing energy consumption after a Green Deal measure had been installed. The Government has, however, proposed a number of measures designed to protect consumers in the Green Deal process:

- The expected savings must be greater than the costs.
- The measures must be accredited and the claimed savings must be those approved through this accreditation.
- The measures installed must have been recommended by an accredited, independent adviser who has assessed the property.
- The measures must be installed by an accredited installer.
- The Green Deal provider must take account of the individual circumstances of the consumer and give appropriate advice within the terms of the Consumer Credit Act.
- The presence of a Green Deal must be properly disclosed to subsequent occupiers including alongside energy performance information.
- Energy suppliers must collect the Green Deal and pass it on within the existing regulatory safeguards for collecting energy bills – including protections for vulnerable consumers.[40]

Green Deal: standards

The Green Deal would be underpinned by a certification scheme which would set technical standards for installation, competence levels for installers, as well as customer care and warranty requirements. The Government has made clear that to ensure that work is carried out to a high standard all installers operating under the Green Deal would carry a quality mark to demonstrate that they meet the prescribed certification and skills standard. The standard would be developed over time with the relevant sectors.[41] The Government has

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37 "Green Deal is not a good deal for all homeowners" H*guardian.co.uk*H, 24 November 2010

38 Department of Energy and Climate Change, H*The Green Deal: a summary of the Government's proposals*H, 9 December 2010, p15

39 Department of Energy and Climate Change, H*Energy Bill Impact Assessment: Green Deal*H, December 2010, p15

40 Department of Energy and Climate Change, H*Energy Bill Impact Assessment: Green Deal*H, December 2010, p15

41 HC Deb 30 November 2010 Hc671W

said that details of this framework are being discussed with a Green Deal installation stakeholder advisory forum.[42]

Green Deal incentives

An article in the *Times* on 23 November 2010 suggested that householders will be encouraged to take up the Green Deal through incentives paid for by energy suppliers as part of the new energy company obligation (see section 4, below).[43] The article speculated that for Green Deal customers this could include the chance to win a holiday, a discount on council tax, a cash voucher, or a rebate on energy bills. The *Times* also said that the Secretary of State for Energy and Climate may consider making changes to the stamp duty system if these incentives do not encourage enough people to take out a Green Deal:

> He said that if these incentives proved insufficient to attract many homeowners, the Government would consider introducing a "tilt in stamp duty". Stamp duty could be reduced by 1 per cent — or about £2,000 for the average home — for those who insulated to a high standard within a set period after purchasing the home.[44]

Green Deal and Warm Front

In the October 2010 Spending Review it was announced that the Warm Front spending programme on grants would be phased out as the Green Deal comes into force:

> DECC will fund a smaller, targeted Warm Front programme for the next two years with a budget of £110 million in 11/12 and £100 million in 12/13. From 2013, support for heating and insulation for the most vulnerable will be delivered through the Green Deal for energy efficiency and a new obligation on energy companies. At the same time, from April 2011, energy suppliers will provide greater help with the financial costs of energy bills to more of the most vulnerable fuel poor households, through Social Price Support – with total support of £250 million in 11/12 rising to £310 million in 14/15.[45]

Timing

It is expected that the finer detail of the Green Deal will come into force through secondary legislation after a consultation period in autumn 2011. The Green Deal is expected to be available to customers in the latter half of 2012.[46] The Government has set out the following timetable:[47]

Date	Development
December 2010	Introduction of the Energy Bill to Parliament
Pre-Autumn 2011	Officials engage stakeholders as they develop the technical details for secondary legislation
Autumn 2011	Formal consultation on secondary legislation
Early 2012	Secondary legislation laid before Parliament

[42] HC Deb 7 March 2011 c819-20

[43] "Win a foreign holiday for insulating your loft; Homeowners to be rewarded for 'green loans'" *The Times*, 23 November 2010

[44] Ibid

[45] Department of Energy and Climate Change, H*HMT Spending Review Press Release*H, 20 October 2010

[46] Department of Energy and Climate Change website, H*Energy Bill: Green Deal*H [on 4 May 2010]

[47] Department of Energy and Climate Change, H*The Green Deal: a summary of the Government's proposals*H, 9 December 2010, p7

Spring 2012	Detailed industry guidance prepared
Autumn 2012	First Green Deals appear

Further questions and concerns

Although the *Energy Bill* establishes the broad framework for the Green Deal, many issues remain left to be resolved at a later consultation stage and in further secondary legislation.

Some questions that have arisen so far include:

- How exactly will households be incentivised to take part in the Green Deal? Will it be through a carrot or a stick method or a combination of both?[48]

- What level will interest repayment on the Green Deal be set at and how?

- What will happen if the "golden rule" is not met and customers do not save as much on their energy bills as first anticipated? Who will be responsible for making up any shortfall?

- Will finance providers be able to turn down requests for the Green Deal? If so, for what reasons?

- How many people will actually take-out a Green Deal plan? In February 2011 the Government said it has not yet made any estimates of expected take-up.[49]

In January 2011 the Chartered Institute of Environmental Health (CIEH) expressed concern about the decision to phase out Warm Front grants and replace them with the Green Deal. It said that it "had yet to be convinced" that the Green Deal would have a sufficiently wide-scale effect to reach the most needy in society rather than just those people with difficulties with heating costs.[50]

In February 2011 it was reported that a coalition of 11 charities, companies and industry groups had written to the Chancellor to ask him to announce measures to incentivise people to take-up the Green Deal in the March 2011 Budget.[51] The Budget did announce that incentives may be introduced at a later date, but it did not explain further what these incentives would be. In a *Financial Times* article the CBI expressed concern that the policy could become a "lame duck" if people were not encouraged to take it up.[52] The Federation of Master Builders has also set out its disappointment at the lack of additional incentives announced in the Budget to create more demand in the market.[53]

In April 2011 there was concern from the building industry that Green Deal measures may not save enough energy to allow for energy efficiency improvements to be made "on the majority of non-domestic buildings":

> The Green Deal is an initiative to help meet carbon reduction targets, where loans for energy efficiency improvements are paid back over 25 years by savings on bills. The revelation that the majority of improvements will not meet the initiative's "golden rule",

48 "UK retailers in talks to join government's 'green deal'", H*guardian.co.uk*H, 6 October 2010
49 HC Deb 28 February 2011 c235W
50 "CIEH says Warm Front cut will hit poor"*, Environmental Health News*, 14 January 2011
51 "Osborne eyes tax rebate to boost green deal" *Financial Times*, 14 February 2011
52 "Osborne eyes tax rebate to boost green deal" *Financial Times*, 14 February 2011
53 "FMB bemoans lack of Green Deal incentives in Budget" H*Energy Saving Trust*H, 26 March 2011

where energy bill savings must be equal to the costs of the work, is the latest in a series of blows to the government's sustainability agenda.

In a study, QS Cyril Sweett found that changes to building fabric, services improvements and renewable energy installations will not generate enough savings to pay back the capital and loan costs for the work on the majority of non-domestic buildings.

The firm modelled an existing primary school, office, industrial unit and retail warehouse to assess energy use. Energy efficiency improvements were modelled to see how much these would cost and how much energy would be saved. The modelling included interest on the loans, projected increases in energy bills and income from the feed-in tariff and Renewable Heat Incentive.

The only improvements that met the golden rule were upgrading the fabric of the industrial unit and installing PV and solar thermal panels on the retail warehouse. All other measures cost more to implement than the savings they generated.

Cyril Sweett said if the government went ahead with the Green Deal in its current form it would only work for "very poorly performing buildings and the lowest of low hanging fruit." It added the government had a long way to go to develop the details of the scheme.[54]

In May 2011, a report by the environmental, not-for-profit organisation E3G on *Financing the Green Deal*, found that expected take-up of the Green Deal was likely to low, unless interest rates could be subsidised:

Under the policy framework there are therefore significant risks that consumer demand for Green Deal programmes will be low. The economics of energy efficiency retrofits at today's energy prices are not attractive − there is a significant gap between project returns and the cost of borrowing, even at Government rates. E3G analysis indicates that even quite modest Green Deal retrofits will require significant support from subsidies to meet the Green Deal 'golden rule' of being able to pay for improvements from current savings. For example, if the subsidy was used to reduce the interest rate, a 25 year loan would need to be offered at an interest rate of 2% or less compared to commercial rates of 8% or more.[55]

4 Energy Company Obligation (ECO)

The Green Deal will also be supported by a replacement of the current obligations on energy suppliers to reduce carbon dioxide emissions from homes (the Carbon Emissions Reduction Target and the Community Energy Saving Programme), with a new obligation which focuses on vulnerable households, those in fuel poverty and those living in hard to treat properties – for example, solid walled properties.[56]

4.1 The existing energy company obligation: CERT

In 2008 the Labour Government introduced the Carbon Emissions Reduction Target (CERT) scheme as a way to encourage energy efficiency in homes. CERT obliges electricity and gas suppliers in Great Britain to help reduce carbon dioxide emissions from homes. Each

[54] "Revealed: Green Deal costs will outweigh savings" H*Building.co.uk*H 1 April 2011

[55] E3G, H*Financing the Green Deal*H, May 2011, p4

[56] Department of Energy and Climate Change website, H*Energy Bill: Energy Company Obligation*H [on 4 May 2011]

supplier under the scheme[57] must demonstrate that measures which it implements have led to a certain level of carbon dioxide (CO_2) savings amongst customers.

The CERT scheme is a broad successor to the energy efficiency target imposed under the *Electricity and Gas (Energy Efficiency Obligations) Order 2004* (SI 2004/3392) (the 2004 Order) for the period 1 April 2005 to 31 March 2008, known as the Energy Efficiency Commitment.[58]

The CERT scheme was first implemented by the *Electricity and Gas (Carbon Emissions Reduction) Order 2008*, (SI No. 188) (the 2008 Order). The authority to make the 2008 Order stems from 3 primary Acts, as amended:

- section 33BC of the *Gas Act 1986*;
- section 41A of the *Electricity Act 1989*; and
- section 103 of the *Utilities Act 2000*.

The 2008 Order required CERT to deliver overall lifetime carbon dioxide savings of 154 $MtCO_2$ – equivalent to annual net savings of 4.2 $MtCO_2$ by 2010.[59] Under the 2008 Order, energy suppliers were required to achieve at least 40% of their carbon emissions reduction obligation by promoting measures to a priority group, that is those in receipt of at least one of the benefits or tax credits listed in Schedule 2 to the Order, or to those who are aged 70 or over. This was known as the priority group obligation.

The scheme was then amended by the *Electricity and Gas (Carbon Emissions Reduction) (Amendment) Order 2009* (SI No. 1904) (the 2009 Order) which came into force on 20 July 2009. The 2009 Order was made following the then Prime Minister's Home Energy Saving Programme announcement in September 2008 which proposed a 20% increase in the Carbon Emissions Reduction Target.[60] The main aim of the change was to increase the amount of help householders received to take up energy efficiency measures at a time of high energy prices, to help them save money, save energy and save carbon.[61]

The CERT scheme was also amended again, most recently, by the *Electricity and Gas (Carbon Emissions Reduction) (Amendment) Order 2010* (SI 2010/1958) (the 2010 Order), which came into force on 31 July 2010. The amendment was made following a consultation[62] initiated by the previous Labour Government and which was subsequently responded to by the new Coalition Government.[63] The main changes were an increase in the overall carbon emissions reduction target to 293 million lifetime tonnes of carbon dioxide ($MtCO_2$) (from 185 $MtCO_2$) and an extension to the target period; so that suppliers must achieve their increased obligation by 31st December 2012. It also created a super priority group of vulnerable

[57] CERT applies to suppliers with more than 50,000 customers (the 'big six' suppliers qualify: British Gas, EDF, Eon, Npower, Scottish and Southern, and Scottish Power)

[58] H*Explanatory Memorandum to the Electricity and Gas (Carbon Emissions Reduction) Order 2008*H, 2008 No. 188, Section 7.3

[59] H*Explanatory Memorandum to the Electricity and Gas (Carbon Emissions Reduction) Order 2008*H, 2008 No. 188, Section 4

[60] HM Government, H*Home Energy Saving Programme*H, 11 September 2008

[61] HExplanatory Memorandum to the *Electricity and Gas (Carbon Emissions Reduction) (Amendment) Order 2009*H, section 2.2

[62] Department of Energy and Climate Change, H*Extending the Carbon Emissions Reduction Target Consultation on a CERT framework for the period April 2011 to December 2012*H, December 2009

[63] Department of Energy and Climate Change, H*Paving the way for a Green Deal Extending the Carbon Emissions Reduction Target supplier obligation to December 2012*H, June 2010

households and set a new super priority group target.[64] On 16 November 2010 the Government also issued a consultation proposing further changes to the existing CERT scheme in order to enable the Government to assess any energy savings measures offered under the scheme against some "core principles".[65]

Ofgem has a duty under the CERT legislation to collect data from energy suppliers about the scheme and to update on progress. Ofgem's latest report from June 2010 shows that:

- At the end of the second year of the three year CERT programme, suppliers have achieved 81% of the 185 Mt CO_2 CER [carbon emissions reduction] target. This equates to 112 Mt CO_2 emissions reductions achieved during the CERT period, or 149 Mt CO_2 including carryover.

- 43% of total savings to target are from the Priority Group.

- 62% of total savings to target are from insulation.

- 28% of total savings to target are from lighting.[66]

CERT however, has attracted a number of criticisms, as highlighted by the Environment, Food and Rural Affairs Committee in its June 2009 report *Energy efficiency and fuel poverty*.[67] Particular problems noted were that: the scheme did not have the ability to help those in hard-to-treat homes, such as those with solid walls; that as it was a commercially driven scheme, those who needed help were missing out as companies delivered the quick-wins first; and that measures could be counted against suppliers' targets even though the actual benefits are not quantified. For example, one of the big criticisms about the scheme, as under the 2008 Order, was that energy companies had distributed free energy saving light bulbs to their customers, but had not had to check whether the bulbs were suitable for their customers to use or indeed whether they had actually been used. The calculated savings from the bulbs still counted towards the carbon emissions reduction target at that time.[68]

During a debate on the 2010 Order the Government made it clear that it did not want to continue with the CERT scheme beyond 2012. DECC Minister Gregory Barker said that he would like to focus a new scheme on reducing fuel poverty and said that new legislation would be needed:

> I think that it is worth saying that the extension of CERT is not ideal. We want to do more, particularly for the fuel-poor, and we think that a supplier obligation is a significant tool for achieving that. We anticipate that, as part of a focused series of measures that will work as part of the green deal, a key lever will be an ongoing supplier obligation. We will work closely with stakeholders during the coming months to ensure that when the CERT extension finishes at the end of 2012, there is a new bespoke supplier obligation, designed to work with the green deal, which will focus far more on those who are in the worst fuel poverty.

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64 Explanatory memorandum to the H*Electricity and Gas (Carbon Emissions Reduction) (Amendment) Order 2010*H, *section 2.3*

65 Department of Energy and Climate Change, H*Consultation on the role of appliances and consumer electronics in the Carbon Emissions Reduction Targets (CERT),*H 16 November 2010

66 Ofgem, H*Carbon Emissions Reduction Target Update*H, June 2010

67 Environment Food and Rural Affairs Committee, H*Energy efficiency and fuel poverty*H, Third Report of Session 2008–09, HC 37, 10 June 2009, paras 55-67

68 Which? website, H*Energy-saving light bulbs - your concerns*H [on 4 May 2011]

Within the constraints of this type of obligation as laid out in legislation... we think that we have probably pushed the envelope as far as we can without breaching the terms of the original legislation. We will therefore introduce new proposals in the Energy Security and Green Economy Bill[69] to lay the groundwork for a future supplier obligation, which will take further the work done in the CERT extension.[70]

4.2 The Community Energy Saving Programme (CESP)

In addition to CERT, energy suppliers also have obligations under the Community Energy Saving Programme (CESP) scheme. The CESP obligation period runs from 1 October 2009 to 31 December 2012.[71] CESP was designed to complement CERT.

CESP aims to deliver around £350 million of energy efficiency improvements.[72] The Programme targets households, across Great Britain, in given geographical areas, to improve energy efficiency standards, and to reduce fuel bills. It is funded by an obligation on energy suppliers. The Labour Government estimated that up to 100 schemes would be funded, which would benefit around 90,000 homes across Great Britain, and deliver a saving of nearly 2.9 $MtCO_2$.[73] The *Electricity and Gas (Community Energy Saving Programme) Order 2009* (SI 2009/1905) implemented the scheme. The original legal basis for it was the *Climate Change Act 2008*. British Gas launched the first 'live' CESP scheme in Walsall in January 2010. As of 30 April 2010 there were 6 live CESP schemes.[74]

CESP is particularly focussed on delivering the uptake of energy efficiency measures in low income areas and hard to treat homes. In these homes, there are barriers to implementing energy efficiency measures for householders including lack of capital, awareness, hidden costs and landlord/tenant split incentives.[75] The impact assessment to accompany CESP sets out how it differs to CERT:

CESP is based on the CERT legislative model, but is designed to deliver where CERT generally will not. CESP will use community partnerships to treat large numbers of homes within a given area, rather than focusing on the most cost efficient CO_2 reductions which are delivered under CERT. While CERT has a priority group to help target the most fuel poor, CESP will go further by focusing delivery in income deprived areas and often in hard to treat homes.[76]

CESP designates eligible areas based on the lowest income areas identified by the Indices of Multiple Deprivation. In England this is based on the lowest 10% income areas and in Scotland and Wales the lowest 15%. According to a PQ dated 15 June 2010, in total there are around 4,500 designated CESP areas across Great Britain.[77] CESP means that energy suppliers have to offer energy efficiency measures for free, or at a very low cost, in order to

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69 The Energy Security and Green Economy Bill was changed to the Energy Bill 2010-11 at publication.

70 Second Delegated Legislation Committee, H*Draft Electricity and Gas (Carbon Emissions Reduction) (Amendment) Order 2010*H, 26 July 2010, c10

71 Ofgem website, H*Community Energy Saving Programme (CESP)* H [on 4 May 2011]

72 Department of Energy and Climate Change, H*Impact Assessment of proposals for implementation of the Community Energy Saving Programme (CESP),*H May 2009, p4

73 Department of Energy and Climate Change, H*Community Energy Saving Programme (CESP) Consultation Response and Analysis*H, June 2009, p3

74 Department of Energy and Climate Change website, H*Community Energy Saving Programme (CESP)*H [on 4 May 2011]

75 Department of Energy and Climate Change, H*Impact Assessment of proposals for implementation of the Community Energy Saving Programme (CESP),*H May 2009, p1

76 Department of Energy and Climate Change, H*Impact Assessment of proposals for implementation of the Community Energy Saving Programme (CESP),*H May 2009

77 HC Deb 15 June 2010 Hc367w

meet their obligation. Measures available under CESP include improvements such as: solid wall insulation; flat roof insulation; draft proofing; installation of ground source heat pumps; and connection to a district heating system.[78] It is up to suppliers and generators exactly which measures they wish to offer, and how, in order to meet the terms of scheme.

In July 2010 the Government announced that it would undertake an evaluation of CESP, which was due to be completed in March 2011, but which has yet to report.[79]

4.3 The new obligation

The Coalition Government announced in its first Annual Energy Statement that it would include powers in the forthcoming *Energy Bill* to introduce a new obligation on energy companies from 2012, to take over beyond CERT and CESP[80] This is the new energy company obligation (ECO) which would underpin the Green Deal. It would focus on those properties and households which could not make energy savings without extra financial support or qualify for Green Deal finance, such as those with hard-to-treat homes and the fuel poor.[81]

One of the key rationales for the Government in introducing the ECO is to make up for the market failure in the take up of more expensive energy efficiency measures:

> Given that gas prices do not reflect the external cost of carbon emissions, it is unlikely that the Green Deal finance and accreditation measures on their own would drive the take up of solid wall insulation and other more expensive energy efficiency measures. However when the reduction in negative externalities (climate change and air quality) are considered as well as the private benefits then there is a strong argument for installing solid wall insulation (SWI) in many cases, i.e. it is a cost effective way of meeting the UK's carbon budgets.[82]

The Government is also concerned that the Green Deal package may not be enough to help low income and vulnerable households:

> The ECO is also intended to focus on support for low-income households and the most vulnerable in society. Some households in this category may require more support than just Green Deal finance if they are to improve their energy efficiency and reduce their fuel bills. Some of the types of measures which may help low-income households or those with individuals who are particularly vulnerable to the cold such as the elderly or disabled, such as boiler repairs or new heating systems, will help to reduce the cost of heating a home but will not necessarily lead to energy efficiency or carbon savings. As a result it is difficult to incentivise such measures through a carbon or energy efficiency-based target using the existing powers. The proposed new ECO powers will allow for an obligation to be set in such a way as to drive delivery of these measures too.[83]

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78 Department of Energy and Climate Change, H*Impact Assessment of proposals for implementation of the Community Energy Saving Programme (CESP),*H May 2009, p8-9

79 HC Deb 27 July 2010 Hc881W

80 Department of Energy and Climate Change, H*Annual Energy Statement*H, 27 July 2010, p4 and HC Deb 23 November 2010 Hc208W

81 Second Delegated Legislation Committee, H*Draft Electricity and Gas (Carbon Emissions Reduction) (Amendment) Order 2010*H, 26 July 2010, c11-12

82 Department of Energy and Climate Change, H*Energy Bill Impact Assessment: Green Deal*H, December 2010, p50

83 Energy Bill Explanatory Notes, Bill 167-EN, p23

According to the Government, the ECO will not be introduced until CERT and CESP expire in December 2012. The aim in this Bill is to provide for broad powers, with the detail set out in secondary legislation following a public consultation in late 2011.[84]

The Government envisages that the ECO would be able to deliver a wide range of measures, such as cavity wall insulation, external solid wall insulation, heating repairs and boiler replacements. It also envisages that unlike CERT and CESP, the ECO measures would not always be linked directly to carbon savings measures, but would also include those likely to bring long term improvements to a household's ability to heat a home at a decent level of affordability:

- Increased thermal efficiency. The intention would be to focus on low income vulnerable households with a high propensity to fuel poverty, with companies obliged to deliver measures in order to improve households' ability to heat their home affordably (i.e. a notional home heat cost reduction target). Analysis confirms that the most cost effective means of meeting this target will be through new central heating systems (where there is no working system) and insulation measures, including cavity wall and loft insulation measures (where opportunities remain).

- Increased energy efficiency. The intention would be to focus on insulation measures that reduce carbon emissions cost-effectively (i.e. have a positive net present value to society) but are not attractive enough to consumers at current energy prices (i.e. have a negative net present value to consumers), for example solid wall insulation in many cases. By providing joint support with Green Deal finance, it is hoped that a high level of take-up of these energy efficiency improvements can be delivered in a way that maximises the contributions to the costs of measures from the consumers that will benefit from them.[85]

5 The Private Rented Sector

DECC announced that the *Energy Bill* 2010-12 would create powers to allow:

- any tenants asking for "reasonable energy efficiency improvements" to receive them from 2015 onwards; and

- that local authorities would be given powers to insist that landlords improve the worst performing homes.[86]

The announcement came with the caveat that whether these powers would be used would be subject to a review. Landlords could face fines of up to £5,000 if they did not make energy efficiency changes.[87] The *Times* reported that the National Landlords Association had "condemned" the plan as they had concerns that owners of older buildings would be fined, even if insulation was too expensive or impractical.[88]

The Government hopes that landlords in the Private Rented Sector (PRS) in particular will use the Green Deal to improve energy efficiency performance of their properties. The PRS

84 Department of Energy and Climate Change website, H*Energy Bill: Energy Company Obligation*H [on4 May 2011]

85 Department of Energy and Climate Change, H*Energy Bill Impact Assessment: Green Deal*H, December 2010 p49

86 Department of Energy and Climate Change press release, H*Huhne heralds green homes revolution*H, 2 November 2010

87 "New energy rules will force landlords to upgrade properties", *The Times*, 2 November 2010

88 Ibid

has the largest proportion of lowest-rated (EPC band G) properties of all tenures (6.2% compared with 3.4% in owner-occupied accommodation).[89] A PQ from February 2011 also shows that the PRS has a high number of fuel poor households:[90]

> The following table shows the number of fuel poor households in England in 2008, split by the four main tenure types:

Tenure	***Number of fuel poor households (thousand)***
(a) Private rented	600
(b) Local authority	375
(c) RSL [Registered Social Landlords]	253
(d) Owner occupied	2,107
Total	3,335

A summary of problems with energy efficiency in homes in the PRS is also set out in the impact assessment to accompany the Bill:

> The private rented sector (PRS) contains a considerable number of cost effective abatement opportunities. 68% of PRS homes have uninsulated wall cavities compared with 52% in the owner occupied sector, and 42% of lofts in the sector have less than 100mm of insulation compared with 25% in the owner occupied sector. The PRS also has a disproportionately large number of homes with the lowest energy performance certificate (EPC) rating (G) than the other domestic sectors, 6% compared with 3% in the owner occupied sector.[91]

The impact assessment also explains that there are barriers which have prevented the PRS from making energy efficiency improvements. For example, the benefits of reduced fuel bills often benefit only the tenant, but the initial costs of making the improvements have to be borne by the landlord. In properties with short-term tenancies any benefits are spread over a large number of tenants, making any investment unattractive to just one person. The impact assessment also notes that a number of non-regulatory approaches to encourage take up of energy efficiency measures in the PRS have also failed to make a substantial impact. For example, the Landlords Energy Saving allowance – an income tax deduction of up to £1,500 per property against profits for expenditure to install certain measures – had only been claimed by 2,100 people in 2007/08. The impact assessment noted that it had also been difficult to target landlords with information, advice and offers and to encourage take-up of voluntary accreditation schemes for improving energy efficiency.[92]

The Bill would provide for new powers to allow the Secretary of State in England and Wales, and Scottish Ministers in Scotland, to make future regulations requiring private landlords to

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89 Department of Energy and Climate Change website, H*Energy Bill: private rented sector*H [on 4 May 2011]

90 HC Deb 4 Feb 2011 Hc996W

91 Department of Energy and Climate Change, H*Energy Bill Impact Assessment: Green Deal*H, December 2010, p57

92 Department of Energy and Climate Change, H*Energy Bill Impact Assessment: Green Deal*H, December 2010, p58-59

make relevant energy efficiency improvements to their buildings. Chapter 2 of the Bill provides for these powers in England and Wales and Chapter 3 provides for these powers in Scotland. Under the Bill as it stands, the regulations could only be made after a review into energy efficiency in the PRS has been conducted, after the Green Deal had been established, and could not come into force before 2015.

Friends of the Earth has expressed concern, however, that energy efficiency will not improve in the PRS as a consequence of the Bill, as it stands, without a deadline for improvements to be made by. It does not want the policy to be conditional on the success or otherwise of the Green Deal:

> The Green Deal will provide landlords with the mechanism for financing the improvement of their properties but that alone is unlikely to be enough to get them to take it up, as many landlords will not act without greater incentive.
>
> According to DECC, landlords have not taken up heavily subsidised energy saving measures under CERT and do not take up the Landlords Energy Saving Allowance. There is no reason why they will take up the Green Deal in any numbers in the worst properties without knowing that at a certain date in the future they will have to.[93]

At the House of Commons second reading stage of the Bill, on 10 May 2011, the Secretary of State for Energy and Climate Change Chris Huhne, announced a change to the current provisions in the Bill aimed at improving energy efficiency levels in homes in the PRS. As introduced, the Bill provided the Government with a power, but not a duty to regulate in this area, nor did it set a specific standard for what rating of PRS properties should be improved. In response to concerns about this sector, Mr Huhne confirmed that the Government would use its power in the Bill to make regulation. Specific standards would be introduced to ban the rental of properties in the PRS with the lowest F and G energy efficiency ratings from 2018. There would also be regulation introduced from 2016, which would mean that any tenant asking for their landlord's consent to make reasonable energy efficiency improvements could not be refused.[94]

These amendments are expected to be introduced during the Bill's House of Commons Committee Stage, which begins on 7 June 2011 and is scheduled to be concluded by 21 June. Progress of the Bill through Committee and all of its Parliamentary stages can be tracked on the *Energy Bill* page of the Parliament website.

[93] Friends of the Earth Briefing, H*A minimum energy efficiency standard for private rented homes*H, February 2011

[94] HC Deb 10 May 2011 c 1063