

Great British Energy Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Energy Security and Net Zero, have been ordered to be published as HL Bill 43—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Lord Hunt of Kings Heath has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Great British Energy Bill are compatible with the Convention rights.

ENVIRONMENTAL STATEMENTS

Lord Hunt of Kings Heath has made the following statements under section 20(2)(a) and (3) of the Environment Act 2021:

In my view—

(a) the Great British Energy Bill contains provisions which, if enacted, would be environmental law, and

(b) the Bill will not have the effect of reducing the level of environmental protection provided for by any existing environmental law.

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[AS BROUGHT FROM THE COMMONS]

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[AS BROUGHT FROM THE COMMONS]

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B I L L

TO

Make provision about Great British Energy.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Great British Energy

- (1) The Secretary of State may by notice designate a company as Great British Energy.
- (2) A company may be designated under this section only if—
 - (a) it is limited by shares, and 5
 - (b) it is wholly owned by the Crown.
- (3) A notice under subsection (1)—
 - (a) must specify the time from which the designation has effect, and
 - (b) must be published by the Secretary of State as soon as reasonably practicable after the notice is given. 10
- (4) The designation of a company terminates—
 - (a) if the company ceases to be wholly owned by the Crown, or
 - (b) if the Secretary of State revokes the designation by notice.
- (5) A notice under subsection (4)(b)—
 - (a) must specify the time from which the revocation has effect, and 15
 - (b) must be published by the Secretary of State as soon as reasonably practicable after the notice is given.
- (6) For the purposes of this section a company is wholly owned by the Crown if each share in the company is held by—
 - (a) a Minister of the Crown, 20
 - (b) a company which is wholly owned by the Crown, or
 - (c) a nominee of a person falling within paragraph (a) or (b).
- (7) Great British Energy is exempt from the requirements of the Companies Act 2006 relating to the use of “limited” as part of its name.
- (8) In this section— 25

“company” means a company registered under the Companies Act 2006;
 “Minister of the Crown” has the same meaning as in the Ministers of
 the Crown Act 1975 (see section 8(1) of that Act).

2 Crown status

- (1) Great British Energy is not to be regarded as a servant or agent of the Crown 5
 or as enjoying any status, immunity or privilege of the Crown.
- (2) Great British Energy’s property is not to be regarded as property of, or
 property held on behalf of, the Crown.

3 Objects

- (1) Great British Energy must secure that its articles of association contain a 10
 statement of its objects.
- (2) The statement must provide that Great British Energy’s objects are restricted
 to facilitating, encouraging and participating in—
 - (a) the production, distribution, storage and supply of clean energy,
 - (b) the reduction of greenhouse gas emissions from energy produced from 15
 fossil fuels,
 - (c) improvements in energy efficiency, and
 - (d) measures for ensuring the security of the supply of energy.
- (3) In this section—

“clean energy” means energy produced from sources other than fossil 20
 fuels;

“distribution”, in relation to clean energy, includes its conveyance and
 transmission;

“fossil fuel” has the meaning given by section 32M of the Electricity Act
 1989; 25

“greenhouse gas” has the same meaning as in the Climate Change Act
 2008 (see section 92 of that Act).

4 Financial assistance

- (1) The Secretary of State may provide financial assistance to Great British Energy.
- (2) Financial assistance under this section may be provided in any form and in 30
 particular may be provided—
 - (a) by way of grant, loan, guarantee or indemnity,
 - (b) by the acquisition of shares or any other interest in, or securities of,
 a body corporate,
 - (c) by the acquisition of any undertaking or of any assets, 35
 - (d) pursuant to a contract, or
 - (e) by incurring expenditure for the benefit of Great British Energy.
- (3) Financial assistance under this section may be provided subject to any
 conditions the Secretary of State considers appropriate.

- (4) The power to provide financial assistance under this section is in addition to (and does not limit or replace) any other power of a Minister of the Crown to provide financial assistance.
- (5) “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (see section 8(1) of that Act).

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5 Strategic priorities and plans

- (1) The Secretary of State must prepare a statement of strategic priorities for Great British Energy.
- (2) The Secretary of State may revise or replace the statement.
- (3) The Secretary of State must lay a copy of the statement, and of any revised or replacement statement, before Parliament. 10
- (4) The Secretary of State must consult the Scottish Ministers before including in a statement under this section anything which concerns a subject matter provision about which would be within the legislative competence of the Scottish Parliament, if contained in an Act of that Parliament. 15
- (5) The Secretary of State must consult the Welsh Ministers before including in a statement under this section anything which concerns a subject matter provision about which would be within the legislative competence of Senedd Cymru, if contained in an Act of the Senedd.
- (6) The Secretary of State must consult the Department for the Economy in Northern Ireland before including in a statement under this section anything which concerns a subject matter provision about which— 20
 - (a) would be within the legislative competence of the Northern Ireland Assembly, if it were contained in an Act of that Assembly, and
 - (b) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998. 25
- (7) The duties to consult imposed by subsections (4) to (6) may be satisfied by consultation carried out before this Act comes into force.
- (8) Great British Energy must secure that its articles of association provide for it— 30
 - (a) to publish and act in accordance with strategic plans which reflect the Secretary of State’s statement, and
 - (b) to update those plans whenever the Secretary of State revises or replaces the statement. 35

6 Directions

- (1) The Secretary of State may give specific or general directions to Great British Energy.
- (2) Great British Energy must comply with the directions.
- (3) Before giving a direction the Secretary of State must consult— 40

- (a) Great British Energy, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (4) The Secretary of State must publish and lay before Parliament any directions given to Great British Energy under this section.

7 Annual accounts and reports

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- (1) Great British Energy must, as soon as reasonably practicable after its directors comply with section 441 of the Companies Act 2006 in relation to a financial year, deliver to the Secretary of State a copy of the accounts and reports required to be delivered to the registrar for that financial year in accordance with that section.
- (2) The Secretary of State must lay a copy of those accounts and reports before Parliament.

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8 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Great British Energy Act 2024.

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