
DRAFT STATUTORY INSTRUMENTS

2026 No.

ENERGY

The Energy Smart Appliances Regulations 2026

Made - - - -

Coming into force in accordance with regulation 1

CONTENTS

PART 1

Introduction

1. Citation, commencement and extent
2. Interpretation
3. Application to relevant charge point
4. Application to relevant electrical heating appliances
5. Application to relevant smart battery energy storage systems
6. Placing a relevant appliance on the market
7. Duty to take action in respect of non-compliant energy smart appliance placed on the market

PART 2

**Requirements in relation to relevant energy smart appliances and obligations on
manufacturers and importers**

Chapter 1

General

8. Application

Chapter 2

Requirements in relation to all relevant energy smart appliances

9. Communication
10. User interface
11. Primary function
12. Electricity supplier interoperability
13. Safety
14. Measuring system
15. Randomised delay
16. Compliance with ETSI EN 303 645
17. Protection against physical damage and unauthorised access

Chapter 3

Requirements in relation to charge points

- 18. Energy smart function
- 19. Off-peak usage

Chapter 4

Requirements in relation to electrical heating appliances

- 20. Energy smart function
- 21. Off-peak usage
- 22. Responsiveness status
- 23. Setting heating or hot water preferences on first use

Chapter 5

Requirement in relation to relevant smart battery energy storage systems

- 24. Off-peak usage

Chapter 6

Other obligations on manufacturers and importers

- 25. Provision of information regarding security
- 26. Flexibility guidance pack
- 27. Assurance
- 28. Register of relevant energy smart appliances placed on the market

PART 3

Enforcement and Civil Sanctions

- 29. Enforcement
- 30. Service
- 31. Compliance notice
- 32. Civil penalties
- 33. Notice of intent
- 34. Final notice
- 35. Appeals against final notices
- 36. Enforcement of civil penalty
- 37. Enforcement undertaking
- 38. Contents of an enforcement undertaking
- 39. Acceptance of an enforcement undertaking
- 40. Discharge of an enforcement undertaking
- 41. Appeals relating to the discharge of enforcement undertaking
- 42. Inaccurate, incomplete or misleading information
- 43. Non-compliance with an enforcement undertaking
- 44. Publication of cases of civil sanctions and enforcement undertakings
- 45. Amendment of the Consumer Rights Act 2015

PART 4

Consequential, transitional and saving provisions

- 46. Revocation of the EVSCP Regulations
- 47. Amendment of the Product Security and Telecommunications Infrastructure (Security Requirements for Relevant Connectable Products) Regulations 2023
- 48. Transitional provision
- 49. Savings

PART 5

Review

- 50. Review

The Secretary of State makes these Regulations in exercise of the powers conferred by paragraph 12(1)(a) of Schedule 5 to the Consumer Rights Act 2015^(a), sections 239(1), (2)(d), (e), (4) and (5), 240(1)(a), (c) and (2)(a), 241(1), (2)(a), (b), (5), (8), 242(1) and (2), 243(1) and (2), 330(1)(a) and 331(2)(b) of the Energy Act 2023^(b) (“the Act”).

In accordance with section 239(3) of the Act, the Secretary of State has had regard to the desirability of ensuring the matters specified in section 239(3)(a) to (d) of the Act.

The Secretary of State has consulted in accordance with section 244(3) of the Act.

In accordance with section 331(3) of the Act, a draft of the instrument was laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Energy Smart Appliances Regulations 2026.
- (2) This Part and Part 5 come into force on the day after the day on which these Regulations are made.
- (3) Part 2 comes into force as follows—
 - (a) regulations 8 to 13, 15, 18, 19, 27 and 28 come into force six months after the day on which these Regulations are made;
 - (b) regulations 14, 16, 17, 20 to 26 come into force on 31st December 2027.
- (4) Parts 3 and 4 come into force six months after the day on which these Regulations are made.
- (5) These Regulations extend to England and Wales and Scotland.

Interpretation

2. In these Regulations—

“communications network” means an electronic communications network, being a transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description;

“default operational hours” means a default period during which the relevant energy smart appliance imports or exports electricity;

“electric vehicle” means a motor vehicle that can be propelled by electrical power derived from a storage battery (or for discharging electricity stored in such a vehicle), whether or not it can also be propelled by another kind of power;

(a) 2015 c. 15.
(b) 2023 c. 52.

“end-user” includes, in the case of a workplace charge point, the person who has control over the workplace charge point and who makes that workplace charge point available for use as such;

“ETSI EN 303 645” means the European Standard on Cyber Security for Consumer Internet of Things: Baseline Requirements(a), as it has effect from time to time;

“EVSCP Regulations” means the Electric Vehicles (Smart Charge Points) Regulations 2021(b);

“flexibility agreement” means an agreement pursuant to which the end-user of a relevant energy smart appliance has agreed that the relevant energy smart appliance will be provided with flexibility services;

“flexibility services” means services involving—

- (a) increasing or decreasing the rate of electricity flowing through a relevant energy smart appliance, or
- (b) changing the time at which electricity flows through the relevant energy smart appliance;

“importer” means a person who is established in the United Kingdom and places a product from a country outside the United Kingdom on the market of Great Britain;

“make available on the market” means advertise, offer to supply or supply a product for distribution or use on the market of Great Britain in the course of a business, whether in return for payment or free of charge, and related expressions must be construed accordingly;

“manufacturer” means a person who—

- (a) manufactures a product, or
- (b) has a product designed or manufactured,

and markets that product under its name or trademark or that of an entity under its control;

“peak hours” means the period from—

- (a) 8:00 a.m. to 11:00 a.m., and
- (b) 4:00 p.m. to 10:00 p.m.,

on weekdays;

“placing on the market” means the first making available of a product on the market of Great Britain, and related expressions must be construed accordingly (see also regulation 7(3));

“recall” means any measure aimed at achieving the return of a relevant energy smart appliance that has already been made available to the end-user, and related expressions must be construed accordingly;

“relevant appliance” means any of the following—

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- (a) The European Standard on Cyber Security for Consumer Internet of Things: Baseline Requirements (ETSI EN 303 645) is the standard set by the European Telecommunications Standards Institute for standardisation of Cyber Security for Consumer Internet of Things Products. The standard is available free of charge at <https://www.etsi.org/standards#page=1&search=ETSI%20EN%20303%20645&title=1&etsiNumber=1&content=1&version=0&onApproval=1&published=1&withdrawn=1&historical=1&isCurrent=1&superseded=1&startDate=1988-01-15&endDate=2025-08-22&harmonized=0&keyword=&TB=&stdType=&frequency=&mandate=&collection=&sort=1>. A copy can also be inspected free of charge by appointment by contacting the Office for Product Safety and Standards at Stanton Avenue, Teddington, Middlesex, TW11 0JZ or by email at OPSS.enquiries@businessandtrade.gov.uk.
 - (b) S.I. 2021/1467.

- (a) a relevant smart battery energy storage system;
- (b) a relevant charge point;
- (c) a relevant electrical heating appliance;

“relevant charge point” means a charge point(a) to which these Regulations apply in accordance with regulation 3;

“relevant electrical heating appliance” means an electrical heating appliance to which these Regulations apply in accordance with regulation 4;

“relevant energy smart appliance” means any of the following—

- (a) a relevant smart battery energy storage system;
- (b) a relevant smart charge point;
- (c) a relevant smart electrical heating appliance;

“relevant smart battery energy storage system” means a smart battery energy storage system to which these Regulations apply in accordance with regulation 5;

“relevant smart charge point” means a relevant charge point with the energy smart function(b);

“relevant smart electrical heating appliance” means a relevant electrical heating appliance with the energy smart function;

“relevant version of ETSI EN 303 645” has the meaning given in regulation 16(4);

“time-of-use tariff” means an electricity tariff under which the unit price for electricity varies throughout the day;

“Tribunal” means the First-tier Tribunal;

“weekday” means a day other than a Saturday or Sunday;

“withdraw” means, in relation to a relevant energy smart appliance, any measure aimed at preventing the appliance in the supply chain from being made available on the market, and related expressions must be construed accordingly;

“workplace charge point” means a charge point which is intended solely for the use of—

- (a) employees and contractors at their workplace, or
- (b) visitors to that workplace, excluding persons intending to purchase goods or services.

Application to relevant charge point

3.—(1) These Regulations apply to charge points which—

- (a) can connect to the electricity grid, and
- (b) are intended to be used for charging cars, vans or both of them.

(2) These Regulations do not apply to—

- (a) non-smart cables;
- (b) rapid charge points;

(a) The meaning of “charge point” is defined in the Energy Act 2023, section 239(7), which adopts the meaning set out in the Automated and Electrical Vehicles Act 2018 (c. 18), section 9.

(b) “Energy smart function” is defined in section 238(3) of the Energy Act 2023.

(c) public charge points.

(3) These Regulations do not apply to a replacement charge point for a period of two years beginning with the day on which Chapter 3 of Part 2 comes into force.

(4) In paragraph (3), “replacement charge point” means a charge point supplied by a manufacturer or importer to replace a defective charge point that was supplied before Chapter 3 of Part 2 comes into force.

(5) In this regulation—

- (a) “car” means a motor vehicle designed and constructed primarily for the carriage of passengers and their luggage, with not more than eight seating positions in addition to the driver's seating position and without space for standing passengers, regardless of whether the number of seating positions is restricted to the driver's seating position;
- (b) “van” means a motor vehicle designed and constructed primarily for the carriage of goods with a maximum mass not exceeding 3.5 tonnes;
- (c) “non-smart cable” means an electrical cable which is a charge point but which is not able to send and receive information independently to or from a communications network or the electricity grid;
- (d) “rapid charge point” means a charge point that allows for a transfer of electricity to an electric vehicle with a power of not less than 50 kilowatts;
- (e) “public charge point” includes, subject to paragraph (f), a charge point that—
 - (i) may only be accessed during specific hours, or
 - (ii) is situated in a public car park, whether or not that car park is available only to persons intending to purchase specific goods or services;
- (f) “public charge point” does not include—
 - (i) a workplace charge point;
 - (ii) a charge point restricted for the exclusive use by—
 - (aa) a vehicle produced by a specific manufacturer,
 - (bb) a person engaged in a specific occupation, or
 - (cc) an occupier of, or visitor to, residential premises.

Application to relevant electrical heating appliances

4.—(1) These Regulations apply to the following electrical heating appliances—

- (a) relevant heat pumps;
- (b) storage heaters;
- (c) relevant heat batteries;
- (d) hot water heat pumps;
- (e) standalone direct electric hot water cylinders;
- (f) hybrid heat pumps.

(2) These Regulations do not apply to electrical heating appliances that have a rated thermal capacity of more than 45 kilowatts.

(3) These Regulations do not apply to a replacement electrical heating appliance on or before 31st December 2029.

(4) In paragraph (3), “replacement electrical heating appliance” means an electrical heating appliance supplied by a manufacturer or importer to replace a defective electrical heating appliance that was supplied before 31st December 2029.

(5) In this regulation—

- (a) “relevant heat pump” means a heat pump that is not—
 - (i) placed on the market as part of a hybrid heat pump system, or
 - (ii) an air-to-air heat pump;
- (b) “storage heater” means a non-hydronic heater which—
 - (i) stores thermal energy converted from electricity in an internal accumulating core for subsequent release, and
 - (ii) is designed to operate as one of a number of distributed units within premises;
- (c) “relevant heat battery” means an appliance that—
 - (i) consists of a fixed storage medium that retains thermal energy and a mechanism to transfer that energy to a separate working fluid during discharge, and
 - (ii) can be charged directly from the grid;
- (d) “hot water heat pump” means a water cylinder integrated with a heat pump which uses electricity to transfer ambient heat from the air to heat water;
- (e) “standalone direct electric hot water cylinder” means a water cylinder that—
 - (i) is not connected to a centralised space heating device, and
 - (ii) heats water directly using the Joule effect in its electric resistance heating elements only;
- (f) “hybrid heat pump” means—
 - (i) a package containing all the necessary HHPS components, or
 - (ii) all of the necessary HHPS components integrated in a unit, whether or not the package, or unit, contains any other device.

(6) For the purposes of paragraph (5) and this paragraph—

“air-based heating system” means either or both of equipment or components of equipment necessary for the supply of heated air by means of a device for moving air, either through ducting or directly into the heated space, where the purpose of the system is to attain and maintain the desired indoor temperature of an enclosed space in any part of a building, for the thermal comfort of human beings;

“air-to-air heat pump” means a heat pump whose—

- (a) heat generator uses a vapour compression cycle driven by an electric motor or internal combustion engine, and
- (b) evaporator which transfers heat from ambient air to an air-based heating system;

“centralised space heating device” means a device designed to provide space heating to multiple rooms or zones within a building via a central heating system;

“fuel boiler” means an appliance or component of an appliance that—

- (a) generates heat by burning fossil fuels or biomass fuels or both, and
- (b) may be equipped with one or more additional heat generators using the Joule effect in electric resistance heating elements;

“heat pump” means an appliance that—

- (a) uses ambient heat from an air source, water source or ground source or waste heat for heat generation, and
- (b) may be equipped with one or more supplementary heater using the Joule effect in electric resistance heating elements;

“hybrid heat pump system” means a heating system that contains the following components (each a “necessary HHPS component”)—

- (a) a heat pump,
- (b) a fuel boiler, and
- (c) a master controller which determines, based on operating conditions, the heat output of each of the heaters.

Application to relevant smart battery energy storage systems

5.—(1) These Regulations apply to smart battery energy storage systems.

(2) These Regulations do not apply to a replacement smart battery energy storage system on or before 31st December 2029.

(3) In paragraph (2), “replacement smart battery energy storage system” means a smart battery energy storage system supplied by a manufacturer or importer to replace a defective smart battery energy storage system that was supplied before 31st December 2029.

(4) In this regulation—

- (a) “battery cell” means a single anode and cathode separated by electrolyte used to produce a voltage and current;
- (b) “battery pack” means a set of rechargeable battery cells that are enclosed in an outer casing so as to form a complete unit;
- (c) “bi-directional power conversion sub-system” means a sub-system that charges and discharges the battery pack—
 - (i) by drawing electric current from a supply of alternating current and converting it into a direct electric current, and
 - (ii) converting a direct electric current into an alternating current via an inverter;
- (d) “auxiliary sub-system” means a sub-system that supports the bi-directional power conversion sub-system;
- (e) “battery energy storage system” means a battery pack that—
 - (i) has a battery capacity of at least 1 kilowatt hour,
 - (ii) has a maximum power output level of at least 1 kilowatt,
 - (iii) is designed to be wired into a consumer side of a meter used by a holder of a licence under section 6(1)(d) of the Electricity Act 1989(a) for billing purposes;
 - (iv) is designed to become a fixture of a building when installed,
 - (v) has a bi-directional power conversion sub-system, and
 - (vi) has an auxiliary sub-system;
- (f) “smart battery energy storage system” means a battery energy storage system with the energy smart function.

(a) 1989 c. 29. Section 6 was substituted, together with sections 6A and 6B, for section 6 as originally enacted, by section 30 of the Utilities Act 2000 (c. 27). There are other amendments to section 6 not relevant to this instrument.

Placing a relevant appliance on the market

6.—(1) A manufacturer or importer must not place a relevant appliance on the market on or after the relevant day unless the relevant appliance is manufactured or configured in accordance with the applicable requirements in Part 2 of these Regulations.

(2) Before a relevant energy smart appliance is placed on the market on or after the relevant day, the manufacturer or importer who places that relevant energy smart appliance on the market must have complied with all the applicable obligations in Chapter 6 of Part 2 (but see regulation 27(3)).

(3) In this regulation, “the relevant day” means—

- (a) in relation to a relevant charge point, the day on which Chapter 3 of Part 2 comes into force;
- (b) in relation to a relevant electrical heating appliance and a relevant smart battery energy storage system, 31st December 2027.

(4) If there is more than one manufacturer or importer of a relevant energy smart appliance placing a relevant energy smart appliance on the market, each manufacturer or importer must meet the applicable requirements in these Regulations.

Duty to take action in respect of non-compliant energy smart appliance placed on the market

7.—(1) A manufacturer or importer who considers, or has reason to believe, on or after the relevant day, that the relevant energy smart appliance which that manufacturer or importer has placed on the market does not conform with one or more of the applicable requirements in these Regulations must immediately take all the corrective measures necessary to—

- (a) ensure that the relevant energy smart appliance complies with these Regulations,
- (b) withdraw the relevant energy smart appliance, or
- (c) recall the relevant energy smart appliance.

(2) The manufacturer or the importer, after taking any corrective measure, must provide, without delay, the specified information in relation to the relevant energy smart appliance being subject to that corrective measure to—

- (a) the Secretary of State^(a), and
- (b) the first person to whom the relevant energy smart appliance was supplied after it was placed on the market.

(3) For the purposes of these Regulations—

- (a) if any relevant energy smart appliance that has been recalled or withdrawn from the market is made available on the market again, it is deemed to have been placed on the market on the day when it is made available on the market again after being recalled or withdrawn;
- (b) any relevant energy smart appliance that has been subject to any corrective measure under paragraph (1)(a) is deemed to have been placed on the market again on the day when the corrective measure is taken.

(4) If there is more than one manufacturer or importer of a relevant energy smart appliance placing a relevant energy smart appliance on the market, the duty imposed by this regulation falls on each of the manufacturers or importers.

(5) In this regulation—

(a) “Enforcement authorities” is defined in section 241(2)(a) of the Energy Act 2023 as the authorities designated to carry out enforcement of any prohibition or requirement imposed by or under these Regulations.

“relevant day” means—

- (a) in relation to a relevant smart charge point, the day on which Chapter 3 of Part 2 comes into force;
- (b) in relation to a relevant smart electrical heating appliance or a relevant smart battery storage system, 31st December 2027;

“specified information” means—

- (a) the model and variant of the relevant energy smart appliance;
- (b) details of the non-compliance with any applicable requirements in these Regulations;
- (c) description of the harm caused or could be caused to consumers as a result of the non-compliance;
- (d) information that would enable the Secretary of State to locate the relevant energy smart appliance;
- (e) description of the corrective measure taken.

PART 2

Requirements in relation to relevant energy smart appliances and obligations on manufacturers and importers

Chapter 1

General

Application

8. This Part applies to—

- (a) a relevant smart charge point on the day when this regulation comes into force (but see regulation 3(3));
- (b) a relevant smart electrical heating appliance and a relevant smart battery storage system on 31st December 2027 (but see regulations 4(3) and 5(2)).

Chapter 2

Requirements in relation to all relevant energy smart appliances

Communication

9. A relevant energy smart appliance must be manufactured or configured so that it is able to send and receive information via a communications network.

User interface

10.—(1) A relevant energy smart appliance must have at least one user interface.

(2) In the case of a relevant smart electrical heating appliance or relevant smart battery energy storage system, this user interface must be a digital interface.

(3) In this regulation, “digital interface” means an interface on a digital device that is separate from the relevant energy smart appliance.

Primary function

- 11.—**(1) A relevant energy smart appliance must be manufactured or configured so that—
- (a) if it ceases to be connected to a communications network, it remains capable of carrying out its primary function, and
 - (b) if it fails to carry out its primary function, the end-user is notified of this failure.
- (2) In this regulation and regulation 12, the primary function of—
- (a) a relevant smart charge point is charging an electric vehicle;
 - (b) a relevant smart electrical heating appliance is, as appropriate for the device—
 - (i) space heating, or
 - (ii) heating hot water to the required temperature;
 - (c) a relevant smart battery energy storage system is—
 - (i) charging;
 - (ii) storing electrical energy for the subsequent use by the end-user;
 - (iii) discharging for the use by the end-user or exporting electricity to the electricity grid.

Electricity supplier interoperability

- 12.—**(1) A relevant energy smart appliance must not be manufactured or configured so that—
- (a) it will cease to have the energy smart function, or
 - (b) it will cease to have its primary function,
- if the end-user switches to a different electricity supplier.
- (2) In this regulation, “electricity supplier” means a person who is either authorised to supply electricity by a licence or is exempted from the requirement to hold a licence under Part 1 of the Electricity Act 1989.

Safety

- 13.—**(1) A relevant energy smart appliance must be manufactured or configured so that it will override signal or user input if such signal or user input would result in a risk to the health or safety of people or property.
- (2) A relevant smart electrical heating appliance must be manufactured or configured in such a way that it will not execute any user input if such execution would result in a risk to it being damaged.

Measuring system

- 14.—**(1) A relevant energy smart appliance must be manufactured, configured or capable of being configured by the end-user with a display subject to metrological control so that the end-user can view the specified information by reference to—
- (a) any occasion on which the relevant energy smart appliance was used to import or export electrical energy within the period of 12 months immediately before the day on which the end-user views the information;
 - (b) any calendar month within the period of 12 months immediately before the day on which the end-user views the information;

- (c) the period of 12 months immediately before the day on which the end-user views the information.

(2) A relevant energy smart appliance must be manufactured with a Class B active electrical energy meter under metrological control so that it complies with all the requirements imposed on such meters by the Measuring Instruments Regulations 2016(a).

(3) In this regulation—

“active electrical energy meter” means a device which measures the active electrical energy consumed in a circuit which is intended for residential, commercial or light industrial use;

“metrological control” means the requirements in the Measuring Instruments Regulations 2016 that ensure the accuracy and reliability of a device’s meter;

“specified information” means—

- (a) the electrical energy a relevant energy smart appliance has imported or exported, measured or calculated in watt-hours, and
- (b) the length of time for which the relevant energy smart appliance has imported or exported electrical energy.

Randomised delay

15.—(1) A relevant energy smart appliance must be manufactured or configured so that—

- (a) it is capable of operating, at each relevant time, with a delay of up to 30 minutes, such delay to be of a random duration which is determined, to the nearest second, at each such relevant time, and
- (b) the duration of the delay can be adjusted remotely via a communications network by a load controller.

(2) A relevant energy smart appliance must be manufactured or configured so that—

- (a) subject to sub-paragraph (b) and paragraph (3), at each relevant time it operates by default with a delay of up to 10 minutes, such delay to be of a random duration which is determined, to the nearest second, at each such relevant time;
- (b) at each relevant time, the end-user of the relevant energy smart appliance is able to cancel the delay referred to in sub-paragraph (a);
- (c) if the end-user of the relevant energy smart appliance cancels the delay referred to in sub-paragraph (a), the relevant energy smart appliance will by default operate with the delay referred to in sub-paragraph (a) when it is next used.

(3) A relevant energy smart appliance must be manufactured or configured so that the delay referred to in paragraph (2)(a) will not operate where it is providing response flexibility services at the relevant time.

(4) In this regulation—

“load controller” means a person other than an end-user of a relevant energy smart appliance who—

(a) S. I. 2016/1153. Requirements on class B active electrical energy meters are provided in regulations 46 to 52B and Schedules 1A, 1B, 1E and 1K to the Measuring Instruments Regulations 2016 (“the 2016 Regulations”). Regulations 46 to 52 of the 2016 Regulations were amended by regulations 30 of, and paragraphs 31 to 37 of Schedule 27 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696)(“the 2019 Regulations”). Regulations 52A and 52B were inserted by regulation 4 of, and paragraph 12(1) and (3) of Schedule 2 to the Product Safety and Metrology etc (Amendment etc) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460). Schedules 1A, 1B, 1E and 1K to the Measuring Instruments Regulations 2016 were inserted by regulation 30 of, and paragraphs 49 of Schedule 27 to 2019 Regulations. There are other amendments not relevant to this instrument.

- (a) creates a load control signal^(a);
- (b) changes a load control signal;
- (c) controls the timing of the sending of a load control signal for the purpose of adjusting the immediate or future flow of electricity into or out of an energy smart appliance or another appliance in response to the load control signal;

“relevant time” means the point in time at which, but for the delay referred to in paragraph (2)(a)—

- (a) electricity would start flowing through the relevant energy smart appliance, or
- (b) the rate of electricity flowing through the relevant energy smart appliance would be adjusted;

“response flexibility services” means flexibility services where the provision of such services is directly controlled by a load controller.

Compliance with ETSI EN 303 645

16.—(1) A relevant energy smart appliance must be manufactured or configured to comply with all the applicable provisions in the section entitled “Cyber security provisions for consumer IoT” (“the cyber security section”) of the relevant version of ETSI EN 303 645, as that section is amended from time to time.

(2) The manufacturer must prepare a written statement in English to accompany the relevant smart appliance to the effect that the manufacturer will ensure that the relevant energy smart appliance will continue to comply with all the applicable provisions in the cyber security section in the relevant version of ETSI EN 303 645 after the relevant energy smart appliance is placed on the market.

(3) When construing a provision in the cyber security section of the relevant version of ETSI EN 303 645, regard must be had to any notes and examples listed below that provision.

(4) In this regulation, “relevant version of ETSI EN 303 645” means, in relation to a relevant energy smart appliance—

- (a) in the case where ETSI EN 303 645 was last amended more than 20 months before the day on which that relevant energy smart appliance is placed on the market, the version of ETSI EN 303 645 that was most recently published before the day when that energy smart appliance is placed on the market;
- (b) in any other case, at the option of the manufacturer—
 - (i) the version of ETSI EN 303 645 that was most recently published 20 months before the day on which that relevant energy smart appliance is placed on the market, or
 - (ii) the version of ETSI EN 303 645 that was most recently published before the day when that energy smart appliance is placed on the market.

Protection against physical damage and unauthorised access

17.—(1) A relevant energy smart appliance must be manufactured or configured to provide an adequate level of protection against physical damage to the relevant energy smart appliance.

(2) A relevant energy smart appliance must have a tamper-protection seal or sticker and a tamper-protection sensor on or within its casing to ensure any breach is identified.

(3) A relevant energy smart appliance must be manufactured or configured so that if there is any attempt to access its internal components, it notifies the end-user.

(a) The meaning of “load control signal” is defined in the Energy Act 2023, section 238(4).

Chapter 3

Requirements in relation to charge points

Energy smart function

18. A relevant charge point must be manufactured or configured to have the energy smart function.

Off-peak usage

19.—(1) Subject to paragraph (2), a relevant smart charge point must be manufactured or configured so that—

- (a) it incorporates default operational hours which are outside of peak hours;
- (b) when it is first used, the end-user is prompted to—
 - (i) accept the default operational hours,
 - (ii) remove the default operational hours, or
 - (iii) set different default operational hours;
- (c) at any time after it is first used, the end-user is able to—
 - (i) change or remove the default operational hours if these are in effect;
 - (ii) set default operational hours if none are in effect.

(2) The requirements in paragraph (1) do not apply if—

- (a) the relevant smart charge point is or is to be supplied with a flexibility agreement,
- (b) the relevant smart charge point is configured to comply with the requirements of the flexibility agreement, and
- (c) details of the flexibility agreement are included in the statement of compliance in accordance with the requirements of regulation 26(2).

(3) A relevant smart charge point must be manufactured or configured—

- (a) to operate during any default operational hours, unless the end-user of the relevant smart charge point has overridden the default mode of operation;
- (b) so that the end-user of the relevant smart charge point is able to override the provision of flexibility services.

(4) In this regulation, “default operational hours” means a default period during which the relevant smart charge point imports or exports electricity.

Chapter 4

Requirements in relation to electrical heating appliances

Energy smart function

20.—(1) A relevant electrical heating appliance must be manufactured or configured to have the energy smart function.

(2) The energy smart function may be integrated into the relevant electrical heating appliance, delivered by an add-on module or a combination of the two.

(3) If the energy smart function of a relevant electrical heating appliance is delivered in whole or in part by an add-on module, both the relevant electrical heating appliance and the add-on module must be placed on the market together.

(4) A relevant electrical heating appliance must be manufactured or configured so that it will notify the end-user in the event that it has lost its energy smart function.

(5) In this regulation, “add-on module” means a separate piece of hardware or software which has any or all of the following—

- (a) it is physically attached to the appliance;
- (b) it is connected to the appliance remotely;
- (c) it has capabilities delivered remotely through internet connectivity.

Off-peak usage

21.—(1) Subject to paragraph (2), a relevant smart electrical heating appliance must be manufactured or configured so that—

- (a) when it is first used, the end-user is prompted to—
 - (i) choose, from a list of non-core functions displayed on the appliance’s interface, which of the functions, if any, are to operate in the default operational hours;
 - (ii) for any chosen non-core function, accept or set different default operational hours;
- (b) at any time after it is first used, the end-user is able to—
 - (i) choose if any non-core function is to operate in the default operational hours;
 - (ii) change or remove any default operational hours that are in effect;
 - (iii) set the default operational hours if none are in effect.
- (2) The requirements in paragraph (1) do not apply where—
 - (a) the relevant smart electrical heating appliance is or is to be supplied with a flexibility agreement,
 - (b) the relevant smart electrical heating appliance is configured to comply with the requirements of the flexibility agreement, and
 - (c) details of the flexibility agreement are included in the statement of compliance in accordance with the requirements of regulation 26(2).
- (3) A relevant smart electrical heating appliance must be manufactured or configured—
 - (a) to operate during any operational hours, unless the end-user of the relevant smart electrical heating appliance has overridden the default mode of operation;
 - (b) so that the end-user of the relevant smart electrical heating appliance is able to override the provision of flexibility services.
- (4) In this regulation—

“default operational hours” means a default period which is outside of peak hours, during which, if accepted by the end-user, the relevant smart electrical heating appliance either imports electricity or utilises its stored thermal energy for its non-core functions;

“non-core functions” means any operational features that do not contribute to the direct and immediate delivery of space heating or hot water on demand.

Responsiveness status

22. A relevant smart electrical heating appliance must be manufactured or configured to send a signal to a communications network as to whether the appliance is responding to the communications network when the relevant smart electrical heating appliance receives a signal from the communications network.

Setting heating or hot water preferences on first use

23. A relevant smart electrical heating appliance must be manufactured or configured so that on first use, it will prompt the end-user to set the end-user's heating or hot water preference.

Chapter 5

Requirement in relation to relevant smart battery energy storage systems

Off-peak usage

24.—(1) Subject to paragraph (2), a relevant smart battery energy storage system must be manufactured or configured so that—

- (a) it incorporates default operational hours which are outside of peak hours;
 - (b) when it is first used, the end-user is prompted to—
 - (i) accept the default operational hours,
 - (ii) remove the default operational hours, or
 - (iii) set different default operational hours;
 - (c) at any time after it is first used, the end-user is able to—
 - (i) change or remove the default operational hours if these are in effect, or
 - (ii) set default operational hours if none are in effect.
- (2) The requirements in paragraph (1) do not apply where—
- (a) the relevant smart battery energy storage system is or is to be supplied with a flexibility agreement,
 - (b) the relevant smart battery energy storage system is configured to comply with the requirements of the flexibility agreement, and
 - (c) details of the flexibility agreement are included in the statement of compliance in accordance with the requirements of regulation 26(2).
- (3) A relevant smart battery energy storage system must be manufactured or configured—
- (a) to operate during any default operational hours, unless the end-user of the relevant smart battery energy storage system has overridden the default mode of operation;
 - (b) so that the end-user of the relevant smart battery energy storage system is able to override the provision of flexibility services.
- (4) In this regulation, “default operational hours” means a default period during which the relevant smart battery energy storage system imports or exports electricity.

Chapter 6

Other obligations on manufacturers and importers

Provision of information regarding security

25.—(1) A relevant energy smart appliance must be supplied with the following information—

- (a) contact details to which any security issue of the relevant energy smart appliance, including any issue regarding its vulnerability to a cyber-attack, can be reported;
- (b) the defined support period;
- (c) instructions on how to erase personal data from the relevant energy smart appliance and any cloud storage associated with the relevant energy smart appliance;

- (d) information that must be provided under any provision of the relevant version of ETSI EN 303 645.
- (2) In this regulation—
- “cyber-attack” means exploitation of—
 - (a) the energy smart function of a relevant energy smart appliance, or
 - (b) a communications network,in order to cause harm and disruption;
 - “defined support period” means the period of time for which security updates will be provided by or on behalf of the manufacturer;
 - “personal data” means any information relating to an identified or identifiable natural person.

Flexibility guidance pack

- 26.**—(1) A relevant energy smart appliance must be accompanied by a flexibility guidance pack prepared by the manufacturer.
- (2) The flexibility guidance pack must contain information on flexibility services and time-of-use tariffs that are compatible with the relevant energy smart appliance.
- (3) The flexibility guidance pack must be—
- (a) in plain English,
 - (b) easy to understand,
 - (c) tailor-made for the relevant energy smart appliance, and
 - (d) available online.

Assurance

- 27.**—(1) A relevant energy smart appliance must be accompanied by—
- (a) a statement of compliance prepared by the manufacturer, or
 - (b) a certified copy of that statement.
- (2) A “statement of compliance” must—
- (a) identify the relevant energy smart appliance by reference to its model and variant,
 - (b) contain statements that the relevant energy smart appliance complies with these Regulations and that the manufacturer is responsible for ensuring this compliance,
 - (c) contain information on flexibility services and time-of-use tariffs that are compatible with the relevant energy smart appliance,
 - (d) include the name and address of the manufacturer, and
 - (e) be signed by or on behalf of the manufacturer and dated.
- (3) The manufacturer must prepare a technical file in respect of a relevant energy smart appliance.
- (4) If the Secretary of State requests a copy of the technical file, the Secretary of State must be supplied with a copy of that file by—
- (a) in the case where the manufacturer places the relevant energy smart appliance on the market, the manufacturer;
 - (b) in any other case, the importer.

(5) In this regulation, a “technical file” means documentation which makes it possible to assess the relevant energy smart appliance’s compliance with these Regulations and which meets the requirements set out in paragraph (6).

- (6) The documentation in the technical file must—
- (a) include details of the manufacturing or configuration of the relevant energy smart appliance;
 - (b) include a general description of the relevant energy smart appliance and a copy of the operating manual in respect of it;
 - (c) include descriptions in plain English of the solutions adopted to meet the requirements of regulations 9 to 17, 19, 21 and 24 of these Regulations;
 - (d) include descriptions and explanations in plain English in respect of any diagrams or drawings used in the documentation;
 - (e) include copies of any test reports that have been completed in respect of the relevant energy smart appliance to prove compliance with these Regulations;
 - (f) include details of the version of the software operating on the relevant energy smart appliance at the time when the relevant energy smart appliance is placed on the market; and
 - (g) be up-to-date at the time when the relevant energy smart appliance is placed on the market.

Register of relevant energy smart appliances placed on the market

28.—(1) A manufacturer and importer must keep a register of any relevant energy smart appliance which has been placed on the market by them (“register of relevant ESAs placed on the market”).

- (2) The register of relevant ESAs placed on the market must include the following—
- (a) the date when the relevant energy smart appliance was placed on the market;
 - (b) the model of the relevant energy smart appliance;
 - (c) the variant of the relevant energy smart appliance;
 - (d) the number of units of that relevant energy smart appliance placed on the market;
 - (e) the location where they were placed on the market;
 - (f) the period for which the manufacturer will provide security updates to the end-user.

(3) If a relevant energy smart appliance has been subject to corrective measures in accordance with regulation 7(1), the register of relevant ESAs placed on the market must include the following—

- (a) the fact that the relevant energy smart appliance has been subject to corrective measures;
- (b) the date when the relevant energy smart appliance has been subject to corrective measures;
- (c) the number of units of that relevant energy smart appliance that was subject to corrective measures;
- (d) a description of the action being taken to bring the relevant energy smart appliance to compliance;
- (e) if the relevant energy smart appliance has been withdrawn or recalled, and is made available on the market again, the date when it is so made available.

(4) The information required to be kept under paragraph (2) must be kept for a period of ten years beginning with the day on which the relevant energy smart appliance is placed on the market.

(5) The information required to be kept under paragraph (3) must be kept for a period of ten years beginning with the day on which the relevant corrective measure is taken in relation to the relevant energy smart appliance.

PART 3

Enforcement and Civil Sanctions

Enforcement

29. The Secretary of State is responsible for enforcing the provisions of these Regulations.

Service

30.—(1) Any document served under these Regulations must be in writing and will be validly served on a person or entity if—

- (a) in the case of an individual, it is delivered to that person at their usual or last known address by post,
- (b) in the case of a company, other corporation or a partnership, it is delivered to its registered office or principal place of business by post, or
- (c) it is sent by electronic means to that person or entity.

(2) In the case of a company, other corporation or a partnership, a document may be served on a person holding a senior position within the company, corporation or partnership—

- (a) at that person's usual or last known address, or
- (b) by electronic means.

(3) In this regulation, “partnership” includes a Scottish partnership.

(4) Service is deemed to have been given—

- (a) in the case of notifications given under paragraph (1)(a), on the first working day after the day on which the document is delivered;
- (b) in the case of notifications given under paragraph (1)(b), on the second working day after the day on which the document is sent;
- (c) in the case of notifications given under paragraph (1)(c), on the first working day after the day on which the document is sent.

(5) In this regulation, “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971^(a) in any part of the United Kingdom.

Compliance notice

31.—(1) If the Secretary of State is satisfied on the balance of probabilities that a manufacturer or importer has breached regulation 6 or 7, the Secretary of State may serve a compliance notice on the manufacturer or importer who is in breach requiring the manufacturer or importer to take such steps as the Secretary of State considers appropriate in relation to the breach.

(2) A compliance notice may include a requirement to take such steps as the Secretary of State may specify to—

(a) 1971 c. 80.

- (a) secure that any relevant energy smart appliance which has not been manufactured or configured in accordance with the requirements in these Regulations (“non-compliant relevant energy smart appliance”) is recalled from end-users;
 - (b) bring the non-compliant relevant energy smart appliances into compliance with the requirements of these Regulations;
 - (c) secure the meeting of an obligation imposed on the manufacturer or importer by these Regulations;
 - (d) secure that any non-compliant relevant energy smart appliance is withdrawn from the market;
 - (e) provide a copy of the register of relevant ESAs placed on the market kept under regulation 28 to the Secretary of State within a reasonable time.
- (3) The Secretary of State may amend or withdraw any compliance notice if the Secretary of State considers it appropriate to do so.

Civil penalties

32.—(1) The Secretary of State may require a manufacturer or importer to pay any amount of civil penalty if the Secretary of State is satisfied, on the balance of probabilities, that—

- (a) the manufacturer or importer has not complied with a compliance notice served under regulation 31(1);
- (b) the manufacturer or importer has breached regulation 6 or 7.

(2) The Secretary of State may require a manufacturer or importer to pay a civil penalty pursuant to sub-paragraph (1)(b) without first serving a compliance notice under regulation 31(1) if the Secretary of State considers it appropriate to do so.

(3) The Secretary of State may require the manufacturer or importer to provide such information as is reasonable in connection with the determination of the appropriate amount of the civil penalty within such period as is reasonable.

(4) The civil penalty is payable into the Consolidated Fund.

Notice of intent

33.—(1) If the Secretary of State proposes to impose a civil sanction on a manufacturer or importer, it must serve on that person a notice of what is proposed (a “notice of intent”).

(2) The notice of intent must include—

- (a) the grounds for the proposed civil sanction;
- (b) the requirements of the notice of intent and, in the case of a civil penalty, the amount to be paid; and
- (c) information as to the right to make representations and objections within 28 days beginning with the day on which the notice of intent was received.

(3) The requirement to serve a notice of intent does not apply if—

- (a) the proposed civil sanction is a compliance notice, and
- (b) the Secretary of State reasonably considers that, in consequence of one or both of the matters referred to in paragraph (4), it is appropriate to serve a final notice pursuant to regulation 34(5) without first serving a notice of intent.

(4) The matters referred to in paragraph (3) are—

- (a) a risk of harm to, or disruption of, the electricity system;
- (b) a risk to public health or safety.

(5) A manufacturer or importer on whom a notice of intent is served may within a period of 28 days beginning with the day on which the notice was received make written representations and objections to the Secretary of State in relation to the proposed imposition of a civil sanction.

Final notice

34.—(1) Paragraphs (2) to (4) apply if a notice of intent has been served pursuant to regulation 33(1).

(2) After the end of the period for making representations and objections, the Secretary of State must decide whether to impose the requirements in the notice of intent, with or without modifications.

(3) If the Secretary of State decides to impose a requirement, it must serve a notice on the person (the “final notice”).

(4) Where the Secretary of State has served a notice of intent on the manufacturer or importer, the final notice must—

- (a) be in writing;
- (b) be dated;
- (c) include information as to whether the requirements in the notice of intent are being imposed with or without modifications;
- (d) if the requirements in the notice of intent are being imposed with modifications, include the grounds for this;
- (e) comply with paragraph (6) or (7).

(5) If, pursuant to regulation 33(3), the Secretary of State decides to impose a civil sanction on a person without serving a notice of intent on that person, it must serve a final notice which—

- (a) is in writing;
- (b) is dated;
- (c) complies with paragraph (6) or (7).

(6) A final notice relating to a compliance notice issued under regulation 31(1) must include information as to—

- (a) the grounds for imposing the final notice;
- (b) the steps required to be taken in relation to the breach;
- (c) the date by which the steps must be taken, which must be not less than 28 days from the date of the final notice;
- (d) rights of appeal;
- (e) the consequences of failing to comply with the notice.

(7) A final notice relating to a civil penalty must include information as to—

- (a) the grounds for imposing the penalty;
- (b) the amount to be paid;
- (c) how payment may be made;
- (d) the period within which payment must be made which must be not less than 28 days from the date of the final notice;
- (e) rights of appeal; and
- (f) the consequences of failing to comply with the notice.

Appeals against final notices

- 35.**—(1) The manufacturer or importer receiving the final notice may appeal against it.
- (2) The grounds for appeal are—
- (a) that the decision was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) in the case of a civil penalty, that the amount of the civil penalty is unreasonable;
 - (d) in the case of a non-monetary requirement, that the nature of the requirement is unfair or unreasonable;
 - (e) that the decision was wrong or unreasonable for any other reason.
- (3) Any appeal under this regulation must be made to the Tribunal.
- (4) An appeal must be brought within 28 days of the date on which the final notice is received.
- (5) Any compliance notice is suspended pending the appeal.
- (6) The Tribunal may, in relation to the imposition of a compliance notice—
- (a) withdraw the compliance notice;
 - (b) confirm the compliance notice;
 - (c) vary the compliance notice;
 - (d) take such steps as the Secretary of State could take in relation to the act or omission giving rise to the compliance notice;
 - (e) remit the decision whether to confirm the compliance notice, or any matter relating to that decision, to the Secretary of State.
- (7) The Tribunal may, in relation to the imposition of a civil penalty—
- (a) allow the appeal and cancel the civil penalty;
 - (b) allow the appeal and reduce the civil penalty;
 - (c) dismiss the appeal;
 - (d) dismiss the appeal and increase the civil penalty.
- (8) An appeal—
- (a) is to be a re-hearing of the Secretary of State’s decision to impose a civil sanction; and
 - (b) may be determined having regard to matters of which the Secretary of State was unaware.
- (9) Paragraph (8) has effect despite any provision of rules of the Tribunal.

Enforcement of civil penalty

- 36.**—(1) This regulation applies if a sum is payable to the Secretary of State as a civil penalty pursuant to these Regulations.
- (2) In England and Wales, the civil penalty is recoverable as if it were payable under an order of the county court in England and Wales.
- (3) In Scotland, the civil penalty may be enforced in the same manner as an extract registered decree arbitral bearing a warrant of execution issued by the sheriff court of any sheriffdom in Scotland.
- (4) If action is taken under this paragraph for the recovery of a sum payable as a civil penalty pursuant to these Regulations, the civil penalty is, in relation to England and Wales, to be treated

for the purposes of section 98 of the Courts Act 2003(a) (register of judgments and orders etc.) as if it were a judgement entered in the county court.

Enforcement undertaking

37. The Secretary of State may accept a written enforcement undertaking(b) given by a manufacturer or importer to the Secretary of State to take such action as may be specified in the undertaking within such period as may be specified if the Secretary of State has reasonable grounds to suspect that the manufacturer or importer has breached regulation 6 or 7.

Contents of an enforcement undertaking

38.—(1) An enforcement undertaking must specify—

- (a) action to be taken by the manufacturer or importer to secure that the breach does not continue or recur,
- (b) action to secure that the position is, so far as possible, restored to what it would have been if the breach had not been committed,
- (c) action (including the payment of a sum of money) to be taken by the manufacturer or importer to compensate any person affected by the breach, or
- (d) the period within which any specified action must be completed.

(2) An enforcement undertaking must include—

- (a) a statement that the undertaking is made in accordance with this Part;
- (b) the terms of the undertaking;
- (c) information as to how and when a manufacturer or importer is considered to have discharged the undertaking.

(3) The enforcement undertaking may be varied, or the period within which the action must be completed may be extended, if both parties agree in writing.

Acceptance of an enforcement undertaking

39. If the Secretary of State has accepted an enforcement undertaking, unless the manufacturer or importer from whom the undertaking is accepted has failed to comply with any part of the undertaking within the period within which the action must be completed, the Secretary of State may not impose on that manufacturer or importer a civil sanction in respect of the act or omission to which the undertaking relates.

Discharge of an enforcement undertaking

40.—(1) If the Secretary of State is satisfied that an enforcement undertaking has been complied with, it must issue a certificate to the manufacturer or importer to that effect.

(2) The Secretary of State may require the manufacturer or importer who has given the undertaking to provide sufficient information to determine that the undertaking has been complied with.

(3) The manufacturer or importer who gave the undertaking may at any time apply for such a certificate.

(a) 2003 c. 39; section 98 has been amended by sections 48(1) and 106(2) of, and paragraph 55(1), (2), (3)(a) and (b) of Schedule 8 and paragraph 15 of Schedule 16 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15) and section 17(5) of, and paragraph 40(a) and (c) of Part 2 of Schedule 9 to, the Crime and Courts Act 2013 (c. 22). Further amendments made by the Tribunals, Courts and Enforcement Act 2007 have yet to be brought into force.

(b) The meaning of “enforcement undertaking” is defined in the Energy Act 2023, section 241(9).

(4) The Secretary of State must decide whether to issue such a certificate, and give written notice of the decision to the applicant, within 14 days of such an application.

Appeals relating to the discharge of enforcement undertaking

41.—(1) A manufacturer or importer to whom a notice is given pursuant to regulation 40(4) may appeal against a decision not to issue a certificate on the grounds that the decision—

- (a) was based on an error of fact;
- (b) was wrong in law;
- (c) was wrong, unfair or unreasonable for any reason.

(2) An appeal under paragraph (1) must be made to the Tribunal.

(3) An appeal must be brought within 28 days of the date on which written notice of the decision is received.

(4) The Tribunal may, in relation to the decision referred to in paragraph (1)—

- (a) confirm the decision,
- (b) vary the decision, or
- (c) remit the decision, or any matter relating to it, to the Secretary of State.

Inaccurate, incomplete or misleading information

42.—(1) A manufacturer or importer who has given inaccurate, misleading or incomplete information in relation to an enforcement undertaking is regarded as not having complied with it.

(2) The Secretary of State may by notice in writing revoke a certificate issued under regulation 40(1) if it was issued on the basis of inaccurate, incomplete or misleading information given by or on behalf of the manufacturer or importer.

Non-compliance with an enforcement undertaking

43.—(1) If a manufacturer or importer does not comply with an enforcement undertaking, the Secretary of State may in the case of a breach of regulation 6 or 7 impose a civil sanction.

(2) If a manufacturer or importer has complied partly but not fully with an enforcement undertaking, that partial compliance must be taken into account in connection with the imposition of a civil sanction on the manufacturer or importer.

Publication of cases of civil sanctions and enforcement undertakings

44.—(1) The Secretary of State must from time to time publish—

- (a) the cases in which civil sanctions have been imposed; and
- (b) cases in which an enforcement undertaking has been entered into.

(2) In paragraph (1)(a) the reference to cases in which civil sanctions have been imposed does not include cases if the sanction has been imposed but overturned on appeal.

(3) This regulation does not apply in cases if the Secretary of State considers that publication would be inappropriate.

Amendment of the Consumer Rights Act 2015

45. In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015(a) (investigatory powers etc.), at the end insert—

“regulation 29 of the Energy Smart Appliances Regulations 2026.”.

PART 4

Consequential, transitional and saving provisions

Revocation of the EVSCP Regulations

46. Subject to regulations 48 and 49, the EVSCP Regulations are revoked.

Amendment of the Product Security and Telecommunications Infrastructure (Security Requirements for Relevant Connectable Products) Regulations 2023

47.—(1) Schedule 3 (excepted connectable products) of the Product Security and Telecommunications Infrastructure (Security Requirements for Relevant Connectable Products) Regulations 2023(b) is amended as follows.

(2) Paragraph 2 is omitted.

(3) Before paragraph 3, insert—

“Relevant energy smart appliances

2A.—(1) Products are excepted under this paragraph if they are relevant energy smart appliances to which the Energy Smart Appliances Regulations 2026 (“the 2026 Regulations”) apply.

(2) In this paragraph, “relevant energy smart appliances” has the meaning given in regulation 2 of the 2026 Regulations.”.

Transitional provision

48.—(1) Regulation 9(4)(a) of the EVSCP Regulations continues to have effect in relation to any relevant charge point on or before 31st December 2027.

(2) Schedule 1 to the EVSCP Regulations continues to apply to any charge point to which those Regulations applied on or before 31st December 2027.

Savings

49.—(1) The EVSCP Regulations continue to have effect in relation to—

- (a) any charge point to which those Regulations applied that was supplied before the day on which Chapter 3 of Part 2 of these Regulations comes into force (“a predecessor charge point”);

(a) 2015 c. 15.

(b) S. I. 2023/1007.

- (b) any charge point that replaces a predecessor charge point.

PART 5

Review

Review

- 50.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in these Regulations; and
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before the end of the period of five years beginning with the day after the day on which these Regulations are made.
- (3) Subsequent reports must be published at intervals not exceeding five years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
 - (b) assess the extent to which those objectives are achieved,
 - (c) assess whether those objectives remain appropriate, and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Energy Security and Net Zero

Date

Name
Minister of State
Department for Energy Security and Net Zero

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made using powers in the Consumer Rights Act 2015 (c. 15) and the Energy Act 2023 (c. 52) to regulate the placing on the market in Great Britain of certain energy smart appliances.

Regulation 2 provides the relevant definitions to these Regulations.

Regulations 3 to 5 provide for the charge points, electrical heating appliances and smart battery energy storage systems to which these Regulations apply.

Regulation 6 prohibits the placing on the market of relevant charge points, relevant electrical heating appliances and relevant smart battery energy storage systems unless certain requirements set out in these Regulations are complied with. It also requires the manufacturer or importer who places that relevant energy smart appliance on the market to have complied with certain obligations before a relevant charge point, relevant electrical heating appliances and a relevant smart battery energy storage systems is placed on the market.

Regulation 7 imposes a duty on manufacturers or importers to take corrective measures if they consider, or have reason to believe, that any of the relevant energy smart appliances they placed on the market is not in conformity with one or more the applicable requirements in these Regulations. It also requires a manufacturer or importer to provide without delay specified information to the Secretary of State and the first person to whom the relevant energy smart appliance was supplied after it was placed on the market.

Regulation 8 sets out when the requirements in Part 2 apply to different relevant energy smart appliances.

Chapter 2 of Part 2 (Regulations 9 to 17) sets out the requirements that all relevant energy smart appliances must meet. In particular, Regulation 16 imposes a requirement to comply with the relevant section on cyber security in the European Standard on Cyber Security for Consumer Internet of Things: Baseline Requirements (ETSI EN 303 645). The standard is available free of charge at <https://www.etsi.org/standards#page=1&search=ETSI%20EN%20303%20645&title=1&etsiNumber=1&content=1&version=0&onApproval=1&published=1&withdrawn=1&historical=1&isCurrent=1&superseded=1&startDate=1988-01-15&endDate=2025-08-22&harmonized=0&keyword=&TB=&stdType=&frequency=&mandate=&collection=&sort=1>. A copy can also be inspected free of charge by appointment by contacting the Office for Product Safety and Standards at Stanton Avenue, Teddington, Middlesex, TW11 0JZ or by email at OPSS.enquiries@businessandtrade.gov.uk.

Chapter 3 of Part 2 (Regulations 18 and 19) provides for requirements specific to charge points, including the energy smart function (Regulation 18) and off-peak usage (Regulation 19).

Chapter 4 of Part 2 (Regulations 20 to 23) provides for requirements specific to electrical heating appliances, including the energy smart function (Regulation 20), off-peak usage (Regulation 21), responsiveness status (Regulation 22) and setting heating or hot water preferences on first use (Regulation 23).

Chapter 5 of Part 2 (Regulation 24) provides for an off-peak usage requirement in relation to smart battery energy storage systems.

Chapter 6 of Part 2 (Regulations 25 to 28) provides for other obligations on manufacturers and importers.

Part 3 (Regulations 29 to 45) provides for the enforcement and civil sanctions regime for these Regulations.

Regulation 29 makes the Secretary of State responsible for enforcing the provisions of these Regulations. Regulation 45 also amends the Consumer Rights Act 2015 (c. 15) to empower the Secretary of State to exercise the investigatory and enforcement powers conferred by that Act for the purposes of enforcing the requirements of these Regulations.

Part 4 (Regulations 46 to 49) provides for consequential, transitional and savings provisions. In particular, Regulation 46 revokes the Electric Vehicles (Smart Charge Points) Regulations 2021 (S.I. 2021/1467). Regulation 47 amends the Product Security and Telecommunications Infrastructure (Security Requirements for Relevant Connectable Products) Regulations 2023 (S.I. 2023/1007) to include relevant energy smart appliances to which these Regulations apply in the definition of excepted connectable products under those Regulations.

Regulation 50 provides for the Secretary of State to undertake a review of the regulatory provisions contained in these Regulations on a five-yearly basis.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Energy Security and Net Zero, 55 Whitehall, London SW1A 2HP and is published with an Explanatory Memorandum alongside this instrument on <https://www.legislation.gov.uk/>.

DRAFT