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| **SOMS: UPDATES 2022** |
| Lux Nova Partners Ltd has updated the “Sale, Operations and Maintenance Set” (“SOMS”) of contracts, first drafted in 2020 as part of the HNIP programme. The updates are intended to bring the contracts in line with current legislation (for example, following the UK’s exit from the European Union) and to address various drafting inconsistencies/ tidy-ups that have become apparent following the use of the documentation by the market. The update does not result in any substantive changes to the documentation or provide any new documents. This exercise may be undertaken in the future, in conjunction with a market consultation on the documents.  The following table sets out in more detail the scope of the updates undertaken:   |  |  |  | | --- | --- | --- | | **Document** | **Date of update** | **Detail of updates** | | 2022 02A: HNIP Template Energy Centre Lease | 30/09/2022 | * Updated statutory references * Clarification added that appropriate tailoring will be required where lease applies to assets which are not housed in one discrete building (for example ground source heat pumps or bore holes). * Tidy up of definitions * Removal of notices by way of fax | | 2022 02B: HNIP Template Easement | 30/09/2022 | * Updated statutory references * Simplification of recitals * Tidy up of definitions * Removal of notices by way of fax | | 2022 03 HNIP Template Concession Agreement | 30/09/2022 | * Updated statutory references * Clarification that a Concession may also be referred to as an Energy Services Agreement * Inclusion of pandemics/ epidemics to, and some tidying of, force majeure definition and alignment with other SOMs templates * Alignment of definitions of Good Industry Practice and Standards with other SOMs templates * Tidy up of other definitions * Inclusion of restriction on Developer in relation to use of electricity that could put an ESCO supplying electricity into breach of the Electricity (Class Exemptions from the Requirement for a Licence) Regulations 2001 * Clarification that the Developer cannot (like the ESCO) assign to an “Unsuitable Entity” * Removal of notices by way of fax | | 2022 06 HNIP Template DBOM Agreement | 30/09/2022 | * Updated statutory references * Tidy up of other definitions * Inclusion of more explicit CPs process * Removal of reference to ESCO Insurances as not relevant to contract. * Removal of notices by way of fax | | 2022 07 HNIP Template O&M Agreement | 30/09/2022 | * Updated statutory references * Inclusion of pandemics/ epidemics to, and some tidying of, force majeure definition and alignment with other SOMs templates * Alignment of definitions of Good Industry Practice and Standards with other SOMs templates * Tidy up of other definitions * Inclusion of restriction on Developer in relation to use of electricity that could put an ESCO supplying electricity into breach of the Electricity (Class Exemptions from the Requirement for a Licence) Regulations 2001 * Removal of notices by way of fax | | 2022 08 HNIP Template Use of System Agreement |  | * Updated statutory references * Clarification that the regimes included for termination/ transfer of assets will need carefully tailored to the wider commercial/ contractual matrix * Consolidation of drafting notes * Inclusion of pandemics/ epidemics to, and some tidying of, force majeure definition and alignment with other SOMs templates * Alignment of definitions of Good Industry Practice and Standards with other SOMs templates * Tidy up of other definitions * Removal of notices by way of fax | | 2022 09 HNIP Template Connection and Adoption Agreement |  | * Updated statutory references * Inclusion of pandemics/ epidemics to, and some tidying of, force majeure definition and alignment with other SOMs templates * Alignment of definitions of Good Industry Practice and Standards with other SOMs templates * Tidy up of other definitions * Inclusion of restriction on Developer in relation to use of electricity that could put an ESCO supplying electricity into breach of the Electricity (Class Exemptions from the Requirement for a Licence) Regulations 2001 * Clarification that the Developer cannot (like the ESCO) assign to an “Unsuitable Entity” * Removal of notices by way of fax | | 2022 10 and 12 HNIP Template Connection and Supply Agreement (Plot and Building) |  | * Updated statutory references * Inclusion of pandemics/ epidemics to, and some tidying of, force majeure definition and alignment with other SOMs templates * Alignment of definitions of Good Industry Practice and Standards with other SOMs templates * Inclusion of restriction on Plot / Building Developer in relation to use of electricity that could put an ESCO supplying electricity into breach of the Electricity (Class Exemptions from the Requirement for a Licence) Regulations 2001 * Removal of Deed of Variation concept from access provisions to simplify drafting * Removal of notices by way of fax | | 2022 11 HNIP Framework Supply Agreement |  | * Updated statutory references * Inclusion of pandemics/ epidemics to, and some tidying of, force majeure definition and alignment with other SOMs templates * Alignment of definitions of Good Industry Practice and Standards with other SOMs templates * Tidy up of other definitions * Rationalisation of references to connection points * Inclusion of restriction on Developer in relation to use of electricity that could put an ESCO supplying electricity into breach of the Electricity (Class Exemptions from the Requirement for a Licence) Regulations 2001 * Removal of notices by way of fax | | 2022 13 HNIP Template Residential Supply Agreement |  | * Updated statutory references * Inclusion of more explicit drafting to deal with pre-payment meters * Inclusion of pandemics/ epidemics to, and some tidying of, force majeure definition and alignment with other SOMs templates * Tidy up of other definitions * Inclusion of cap on liability for the customer * Inclusion of Heat Trust linked drafting notes in relation to service- failure payments | | 2022 14 HNIP Template Housing Association and Developer Supply Agreement |  | * Updated statutory references * Simplification of drafting notes * Clarification and simplification of references to connection points (including removal of block connection points) * Inclusion of pandemics/ epidemics to force majeure definition * Removal of notices by way of fax | | 2022 15 HNIP Template Commercial Supply Agreement |  | * Updated statutory references * Tidy up of definitions * Simplification of Contract Particulars * Inclusion of pandemics/ epidemics to, and some tidying of, force majeure definition and alignment with other SOMs templates * Alignment of definitions of Good Industry Practice and Standards with other SOMs templates * Inclusion of restriction on Customer in relation to use of electricity that could put an ESCO supplying electricity into breach of the Electricity (Class Exemptions from the Requirement for a Licence) Regulations 2001 * Removal of notices by way of fax | | 2022 16 HNIP Template Metering & Billing Agreement |  | * Updated statutory references * Tidy up of definitions * Inclusion of pandemics/ epidemics to, and some tidying of, force majeure definition and alignment with other SOMs templates * Alignment of definitions of Good Industry Practice and Standards with other SOMs templates * Removal of time is of the essence provision * Removal of notices by way of fax | |