

## SCHEDULES

### SCHEDULE 2

Section 11

#### NON-DOMESTIC RELIEF REGULATIONS FOR NORTHERN IRELAND

##### *Introduction*

- 1 In this Schedule—
- “energy supply” means—
    - (a) NI non-domestic electricity supply, or
    - (b) NI non-domestic gas supply;
  - “licensed supplier” means—
    - (a) a licensed electricity supplier, or
    - (b) a licensed gas supplier;
  - “NI non-domestic relief regulations” means regulations under section 11(1) or (2);
  - “support scheme” means provision in NI non-domestic relief regulations for—
    - (a) reducing the amounts that would otherwise be charged for energy supply by licensed suppliers, and
    - (b) making payments to those suppliers in respect of those reductions.

##### *Application of NI non-domestic relief regulations*

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- (1) NI non-domestic relief regulations may relate to charges for energy supply that took place before section 11 or the regulations came into force (including charges made or paid before that section or the regulations came into force).
  - (2) NI non-domestic relief regulations may apply to energy supply to only some descriptions of customers.
  - (3) NI non-domestic relief regulations may apply to only some descriptions or parts of energy supply.
  - (4) The power under section 26(2)(a) for non-domestic relief regulations to make different provision for different cases includes power for those regulations to make different provision—
    - (a) for energy supply to different descriptions of customers,
    - (b) for different descriptions of energy supply, or
    - (c) for different parts of energy supply.
  - (5) That includes different provision for reducing the amount that would otherwise be charged for energy supply by licensed suppliers.

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### *Delegation*

- 3 (1) NI non-domestic relief regulations may provide for functions (including functions involving the exercise of a discretion) to be exercisable by any person (including the Secretary of State).
- (2) In particular, the regulations may confer power—
- (a) to make rules or other subordinate legislation (and may provide for them to be made by statutory rule), or
  - (b) to give directions.

### *Powers and duties*

- 4 (1) NI non-domestic relief regulations may provide for duties to be imposed on, or powers to be conferred on, any person (including the Secretary of State).
- (2) That includes powers or duties relating to the provision, or making available, of information.

### *Modification of contracts*

- 5 NI non-domestic relief regulations may modify, or make other provision in relation to, the terms of contracts or other arrangements relating to energy supply.

### *Enforcement*

- 6 (1) NI non-domestic relief regulations may provide for civil penalties.
- (2) NI non-domestic relief regulations may provide for obligations under the regulations to be enforceable as, or as if they were, relevant requirements for the purposes of Article 41A or 41B of the Energy (Northern Ireland) Order 2003 ([S.I. 2003/419 \(N.I. 6\)](#)).

### *Exclusion of liability*

- 7 NI non-domestic relief regulations may provide for a person not to be liable in damages for things done or omitted in the exercise or purported exercise of functions under the regulations.

### *Avoidance of abuse or unreasonable reliance on support schemes*

- 8 NI non-domestic relief regulations may make provision to deal with the consequences of, or to prohibit or otherwise regulate, transactions or arrangements which the Secretary of State considers manipulate or otherwise abuse—
- (a) any support scheme, or
  - (b) the availability of any support scheme.

### *Financially disadvantaged customers*

- 9 (1) NI non-domestic relief regulations may make provision about the terms on which licensed suppliers are to provide energy supply to which a support scheme relates to a specified description of customers.
- (2) That includes provision about—

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- (a) terms on which the customers must, or must not, be provided with the energy supply;
  - (b) factors which must, or must not, be taken into account in deciding the terms on which the customers are to be provided with the energy supply;
  - (c) the way in which factors may be taken into account in deciding the terms on which the customers are to be provided with the energy supply.
- (3) The Secretary of State may specify a description of customers for the purposes of regulations under this paragraph only if the Secretary of State considers that customers within that description are financially disadvantaged.
- (4) This paragraph does not limit the provision that may be made under paragraph 5.