
STATUTORY INSTRUMENTS

2023 No. 455

The Energy Bills Discount Scheme Pass-through Requirement (Heat Suppliers) Regulations 2023

Establishment of consumer redress scheme: England and Wales and Scotland

9.—(1) For the purpose of section 19(10)(d) of the Act, Part 2 of the Consumers, Estate Agents and Redress Act 2007 applies to end users in England, Wales and Scotland, subject to the following modifications.

(2) Part 2 of that Act is to be read as if—

- (a) a reference to a regulated provider is a reference to an intermediary;
- (b) a reference to a relevant consumer is a reference to a microbusiness end user or a domestic end user;
- (c) any reference to a regulator or a relevant regulator is omitted;
- (d) the Secretary of State has made an order under section 47(1)(b) of that Act requiring all intermediaries with end users in England, Wales or Scotland to be members of a redress scheme administered by the Secretary of State (or a person appointed by the Secretary of State) and designated by the Secretary of State as an appropriate redress scheme in relation to them;
- (e) the order provides that the redress scheme is for the investigation of complaints made against an intermediary by or on behalf of a person in that person's capacity as a microbusiness end user or a domestic end user of the intermediary ("consumer complaints");
- (f) the redress scheme is a scheme under which consumer complaints may be made to, and investigated and determined by, the Energy Ombudsman;
- (g) the Energy Ombudsman may provide a microbusiness end user or a domestic end user with the following types of redress—
 - (i) providing an apology or explanation;
 - (ii) paying compensation; and
 - (iii) taking such other action in the interests of the end user as the Energy Ombudsman may specify;
- (h) section 52 of that Act provides for enforcement by civil sanctions under Schedule 4 to the Metering and Billing Regulations (as modified by regulation 10 of these Regulations) of the requirement for an intermediary to be a member of the redress scheme;
- (i) the order comes into force on the day on which these Regulations come into force.

(3) In this regulation—

"domestic end user", in relation to an intermediary, means an end user who purchases heating or hot water for domestic use from the intermediary;

"intermediary" means—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) a heat supplier within the meaning of the Metering and Billing Regulations who supplies and charges for the supply of heating or hot water; or
- (b) a person who otherwise supplies and charges for the supply of heating or hot water to its end users through a heat network, where that person has been provided with a scheme benefit in accordance with regulation 3(2)(a) or (b) of these Regulations in respect of the energy used to produce the heating or hot water; and

“microbusiness end user” in relation to an intermediary, means an end user who purchases heating or hot water from the intermediary for use in a business which employs fewer than 10 employees and has an annual turnover or balance sheet total no greater than £2 million.