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DRAFT STATUTORY INSTRUMENTS

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**2011 No.**

**The Electricity and Gas (Carbon Emissions and  
Community Energy Saving) (Amendment) Order 2011**

**PART 3**

**Amendment of Electricity and Gas (Community  
Energy Saving Programme) Order 2009**

**Amendment of the Electricity and Gas (Community Energy Saving Programme) Order 2009**

6. The Electricity and Gas (Community Energy Saving Programme) Order 2009(1) is amended in accordance with the following provisions of this Part.

**Amendment of article 5 (definition of supplier)**

7.—(1) Article 5 (definition of supplier) is amended as follows.

(2) For paragraph (2) substitute—

“(2) A person must supply—

- (a) at least 50,000 domestic customers on 31st December of the year 2008, 2009 or 2010; or
- (b) at least 250,000 domestic customers on 31st December 2011.”.

(3) For paragraph (3) substitute—

“(3) A company that belongs to a group of companies must supply domestic customers and—

- (a) on 31st December of the year 2008, 2009 or 2010 the number of domestic customers of that company and of other companies in the group must be at least 50,000; or
- (b) on 31st December 2011 the number of domestic customers of that company and of other companies in the group must be at least 250,000.”.

**Amendment of article 13 (review of obligations by the Authority in relation to suppliers)**

8.—(1) Article 13 (review of obligations by the Authority in relation to suppliers) is amended as follows.

(2) For paragraph (6) substitute—

“(6) The number of domestic customers under paragraph (3)(b) on each 31st December subsequent to the commencement of the obligation period is deemed to be zero where—

- (a) in respect of any 31st December other than 31st December 2011—

- (i) a supplier belongs to a group of companies and that group has fewer than 50,000 domestic customers on that date; or
    - (ii) for any other supplier, that supplier has fewer than 50,000 domestic customers on that date;
  - (b) in respect of 31st December 2011—
    - (i) a supplier belongs to a group of companies and that group has fewer than 250,000 domestic customers on that date; or
    - (ii) for any other supplier, that supplier has fewer than 250,000 domestic customers on that date.”.
- (3) After paragraph (6) insert—
  - “(6A) The number of domestic customers under paragraph (4)(a) is deemed to be zero where—
    - (a) a supplier belongs to a group of companies and that group has fewer than 50,000 domestic customers on 31st December 2010; or
    - (b) for any other supplier, that supplier has fewer than 50,000 domestic customers on 31st December 2010.
  - (6B) The number of domestic customers under paragraph (4)(d) or (5)(c) is deemed to be zero where—
    - (a) a supplier belongs to a group of companies and that group has fewer than 250,000 domestic customers on 31st December 2011; or
    - (b) for any other supplier, that supplier has fewer than 250,000 customers on 31st December 2011.”.