
DRAFT STATUTORY INSTRUMENTS

2022 No.

**The Warm Home Discount (England
and Wales) Regulations 2022**

PART 3

The Core Spending Obligation

Determination of scheme customers by the Secretary of State

8.—(1) The Secretary of State may in any scheme year give a notice (a “rebate notice”) to a scheme electricity supplier specifying persons to whom the supplier must provide the prescribed rebate in accordance with regulation 10.

(2) The Secretary of State may give a scheme electricity supplier more than one rebate notice in a scheme year.

(3) A rebate notice may not be given—

- (a) before the eligibility statement for the scheme year in which the notice is to be given is published (see regulation 9);
- (b) in scheme year 15, after 1st March 2026.

(4) A rebate notice containing personal information (within the meaning of section 40(5) of the Digital Economy Act 2017(1)) may only be given if—

- (a) the personal information is given with the consent of the person to whom it relates,
- (b) regulations are in force under section 142 of the Pensions Act 2008(2) and those regulations authorise the Secretary of State to provide the supplier with the personal information contained in the notice, or
- (c) the Secretary of State is authorised by section 36 of the Digital Economy Act 2017(3) to provide the electricity supplier with the personal information contained in the notice.

(5) The Secretary of State may not specify a person (“P”) in a rebate notice unless it appears to the Secretary of State that—

- (a) P is an E&W domestic customer of the scheme electricity supplier,
- (b) the premises at which P is supplied, or is treated as supplied, with electricity (“the qualifying premises”) are occupied by P as their sole or main residence, and
- (c) P, or, where both P and P’s partner occupy the qualifying premises as their sole or main residence, P or P’s partner—
 - (i) is in receipt of guarantee credit, or
 - (ii) meets the criteria described in the relevant eligibility statement.

(1) 2017 c. 30.

(2) 2008 c. 30.

(3) Section 36 was amended by S.I. 2018/912.

Eligibility statement

9.—(1) The Secretary of State must publish an eligibility statement for each scheme year.

(2) An “eligibility statement” is a document which describes the criteria adopted by the Secretary of State for the purpose of providing the prescribed rebate in a scheme year to persons living in fuel poverty⁽⁴⁾ or in a fuel poverty risk group⁽⁵⁾.

(3) An eligibility statement—

- (a) may be for one or more scheme years;
- (b) must state which scheme year or years it is for.

(4) The Secretary of State may amend an eligibility statement for—

- (a) a scheme year, or
- (b) where a statement is for more than one scheme year, any or all of those scheme years.

(5) The Secretary of State must publish the amended eligibility statement.

Provision of rebate to core group customers

10.—(1) A scheme electricity supplier who is given a rebate notice must provide the prescribed rebate to each core group customer.

(2) In these Regulations “core group customer”, in relation to a scheme electricity supplier, means a person specified in a rebate notice who—

- (a) is an E&W domestic customer of the supplier, or
- (b) was an E&W domestic customer of the supplier, if, during the scheme year in which the notice is given, the supplier has informed the Secretary of State that the person is an E&W domestic customer of the supplier.

(3) The scheme electricity supplier must provide the prescribed rebate to a core group customer by—

- (a) crediting to the customer’s electricity account an amount as a result of which the amount (including Value Added Tax) charged to the customer is reduced by the amount of the prescribed rebate,
- (b) following a request by the customer, crediting to the customer’s gas account an amount as a result of which the amount (including Value Added Tax) charged to the customer is reduced by the amount of the prescribed rebate,
- (c) tendering payment of the amount of the prescribed rebate to the customer,
- (d) providing a customer who pre-pays for electricity with credit to the amount of the prescribed rebate against the cost (including Value Added Tax) of future electricity use, or
- (e) following a request by a customer who pre-pays for gas, providing the customer with credit to the amount of the prescribed rebate against the cost (including Value Added Tax) of future gas use.

(4) The date on which the prescribed rebate is provided to a core group customer is the date on which the scheme electricity supplier complies with paragraph (3).

(5) If the rebate notice is given to the scheme electricity supplier on or before 1st March in a scheme year, the supplier must provide the prescribed rebate to the core group customers specified in the notice by 31st March in that scheme year.

(4) See section 15(2)(a) of the Energy Act 2010 for the meaning of “living in fuel poverty”.

(5) See section 15(5) of the 2010 Act for the meaning of “fuel poverty risk group”.

(6) If the rebate notice is given to the scheme electricity supplier after 1st March in a scheme year—

- (a) the supplier must provide the prescribed rebate to the core group customers specified in the notice before the end of the period of 30 days beginning with the day on which it receives the notice, and
- (b) the prescribed rebate is to be treated as being provided in the scheme year in which the notice is given.

(7) A scheme electricity supplier who provides the prescribed rebate to a core group customer must—

- (a) specify on the customer's bill, or
- (b) otherwise notify the customer in writing,

that the customer has been given a rebate under the Scheme.

(8) This regulation is subject to regulation 11.

Exceptions

11.—(1) This regulation applies if the Secretary of State is satisfied that there are circumstances in which it would not be reasonably practicable for scheme electricity suppliers to provide the prescribed rebate to core group customers.

(2) The Secretary of State may determine that regulation 10 does not apply in those circumstances.

Provision of information by suppliers

12.—(1) The Secretary of State may direct scheme electricity suppliers to provide information to the Secretary of State, or a person providing services to the Secretary of State, about their E&W domestic customers for the purpose of facilitating the exercise of the power in regulation 8(1).

(2) A direction under paragraph (1)—

- (a) must be given to all scheme electricity suppliers to whom information may be disclosed under section 36(1) of the Digital Economy Act 2017, and
- (b) may only be given if—
 - (i) regulations are in force under section 142 of the Pensions Act 2008 and those regulations authorise the scheme electricity supplier to disclose to the Secretary of State the information specified in the direction, or
 - (ii) the scheme electricity supplier is authorised by section 37 of the Digital Economy Act 2017 to disclose to the Secretary of State the information specified in the direction.

(3) A direction under paragraph (1)—

- (a) must specify the information to be provided;
- (b) must specify the date on, or by, which the information is to be provided;
- (c) may specify the form in which the information is to be provided.

(4) A scheme electricity supplier must comply with a direction under paragraph (1).

(5) A scheme electricity supplier must notify the Secretary of State if a rebate notice given to the supplier specifies a person—

- (a) who is not a core group customer, or
- (b) whom the supplier is unable to identify as a core group customer.

(6) A supplier must give the notice under paragraph (5) before the end of the period of 30 days beginning with the day on which it receives the rebate notice.

(7) If, in relation to a scheme year, a scheme electricity supplier does not provide the prescribed rebate to any core group customer, the supplier must, before the end of the specified period, notify the Authority of—

- (a) the number of core group customers to whom the supplier has not provided the rebate,
- (b) the reasons why the supplier has not provided the rebate to those customers, and
- (c) any steps taken by the supplier to attempt to provide the rebate to those customers.

(8) A scheme electricity supplier must, before the end of the specified period, notify the Authority of the number of prescribed rebates provided, or treated as being provided, by the supplier under this Part in the scheme year which are undelivered as at the date of the notification.

(9) For the purposes of this regulation—

- (a) “the specified period”, in relation to a scheme year, means the period of five months beginning with 1st April immediately following the end of the scheme year;
- (b) a prescribed rebate is undelivered if—
 - (i) the rebate was provided to a customer by tendering payment of the amount of the prescribed rebate to the customer, and the customer has not accepted the payment, or
 - (ii) the rebate was provided to a customer who pre-pays for electricity or gas with credit to the amount of the prescribed rebate against the cost of future electricity or gas use, and the customer has not accepted that credit.

Provision of information by the Secretary of State

13. The Secretary of State must, in respect of each scheme electricity supplier, notify the Authority as soon as reasonably practicable after the end of each scheme year of—

- (a) the number of persons specified in rebate notices given to the supplier during the scheme year, and
- (b) the number of those persons in respect of whom the supplier has notified the Secretary of State under regulation [12\(5\)](#).

Interpretation of Part 3: references to the Secretary of State

14.—(1) In this Part, other than in the provisions specified in paragraph (2), references to the Secretary of State include a person providing services to the Secretary of State.

(2) The provisions mentioned in paragraph (1) are—

- (a) regulation [9](#);
- (b) regulation [11](#);
- (c) regulation [12\(1\)](#).