
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Electricity and Gas (Energy
Company Obligation) Order 2023

PART 5

ECO4A qualifying actions

CHAPTER 3

Measures accompanied by declaration from a relevant authority or participant

Measures accompanied by a declaration from a participant: debt, discretionary credit and self-disconnection

- 19.**—(1) A measure meets the condition in this article if—
- (a) the measure is installed at private domestic premises for which the pre-installation SAP band is band E, F or G;
 - (b) the participant promoting the measure makes a declaration which certifies that, having exercised all due diligence, it is satisfied that—
 - (i) the requirements specified in paragraph (2) are met; and
 - (ii) at least one of the criteria specified in article 18(2)(a) to (d) of the 2022 Order is met;
 - (c) the declaration referred to in sub-paragraph (b) is made within the 12 month period ending with the day immediately preceding the day on which the measure is completed; and
 - (d) the measure would have met the condition in article 13 if paragraph (1)(a) of that article were omitted (occupation by member of help to heat group).
- (2) The specified requirements are—
- (a) where consumption of gas or electricity at the domestic premises is paid for by a pre-payment meter—
 - (i) the pre-payment meter has, on at least one occasion during the period of 13 weeks ending with the day on which the declaration referred to in paragraph (1)(b) is made, held no credit with which to pay for the supply of gas or electricity; or
 - (ii) a person living at the premises—
 - (aa) has received discretionary credit from the participant on at least one occasion during the period of 13 weeks ending with the day on which the declaration referred to in paragraph (1)(b) is made;
 - (bb) is in a debt repayment plan with the participant; or
 - (cc) is repaying debt owed to the participant through third party deductions; or
 - (b) where consumption of gas or electricity at the domestic premises is paid for otherwise than by a pre-payment meter—

- (i) a person living at the premises has been in debt to the participant for a period of more than 13 weeks ending with the day on which the declaration referred to in paragraph (1)(b) is made; and
 - (ii) that person is—
 - (aa) in a debt repayment plan with the participant; or
 - (bb) repaying debt owed to the participant through third party deductions.
- (3) In paragraph (2)—
- “discretionary credit” means a payment which—
- (a) is intended to allow the consumption of gas or electricity at the domestic premises to resume or continue; and
 - (b) is to be repaid;
- “third party deductions” are deductions made from benefit in accordance with paragraph 6 of Schedule 9 to the Social Security (Claims and Payments) Regulations 1987⁽¹⁾.

(1) S.I. 1987/1968. Paragraph 6 of Schedule 9 was amended by S.I. 1991/2284, 1992/2595, 1996/1460, 1999/3178, 2002/3019, 2003/492, 2006/2377, 2013/443, 2021/456 and 2023/232.