

SCHEDULES

SCHEDULE 1

Section 9

NON-DOMESTIC RELIEF REGULATIONS FOR GREAT BRITAIN

Introduction

- 1 In this Schedule—
- “energy supply” means—
 - (a) GB non-domestic electricity supply, or
 - (b) GB non-domestic gas supply;
 - “licensed supplier” means—
 - (a) a licensed electricity supplier, or
 - (b) a licensed gas supplier;
 - “GB non-domestic relief regulations” means regulations under section 9(1) or (2);
 - “support scheme” means provision in GB 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 GB non-domestic relief regulations

- 2
- (1) GB non-domestic relief regulations may relate to charges for energy supply that took place before section 9 or the regulations came into force (including charges made or paid before that section or the regulations came into force).
 - (2) GB non-domestic relief regulations may apply to energy supply to only some descriptions of customers.
 - (3) GB non-domestic relief regulations may apply to only some descriptions or parts of energy supply.
 - (4) The power under section 26(2)(a) for GB 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.

Status: This is the original version (as it was originally enacted).

Delegation

- 3 (1) GB 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 instrument), or
 - (b) to give directions.

Powers and duties

- 4 (1) GB 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 GB 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) GB non-domestic relief regulations may provide for civil penalties.
- (2) GB 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 section 25 of the Electricity Act 1989 or section 28 of the Gas Act 1986.

Exclusion of liability

- 7 GB 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 GB 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) GB 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—

- (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.

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

- 2 (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,

Status: This is the original version (as it was originally enacted).

- (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.

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—
- (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.

SCHEDULE 3

Section 20

DOMESTIC GAS AND ELECTRICITY (TARIFF CAP) ACT 2018

Amendments to 2018 Act

- 1 The Domestic Gas and Electricity (Tariff Cap) Act 2018 is amended as follows.
- 2 (1) Section 1 (cap on standard variable and default rates) is amended as follows.
- (2) After subsection (3) insert—
- “(3A) If tariff cap conditions cease to have effect by virtue of section 8 in the case of supply licences for the supply of gas but continue to have effect in the case of supply licences for the supply of electricity, or vice versa, the reference in subsection (2)(b) to the standard supply licence conditions is to be construed accordingly.”
- (3) In subsection (6), after paragraph (d) insert—
- “(e) the need to set the cap at a level that takes account of the impact of the cap on public spending.”
- (4) After subsection (6) insert—
- “(6A) In performing the duty under subsection (6)(e), the Authority must have regard to any information provided to it by the Secretary of State, or any guidance given by the Secretary of State, in relation to the matter mentioned in that provision.”
- 3 (1) Section 5 (publication and effect of modifications) is amended as follows.
- (2) In subsection (4), for “56 days” substitute “25 working days”.
- (3) After subsection (4) insert—

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“(5) In subsection (4), “working day” means a day other than—

- (a) Saturday or Sunday,
- (b) Christmas Day or Good Friday, or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”

4 (1) Section 6 (review of level at which cap is set) is amended as follows.

(2) After subsection (1) insert—

“(1A) As soon as practicable after carrying out a review under subsection (1), the Authority must—

- (a) produce a statement stating whether, in consequence of the review, the Authority proposes to change the level at which the cap is set, and
- (b) send a copy of the statement to the Secretary of State.

(1B) The Authority must publish a statement under subsection (1A) as soon as practicable after complying with that subsection.”

(3) Omit subsection (2).

5 Omit section 7.

6 For section 8 substitute—

“8 Termination of tariff cap conditions

(1) The Secretary of State may at any time give a notice that tariff cap conditions are to cease to have effect in the case of—

- (a) all supply licences,
- (b) all supply licences for the supply of gas, or
- (c) all supply licences for the supply of electricity.

(2) Where the Secretary of State gives a notice under subsection (1), tariff cap conditions cease to have effect, in the case of licences to which the notice relates, on the date specified in the notice.

(3) In deciding whether to give a notice under subsection (1), the Secretary of State must have regard to the desirability of ensuring that tariff cap conditions continue to have effect—

- (a) in the case of supply licences for the supply of electricity, for so long as a scheme is designated for the purposes of section 2 of the Energy Prices Act 2022 (domestic electricity price reduction scheme for Great Britain);
- (b) in the case of supply licences for the supply of gas, for so long as a scheme is designated for the purposes of section 3 of the Energy Prices Act 2022 (domestic gas price reduction scheme for Great Britain).

(4) The Secretary of State must publish a notice under subsection (1).

(5) Where tariff cap conditions cease to have effect as provided by this section in the case of all supply licences, the functions of the Authority under section 1 cease to be exercisable.

Status: This is the original version (as it was originally enacted).

- (6) Where tariff cap conditions cease to have effect as provided by this section in the case of supply licences for the supply of gas, the functions of the Authority under section 1 cease to be exercisable in relation to such licences.
- (7) Where tariff cap conditions cease to have effect as provided by this section in the case of supply licences for the supply of electricity, the functions of the Authority under section 1 cease to be exercisable in relation to such licences.”
- 7 In section 9(1) (protection for domestic customers after termination of tariff cap conditions), for the words from “Before” to “the Authority must” substitute “The Authority must, at such intervals as it considers appropriate,”.
- 8 (1) Section 10 (consequential modification of standard supply licence conditions) is amended as follows.
- (2) In subsection (1), after “effect” insert “, in the case of all supply licences,”.
- (3) After subsection (1) insert—
- “(1A) The Authority may make such modifications of any standard conditions incorporated in supply licences by virtue of section 8 of the Gas Act 1986 as it considers necessary or expedient in consequence of tariff cap conditions ceasing to have effect as provided by section 8 in the case only of supply licences for the supply of gas.
- (1B) The Authority may make such modifications of any standard conditions incorporated in supply licences by virtue of section 8A of the Electricity Act 1989 as it considers necessary or expedient in consequence of tariff cap conditions ceasing to have effect as provided by section 8 in the case only of supply licences for the supply of electricity.”
- (4) In subsection (2)(a), for “the modifications” substitute “modifications made under this section”.
- (5) In subsection (3), after “modification” insert “made under this section”.

Transitional provision

- 9 (1) This paragraph applies if—
- (a) paragraph 5 of this Schedule comes into force on or after 1 November 2022, and
- (b) in relation to the review carried out in 2022 under section 7 of the 2018 Act (review of competition for domestic supply contracts), no statement was published in accordance with section 7(6) of that Act.
- (2) In such a case—
- (a) tariff cap conditions continue to have effect, notwithstanding section 8(3) of the 2018 Act, until they cease to have effect in accordance with section 8 of that Act (as substituted by paragraph 6 of this Schedule), and
- (b) section 7(5) and (6) of the 2018 Act (duty to publish statement following review) is to be treated as not having applied in relation to the review.
- (3) In this paragraph—

Status: This is the original version (as it was originally enacted).

“the 2018 Act” means the Domestic Gas and Electricity (Tariff Cap) Act 2018;

“tariff cap conditions” has the same meaning as in the 2018 Act.

SCHEDULE 4

Section 23

REGULATION OF THE NORTHERN IRELAND ENERGY MARKET

Simplification of procedure for modifying conditions of electricity licences

- 1 (1) This paragraph applies to the exercise of the power conferred by Article 14 of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)) (modification of conditions of electricity licences) by the Northern Ireland Regulator in response to the energy crisis.
- (2) These provisions of Article 14 do not apply to the exercise of the power—
 - (a) paragraphs (2)(d), (3), (5) and (8)(c) (representations with respect to proposed modification);
 - (b) paragraph (10) (56 day standstill period before modification takes effect).
- (3) If, before the Northern Ireland Regulator decides to proceed with the making of a proposed modification by the exercise of the power, the Department directs the Regulator not to make that modification, the Regulator shall comply with the direction.
- (4) Article 14(7) has effect subject to sub-paragraph (2).
- (5) An appeal may not be brought under Article 14B in respect of the exercise of the power.

Simplification of procedure for modifying conditions of gas licences

- 2 (1) This section applies to the exercise of the power conferred by Article 14 of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)) (modification of conditions of gas licences) by the Northern Ireland Regulator in response to the energy crisis.
- (2) These provisions of Article 14 do not apply to the exercise of the power—
 - (a) paragraphs (2)(d), (3), (5) and (8)(c) (representations with respect to proposed modification);
 - (b) paragraph (10) (56 day standstill period before modification takes effect).
- (3) If, before the Northern Ireland Regulator decides to proceed with the making of a proposed modification by the exercise of the power, the Department directs the Regulator not to make that modification, the Regulator shall comply with the direction.
- (4) Article 14(7) has effect subject to sub-paragraph (2).
- (5) An appeal may not be brought under Article 14B in respect of the exercise of the power.

Expiry of this Schedule

- 3 (1) This Schedule ceases to have effect at the end of the relevant period.
- (2) In this paragraph “relevant period” means the first period of 6 months to end after this Act is passed during the whole of which both the First Minister and deputy First Minister in Northern Ireland have held office.
- (3) That includes any such period which began before the day on which this Act is passed.
- (4) The Secretary of State may, by regulations, substitute the period of time specified in sub-paragraph (2) (for the purposes of this Schedule or a paragraph of this Schedule).
- (5) Regulations under sub-paragraph (4) are subject to the affirmative procedure.

Interpretation

- 4 In this Schedule—
- “Department” means the Department for the Economy in Northern Ireland;
- “electricity licence” means a licence granted under Article 10 of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1));
- “gas licence” means a licence granted under Article 8 of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)).

SCHEDULE 5

Section 24

POWERS AND EXPIRY OF POWERS IN RESPECT OF NORTHERN IRELAND

Powers exercisable concurrently by the Department for the Economy

- 1 (1) A power conferred on the Secretary of State by any of the following provisions of this Act may be exercised concurrently by the Department for the Economy in Northern Ireland (“the Department”)—
- (a) section 5 (domestic energy price reduction: Northern Ireland);
 - (b) section 11 (non-domestic energy charges: Northern Ireland);
 - (c) section 13 (support for meeting energy costs etc.);
 - (d) section 15 (role of other bodies in support for meeting energy costs etc.);
 - (e) section 19 (passing on energy price support);
 - (f) section 21 (modification of energy licences);
 - (g) section 22 (directions);
 - (h) section 27 (consequential provision).
- (2) Accordingly, for that purpose—
- (a) a reference to the Secretary of State in any of those provisions or any related provision is to be read as a reference to the Department, and
 - (b) a reference to the House of Commons or Parliament in any of those provisions or any related provision is to be read as a reference to the Northern Ireland Assembly,

Status: This is the original version (as it was originally enacted).

(but see paragraphs 3 and 4 for additional and alternative provision about section 14 and regulations generally).

Limitations on the exercise of particular powers by the Department

- 2 (1) The Department may exercise the power in section 21 only in respect of a licence granted under Article 10 of the Electricity (Northern Ireland) Order 1992 or Article 8 of the Gas (Northern Ireland) Order 1996.
- (2) The Department may exercise the power in section 22 only for the purpose of giving a direction to—
- (a) the Northern Ireland Regulator;
 - (b) a person who holds a licence granted under Article 10 of the Electricity (Northern Ireland) Order 1992 or Article 8 of the Gas (Northern Ireland) Order 1996.

Application of section 14 to the exercise of powers by the Department

- 3 (1) This paragraph applies in relation to the exercise of the powers in section 13 by the Department.
- (2) If the First Minister or deputy First Minister in Northern Ireland is not holding office at a time when the Department would otherwise—
- (a) seek the approval of the Northern Ireland Assembly for particular expenditure in accordance with section 14(2), that expenditure may instead be approved by a resolution of the House of Commons;
 - (b) lay a statement concerning urgent expenditure before the Northern Ireland Assembly in accordance with section 14(4), that statement may instead be laid by the Secretary of State before Parliament;
 - (c) lay a report concerning expenditure before the Northern Ireland Assembly in accordance with section 14(5), that report may instead be laid by the Secretary of State before Parliament.

Regulations made by the Department

- 4 (1) This paragraph applies where a power conferred by this Act to make regulations is exercisable concurrently by the Department.
- (2) Any provision made by the Department must be within the devolved competence of the Northern Ireland Assembly.
- (3) A provision is within the devolved competence of the Northern Ireland Assembly if—
- (a) the provision, if it were contained in a Bill for an Act of the Northern Ireland Assembly—
 - (i) would be within the legislative competence of the Assembly, and
 - (ii) would not require the consent of the Secretary of State; or
 - (b) the provision—
 - (i) amends or repeals Northern Ireland legislation, and
 - (ii) would, if it were contained in a Bill for an Act of the Northern Ireland Assembly, be within the legislative competence of the Assembly and require the consent of the Secretary of State.

Status: This is the original version (as it was originally enacted).

- (4) Any power of the Department to make regulations is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).
- (5) If regulations made by the Secretary of State under a power in this Act would be subject to—
 - (a) the affirmative procedure, regulations may not be made by the Department under that power unless a draft of the statutory rule containing the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly;
 - (b) the negative procedure, a statutory rule containing regulations made by the Department under that power is subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).

Expiry of the Department's powers

- 5 A power conferred by any of the following provisions of this Act ceases to be exercisable concurrently by the Department at the end of the relevant period (and accordingly the related provision in paragraph 1(1) ceases to have effect)—
- (a) section 5;
 - (b) section 11;
 - (c) section 13;
 - (d) section 15;
 - (e) section 19;
 - (f) section 21;
 - (g) section 22;
 - (h) section 27.

Expiry of the Secretary of State's powers in respect of Northern Ireland

- 6 A power conferred by any of the following provisions of this Act ceases to be exercisable by the Secretary of State at the end of the relevant period—
- (a) section 5;
 - (b) section 11.

Meaning of "relevant period"

- 7
- (1) In this Schedule "relevant period" means the first period of 6 months to end after this Act is passed during the whole of which both the First Minister and deputy First Minister in Northern Ireland have held office.
 - (2) That includes any such period which began before the day on which this Act is passed.
 - (3) The Secretary of State may, by regulations, substitute the period of time specified in sub-paragraph (1) (for the purposes of paragraph 5, paragraph 6, both of those paragraphs or any sub-paragraph of those paragraphs).
 - (4) Regulations under sub-paragraph (3) are subject to the affirmative procedure.

Continuity of the Department's powers

- 8 A power exercisable concurrently by the Department by virtue of paragraph 1(1) continues to be so exercisable even if that power has ceased to be exercisable by the Secretary of State.

SCHEDULE 6

Section 25

TIME LIMITS ON THE EXERCISE OF CERTAIN POWERS UNDER THIS ACT

Domestic electricity price reduction schemes for Great Britain

- 1 (1) This paragraph applies to a domestic electricity price reduction scheme for Great Britain if that scheme, or any other such scheme, has been designated.
- (2) The scheme may not provide for the reduction of the amount charged for domestic electricity supply if that supply takes place after the end of the period of two years beginning with 1 October 2022.
- (3) That period may be extended in accordance with paragraph 9.
- (4) In this paragraph “designated” means designated under section 2.

Domestic gas price reduction schemes for Great Britain

- 2 (1) This paragraph applies to a domestic gas price reduction scheme for Great Britain if that scheme, or any other such scheme, has been designated.
- (2) The scheme may not provide for the reduction of the amount charged for domestic gas supply if that supply takes place after the end of the period of two years beginning with 1 October 2022.
- (3) That period may be extended in accordance with paragraph 9.
- (4) In this paragraph “designated” means designated under section 3.

Domestic electricity price reduction schemes for Northern Ireland

- 3 (1) This paragraph applies to a domestic electricity price reduction scheme for Northern Ireland if that scheme, or any other such scheme, has been designated.
- (2) The scheme may not provide for the reduction of the amount charged for domestic electricity supply if that supply takes place after the end of the period of two years beginning with the operative date of the only or first scheme to be designated.
- (3) That period may be extended in accordance with paragraph 9.
- (4) In this paragraph—
“designated” means designated under section 6;
“operative date”, in relation to a designated scheme, means the first day on which domestic electricity supply takes place at a charge reduced in accordance with the scheme.

Domestic gas price reduction schemes for Northern Ireland

- 4 (1) This paragraph applies to a domestic gas price reduction scheme for Northern Ireland if that scheme, or any other such scheme, has been designated.
- (2) The scheme may not provide for the reduction of the amount charged for domestic gas supply if that supply takes place after the end of the period of two years beginning with the operative date of the only or first scheme to be designated.
- (3) That period may be extended in accordance with paragraph 9.
- (4) In this paragraph—
“designated” means designated under section 7;
“operative date”, in relation to a designated scheme, means the first day on which domestic gas supply takes place at a charge reduced in accordance with the scheme.

Reduced energy charges for non-domestic customers in Great Britain

- 5 (1) Regulations under section 9(1) may not provide for the reduction of charges for electricity supply if that supply takes place after the end of the period of two years beginning with the operative date of the first regulations made under section 9(1).
- (2) Additionally, regulations under section 9(1)—
(a) may only provide for the reduction of charges for electricity supply that takes place during a period of six months or less;
(b) but may provide for the reduction of charge for electricity supply that takes place during up to four such periods;
(c) must, if they provide for the reduction of charges for electricity supply that takes place during more than one such period, provide for each period to begin immediately after the end of a preceding period.
- (3) Regulations under section 9(2) may not provide for the reduction of charges for gas supply if that supply takes place after the end of the period of two years beginning with the operative date of the first regulations made under section 9(2).
- (4) Additionally, regulations under section 9(2)—
(a) may only provide for the reduction of charges for gas supply that takes place during a period of six months or less;
(b) but may provide for the reduction of charges for gas supply that takes place during up to four such periods;
(c) must, if they provide for the reduction of charges for gas supply that takes place during more than one such period, provide for each period to begin immediately after the end of a preceding period.
- (5) In this paragraph—
“operative date”, in relation to regulations under section 9(1) or (2), means the first day on which GB non-domestic electricity supply or gas supply takes place at a charge reduced in accordance with regulations made under that provision;
“reduction of charges for electricity supply” means reducing the amounts that would otherwise be charged for GB non-domestic electricity supply by licensed electricity suppliers;

Status: This is the original version (as it was originally enacted).

“reduction of charges for gas supply” means reducing the amounts that would otherwise be charged for GB non-domestic gas supply by licensed gas suppliers.

Reduced energy charges for non-domestic customers in Northern Ireland

- 6 (1) Regulations under section 11(1) may not provide for the reduction of charges for electricity supply if that supply takes place after the end of the period of two years beginning with the operative date of the first regulations made under section 11(1).
- (2) Additionally, regulations under section 11(1)—
- (a) may only provide for the reduction of charges for electricity supply that takes place during a period of six months or less;
 - (b) but may provide for the reduction of charges for electricity supply that takes place during up to four such periods;
 - (c) must, if they provide for the reduction of charges for electricity supply that takes place during more than one such period, provide for each period to begin immediately after the end of a preceding period.
- (3) Regulations under section 11(2) may not provide for the reduction of charges for gas supply if that supply takes place after the end of the period of two years beginning with the operative date of the first regulations made under section 11(2).
- (4) Additionally, regulations under section 11(2)—
- (a) may only provide for the reduction of charges for gas supply that takes place during a period of six months or less;
 - (b) but may provide for the reduction of charges for gas supply that takes place during up to four such periods;
 - (c) must, if they provide for the reduction of charges for gas supply that takes place during more than one such period, provide for each period to begin immediately after the end of a preceding period.
- (5) In this paragraph—
- “operative date”, in relation to regulations under section 11(1) or (2), means the first day on which NI non-domestic electricity supply or gas supply takes place at a charge reduced in accordance with regulations made under that provision;
 - “reduction of charges for electricity supply” means reducing the amounts that would otherwise be charged for NI non-domestic electricity supply by licensed electricity suppliers;
 - “reduction of charges for gas supply” means reducing the amounts that would otherwise be charged for NI non-domestic gas supply by licensed gas suppliers.

Power of the Secretary of State to give support for meeting energy costs etc

- 7 (1) The powers conferred by section 13 cease to be exercisable at the end of the period of three years and six months beginning with the day on which this Act is passed.
- (2) That period may be extended in accordance with paragraph 9.
- (3) Sub-paragraph (1) does not prevent the powers conferred by section 13 from being exercised in a manner that could have an effect (including through the creation of

rights, privileges, obligations or liabilities) which continues after the period when the power is exercisable.

Temporary requirement for electricity generators to make payments

- 8 (1) Regulations under section 16 may not require an electricity generator to make a periodic payment in respect of a period that expires after the end of the period of 5 years beginning with the day on which this Act is passed.
- (2) The Secretary of State may by regulations amend this paragraph so as to substitute a longer period for the period specified for the time being in sub-paragraph (1).
- (3) Regulations under this paragraph are subject to the affirmative procedure.

Extension of certain periods

- 9 (1) The Secretary of State may by regulations provide that any of the relevant time periods—
- (a) does not end at the time when it would otherwise end (whether by virtue of the original limitation or previous regulations under this paragraph), and
- (b) ends instead at such later time as is specified in the regulations.
- (2) Regulations under sub-paragraph (1) relating to a relevant time period must not provide for that period to end after the end of the period of 6 months beginning with the time when the relevant time period would otherwise have ended (whether by virtue of the original limitation or previous regulations under this paragraph).
- (3) Regulations under this paragraph are subject to the affirmative procedure.
- (4) In this paragraph—
- “original limitation” means paragraph 1(2), 2(2), 3(2), 4(2) or 7(1);
- “relevant time period” means any of the periods (initially of two years’ length or three years and six months’ length) referred to in the original limitations.

SCHEDULE 7

Section 27

AMENDMENTS OF LEGISLATION

PART 1

ACTS OF PARLIAMENT

Gas Act 1986

- 1 In Schedule 4B to the Gas Act 1986 (provisions imposing obligations that are enforceable as relevant requirements), in paragraph 4 (obligations of gas suppliers and gas shippers), after paragraph (e) insert—
- “(f) section 3(2), (3) or (4) of the Energy Prices Act 2022, except section 3(2)(c) or (4)(b) insofar as non-compliance with the terms

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- of the designated scheme involves the amounts payable by or to the Secretary of State under the scheme;
- (g) section 22 of the Energy Prices Act 2022.”

Electricity Act 1989

- 2 In Schedule 6A to the Electricity Act 1989 (provisions imposing obligations that are enforceable as relevant requirements), in paragraph 6 (obligations of supply licence holders), after paragraph (f) insert—
- “(g) section 2(2) of the Energy Prices Act 2022, except section 2(2)(c) insofar as non-compliance with the terms of the designated scheme involves the amounts payable by or to the Secretary of State under the scheme;
- (h) section 22 of the Energy Prices Act 2022.”

Utilities Act 2000

- 3 The Utilities Act 2000 is amended as follows.
- 4 In section 33(1) (standard conditions of electricity licences)—
- (a) in paragraph (i), omit the second “or”;
- (b) in paragraph (j), after “2022” insert “, or
- (k) under or by virtue of section 21 of the Energy Prices Act 2022”.
- 5 In section 81(2) (standard conditions of gas licences), after “Smart Meters Act 2018” insert “or under or by virtue of section 21 of the Energy Prices Act 2022”.
- 6 In section 105 (general restrictions on disclosure of information)—
- (a) in subsection (1), after “2022” insert “or a relevant scheme or regulations made under section 9(1) or (2) or section 16 of the Energy Prices Act 2022”;
- (b) in subsection (3), after paragraph (ab) insert—
- “(ac) it is required by any person in exercise of a power to require information conferred by regulations under section 16 of the Energy Prices Act 2022.”;
- (c) after subsection (8) insert—
- “(8A) Subsection (1) does not apply to a disclosure of information which has been obtained—
- (a) under or by virtue of a relevant scheme if it is made by a person in connection with that person’s performance of the terms of that relevant scheme, or
- (b) under or by virtue of regulations made under section 9(1) or (2) of the Energy Prices Act 2022 if the disclosure is made by a person in connection with the exercise of that person’s functions under the regulations.”;
- (d) in subsection (10), after the definition of “relevant activities” insert—
- ““relevant scheme” means—
- (a) a domestic electricity price reduction scheme for Great Britain, or
- (b) a domestic gas price reduction scheme for Great Britain,

within the meaning of the Energy Prices Act 2022 (see section 1 of that Act);”.

PART 2

NORTHERN IRELAND LEGISLATION

Energy (Northern Ireland) Order 2003

- 7 The Energy (Northern Ireland) Order 2003 (S.I. 2003/419 (N.I. 6)) is amended as follows.
- 8 In Article 12 (the principal objective and general duties of the Department and the Authority in relation to electricity), in paragraph (7), in the definition of “electricity functions”—
- (a) for “means functions” substitute “means—
 - (a) functions”;
 - (b) after the third “electricity” insert “;
 - (b) the functions which the Department has under section 5 (so far as relating to electricity) and section 6 of the Energy Prices Act 2022 (see Schedule 5 to that Act);
 - (c) the Authority’s function of giving directions under section 6(3) of the Energy Prices Act 2022;
 - (d) functions under regulations made under section 11(1) of the Energy Prices Act 2022;
 - (e) the power which the Department has under section 22 of the Energy Prices Act 2022 (by virtue of paragraph 1(1)(g) of Schedule 5 to that Act) to give a direction in connection with—
 - (i) the domestic electricity price reduction scheme for Northern Ireland, or
 - (ii) regulations made under section 11(1) (so far as relating to electricity)”.
- 9 In Article 14 (the principal objective and general duties of the Department and the Authority in relation to gas), in paragraph (6), in the definition of “gas functions”—
- (a) in paragraph (a), omit “and”;
 - (b) in paragraph (b), after “gas” insert “;
 - (c) the functions which the Department has under section 5 (so far as relating to gas) and section 7 of the Energy Prices Act 2022 (see Schedule 5 to that Act);
 - (d) the Authority’s function of giving directions under section 7(3) of the Energy Prices Act 2022;
 - (e) functions under regulations made under section 11(2) of the Energy Prices Act 2022;
 - (f) the power which the Department has under section 22 of the Energy Prices Act 2022 (by virtue of paragraph 1(1)(g) of Schedule 5 to that Act) to give a direction in connection with—
 - (i) the domestic gas price reduction scheme for Northern Ireland, or

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- (ii) regulations made under section 11(2) (so far as relating to gas)”.
- 10 In Article 41A (meaning of relevant requirement in relation to electricity), in paragraph (4)—
- (a) in sub-paragraph (j), omit the third “and”;
 - (b) after paragraph (k) insert—
 - “(l) section 6(2) of the Energy Prices Act 2022, except section 6(2)(c) insofar as non-compliance with the terms of the designated scheme involves the amounts payable by or to the Secretary of State under the scheme; and
 - (m) section 22 of the Energy Prices Act 2022.”.
- 11 In Article 41B (meaning of relevant requirement in relation to gas), in paragraph (3)—
- (a) in sub-paragraph (i), omit the third “and”;
 - (b) after paragraph (j) insert—
 - “(k) section 7(2) of the Energy Prices Act 2022, except section 7(2)(c) insofar as non-compliance with the terms of the designated scheme involves the amounts payable by or to the Secretary of State under the scheme; and
 - (l) section 22 of the Energy Prices Act 2022.”.
- 12 In Article 63 (general restrictions on disclosure of information)—
- (a) in paragraph (1)(a)—
 - (i) for “or Part II” substitute “, Part II”;
 - (ii) after “Gas Order” insert “, a relevant scheme or regulations made under section 11(1) or (2) or section 16 of the Energy Prices Act 2022”;
 - (b) in paragraph (3), after paragraph (b) insert—
 - “(ba) it is required by any person in exercise of a power to require information conferred by regulations under section 16 of the Energy Prices Act 2022.”;
 - (c) after paragraph (7) insert—
 - “(7A) Paragraph (1) does not apply to a disclosure of information which has been obtained—
 - (a) under or by virtue of a relevant scheme if it is made by a person in connection with that person’s performance of the terms of that relevant scheme;
 - (b) under or by virtue of regulations made under section 11(1) or (2) of the Energy Prices Act 2022 if the disclosure is made by a person in connection with the exercise of that person’s functions under the regulations.”;
 - (d) after paragraph (10) insert—
 - “(11) In this Article “relevant scheme” means—
 - (a) a domestic electricity price reduction scheme for Northern Ireland, or
 - (b) a domestic gas price reduction scheme for Northern Ireland,

established under section 5 of the Energy Prices Act 2022.”

The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007

- 13 The Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 (S.I. 2007/913 (N.I. 7)) is amended as follows.
- 14 In Article 6 (the Single Electricity Market Committee), in paragraph (4), after subparagraph (d) insert—
- “(e) the function of giving directions under section 6(3) of the Energy Prices Act 2022;
 - (f) a function under regulations made under section 11(1) of the Energy Prices Act 2022;”.
- 15 In Article 9 (principal objective and duties of Department, the Authority and SEM Committee in relation to SEM), in paragraph (8), in the definition of “electricity functions”, after paragraph (d) insert—
- “(e) functions under sections 5 and 6 of the Energy Prices Act 2022 (but only the functions under section 5 relating to electricity);
 - (f) functions under regulations made under section 11(1) of the Energy Prices Act 2022;”.