

SCHEDULE 4

Article 3(1)(c)

EXEMPTIONS FROM SECTION 4(1)(c) OF THE ACT (SUPPLY EXEMPTIONS)

Class A: Small suppliers

Persons (other than licensed suppliers) who do not supply any electricity except electricity which they generate themselves and who do not at any time supply more electrical power than 5 megawatts of which not more than 2.5 megawatts is supplied to domestic consumers.

A.1. For the purposes of Class A electrical power supplied by a body corporate which is associated with any supplier shall be treated as supplied by that supplier.

Class B: Resale

Persons (other than licensed suppliers) who—

- (1) do not supply any electricity except—
 - (a) electricity which is supplied to their premises by—
 - (i) a licensed supplier; or
 - (ii) by a person in circumstances such that he falls within Class C in this Schedule (in this Class referred to as a “Class C supplier”) provided that for the purpose of determining for the purpose of this Class and paragraphs B.1 and B.2 below whether a person is supplying electricity in such circumstances paragraph (2)(a), (b), (c), (d) and (e) in Class C in this Schedule shall have effect as if sub-paragraph (ii) and the preceding “and”, in each case, were omitted; or
 - (b) electricity which they generate themselves or which is supplied to them by a person authorised by an exemption to supply electricity when—
 - (i) the supply of electricity which is normally available to them from a licensed supplier or a Class C supplier (their “normal supply”) is interrupted temporarily due to circumstances outside their control; or
 - (ii) the plant or equipment which is used to generate electricity for the purpose of giving their normal supply is being tested; and
- (2) to the extent that they supply Class C electricity—
 - (a) supply such electricity only to premises, which are on the same site as the relevant premises; and
 - (b) comply with all the conditions set out in paragraph B. 2 below.

B.1. For the purposes of Class B—

“Class C electricity” means electricity which is supplied by a person in circumstances such that he falls within Class C in this Schedule;

“relevant premises”, in relation to any reference to a supplier falling or seeking to fall within Class B, means the premises from which he supplies that electricity; and

“year” means a period of twelve months running from 1st April to 31st March.

B.2. The conditions referred to in paragraph (2) in Class B are as follows.

(1) In respect of each relevant premises the supplier must not in the previous year have supplied from those relevant premises an amount of Class C electricity which is more than 10 per cent of the Class C electricity supplied in that year to those relevant premises.

(2) If during a year the supplier starts to supply Class C electricity from any particular relevant premises for the first time, at the time he starts to make such supplies he must reasonably expect

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that the total amount of Class C electricity supplied by him during the remainder of that year from those premises will be no more than 10 per cent. of the Class C electricity supplied in that year to those relevant premises.

(3) In respect of each relevant premises the supplier must not in any year supply from those relevant premises more than 250 megawatt hours of Class C electricity to domestic consumers.

B.3. A supplier shall not, if and to the extent that it would lead to his falling outside Class B, be treated as supplying Class C electricity to any premises during a year in which the relevant premises are being supplied with electricity by licensed suppliers, unless he supplies more electricity in that year than the amount of electricity which is supplied to those relevant premises by licensed suppliers in that year.

Class C: On-site supply

Persons (other than licensed suppliers) who—

- (1) do not supply any electricity except—
 - (a) electricity which they generate themselves; or
 - (b) electricity which they generate themselves together with electricity which is supplied to them by a licensed supplier; and
- (2) provide the output of each generating station at which they generate electricity only to—
 - (a) one consumer who—
 - (i) occupies premises which are on the same site as the premises where the generating station is situated; and
 - (ii) consumes all the electricity provided to him by the supplier in question at those premises other than any of that electricity supplied by that consumer in circumstances such that he falls within Class B in this Schedule;
 (in this Class referred to as a “single consumer”) or
 - (b) two or more consumers who form a qualifying group each of whom—
 - (i) occupies premises which are on the same site as the premises where the generating station is situated; and
 - (ii) consumes all the electricity provided to him by the supplier in question at those premises other than any of that electricity supplied by that consumer in circumstances such that he falls within Class B in this Schedule;
 (in this Class referred to as an “on-site qualifying group”) or
 - (c) one or more consumers who—
 - (i) each occupy premises which are—
 - (aa) on the same site as the premises where the generating station is situated; or
 - (bb) not on the same site but which receive the electricity supply from that generating station over private wires; and
 - (ii) each of whom consumes all the electricity provided to him by the supplier in question at those premises other than any of that electricity supplied by that consumer in circumstances such that he falls within Class B in this Schedule;
 (each in this Class referred to as an “additional group consumer”) where the total maximum amount of electrical power supplied to those additional group consumers at any time is 100 megawatts of which not more than one megawatt is supplied to domestic consumers; or
 - (d) one consumer who—

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- (i) receives at least a third of the output of that generating station at premises he occupies which are—
 - (aa) on the same site as the premises where the generating station is situated; or
 - (bb) not on the same site but which receive the electricity supply from that generating station over private wires; and
- (ii) consumes all the electricity provided to him by the supplier in question at premises he occupies other than any of that electricity supplied by that consumer in circumstances such that he falls within Class B in this Schedule;
(in this Class referred to as a “remote consumer”) or
- (e) two or more consumers who form a qualifying group—
 - (i) who between them receive at least a third of the output of that generating station at premises they occupy which are—
 - (aa) on the same site as the premises where the generating station is situated; or
 - (bb) not on the same site but which receive the electricity supply from that generating station over private wires; and
 - (ii) each of whom consumes all the electricity provided to him by the supplier in question at premises he occupies other than any of that electricity supplied by that consumer in circumstances such that he falls within Class B in this Schedule;
(in this Class referred to as a “remote qualifying group”) or
- (f) additional group consumers within the 100 megawatt limit and one of the following—
 - (i) a single consumer;
 - (ii) an on-site qualifying group;
 - (iii) a remote consumer; or
 - (iv) a remote qualifying group; or
- (g)
 - (i) a single consumer, or an on-site qualifying group, or additional group consumers within the 100 megawatt limit, or a remote consumer, or a remote qualifying group, or a mixed group of consumers of a type described in sub-paragraph (f) above; and
 - (ii) any other person in circumstances where the provision of the output of the generating station in question does not amount to the supply of electricity.

C.1. The following provisions have effect for the purposes of Class C.

(1) Where at any time the supplier in question and some other person generate electricity at the same generating station or provide the output of the same generating station, the generation of electricity by that other person or the provision of the output of that generating station by that other person shall be treated as the generation of electricity and the provision of the output of that generating station respectively by that supplier if that other person, being a body corporate, is associated with that supplier.

(2) Two or more generating sets which are operated by the same person or by bodies corporate which are associated with each other shall be treated as a single generating station if they are on the same site as each other (whether or not there is an electrical interconnection between any of them) but otherwise shall be treated as separate generating stations, and in this sub-paragraph—

- (a) “generating set” means a combination of the plant and equipment that produces electricity and any other plant or equipment by which that plant or equipment is driven; and
- (b) generating sets shall be treated as being on the same site as each other if they are—

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- (i) situated on the same premises as each other;
- (ii) situated on premises which are immediately adjoining each other; or
- (iii) situated on premises which are separated from each other only by a road, railway or watercourse or by other premises occupied by the supplier in question or by a body corporate which is an associate of that supplier.

C.2. In Class C—

“additional group consumers within the 100 megawatt limit” means consumers described in paragraph (2)(c) in Class C;

“output” in relation to a generating station means the electricity generated at that generating station other than electricity consumed by the plant; and

“private wires” in relation to a generating station means electric lines owned by—

- (a) the supplier in question;
- (b) a consumer who receives a supply from the supplier in question from the generating station;
- (c) the owner, lessor or lessee of the generating station or of one of the premises to which a supply is made by the supplier in question; or
- (d) any of the persons described in paragraphs (a) to (c) above jointly with any other of the persons described in those paragraphs;

provided that the owner of those wires is not a licensed distributor.

Class D: Offshore supply

Persons (other than licensed suppliers) who—

(1) do not supply electricity except electricity which has been generated at a generating station which is situated on an offshore installation; and

(2) do not supply such electricity to any premises except premises which constitute or are comprised in an offshore installation.

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