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STATUTORY INSTRUMENTS

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**2004 No. 3392**

**The Electricity and Gas (Energy Efficiency Obligations) Order 2004**

**Title, commencement and interpretation**

1.—(1) This Order may be cited as the Electricity and Gas (Energy Efficiency Obligations) Order 2004 and shall come into force on the day after the day on which it is made.

(2) In this Order—

“domestic consumer” means a person who uses coal, electricity, gas, liquid petroleum gas or oil at domestic premises in Great Britain wholly or mainly for domestic purposes;

“domestic customer” means an owner or occupier of domestic premises in Great Britain who is supplied with electricity or gas at those premises wholly or mainly for domestic purposes;

“energy efficiency” includes efficiency in the use by consumers of coal, liquid petroleum gas or oil;

“fuel-standardised” means, in respect of an improvement in energy efficiency, the number of kilowatt hours<sup>(1)</sup> of improvement multiplied—

- (i) where the source of energy is coal, by 0.557;
- (ii) where the source of energy is electricity, by 0.801;
- (iii) where the source of energy is gas, by 0.353;
- (iv) where the source of energy is liquid petroleum gas, by 0.398; or
- (v) where the source of energy is oil, by 0.464;

“lifetime-discounted” means, in respect of an improvement in energy efficiency, the number of kilowatt hours of improvement discounted by 3.5% a year over its lifetime (as estimated by the Authority under article 6(1)(a)(ii));

“supplier” means an electricity supplier or a gas supplier who supplies at least 50,000 domestic customers (including those supplied by his holding company or subsidiary or by any subsidiary of such a holding company, where “holding company” and “subsidiary” have the same meaning as in section 736 of the Companies Act 1985<sup>(2)</sup>);

“priority group” means persons—

- (i) who are in receipt of at least one of the benefits described in paragraph 2 of the Schedule to this Order; or
- (ii) who are in receipt of at least one of the credits described in paragraph 3 of that Schedule and whose relevant income is £14,600 or less (where “relevant income” has the same meaning as in Part 1 of the Tax Credits Act 2002<sup>(3)</sup>); and

“qualifying action” means an action determined by the Authority under article 5(1)(b) as promoting an improvement in energy efficiency.

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(1) Section 48(1) of the Gas Act 1986 defines “kilowatt hour” as 3.6 megajoules.

(2) 1985 c. 6. Sections 736 and 736A were substituted for the original section by section 736 by section 144(1) of the Companies Act 1989 (c. 40).

(3) 2002 c. 21. See in particular section 7(3).

(3) For the purposes of this Order—

- (a) a person who ceases to be a supplier after 31st December 2004 but who continues to hold a supply licence under section 6(1)(d) of the Electricity Act 1989 or section 7A of the Gas Act 1986 shall continue to be treated as a supplier; and
- (b) a reference to notification is a reference to notification in writing and includes notification by electronic mail, facsimile or similar means.