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STATUTORY INSTRUMENTS

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**2014 No. 1131**

**The Electricity and Gas (Energy Companies  
Obligation) (Amendment) Order 2014**

**Transfers of excess actions**

7. After article 21 (excess actions), insert—

**“Transfers of excess actions**

**21A.—**(1) Where—

- (a) a supplier (“C”) has achieved an excess action (“E”); and
- (b) the Administrator has approved an application made in respect of E under article 21(9),

E may be regarded as achieved by another supplier (“D”) (“a transfer”) if that transfer is approved by the Administrator in accordance with this article.

(2) C and D must—

- (a) apply for approval in writing to the Administrator by 30th April 2015;
- (b) provide to the Administrator such information, including the number and type of excess actions intended to be transferred, as the Administrator may reasonably require; and
- (c) indicate whether D intends E to be credited towards D’s—
  - (i) total carbon emissions reduction obligation;
  - (ii) total carbon saving community obligation; or
  - (iii) total home heating cost reduction obligation.

(3) The Administrator must approve a transfer—

- (a) in a case where D has indicated that it intends E to be credited towards a different obligation from the one notified under article 21(2)(b), if the Administrator is satisfied that E meets any applicable requirement in article 21(4)(d) or (5)(d) in respect of that different obligation; and
- (b) unless it has reasonable grounds to believe that, if the transfer were approved, C would not be able to achieve its—
  - (i) total carbon emissions reduction obligation;
  - (ii) total carbon saving community obligation; or
  - (iii) total home heating cost reduction obligation.

(4) If the Administrator decides not to approve a transfer under paragraph (3) it must notify C and D of the reasons for that decision.

(5) If a transfer is approved, E is treated as achieved by D and not C.”.