
STATUTORY INSTRUMENTS

2017 No. 490

**The Electricity and Gas (Energy Company
Obligation) (Amendment) Order 2017**

Amendments to article 17 of the 2014 Order (notifications of qualifying actions)

13.—(1) At the beginning of article 17(1) insert “Subject to paragraph (3A),”.

(2) After article 17(3) insert—

“(3A) A supplier may notify a completed qualifying action (“the late action”) after the date required by paragraph (1) (“the original deadline”) if—

- (a) following receipt of an application under paragraph (4), the Administrator has extended the period for notifying the late action and the notification is made within that extended period; or
- (b) the late action—
 - (i) falls within the 5% notification threshold for the supplier (“the notifying supplier”);
 - (ii) is completed on or after 1st April 2017; and
 - (iii) is notified before the earlier of—
 - (aa) the end of the fourth calendar month after the calendar month in which the late action was completed; or
 - (bb) the end of December 2018.

(3B) For the purposes of paragraph (3A)(b)(i), a late action falls within the 5% notification threshold for the notifying supplier if, at the time the late action is notified to the Administrator, the result of the following formula is less than or equal to 0.05—

$$\frac{A - B}{C}$$

where—

- (a) “A” is the number of qualifying actions (also counting the late action) which are—
 - (i) completed in the same calendar month as the late action; and
 - (ii) notified after the original deadline by—
 - (aa) the notifying supplier; or
 - (bb) any other supplier that is a member of the same group as the notifying supplier;
- (b) “B” is the number of qualifying actions which are—
 - (i) completed in the same calendar month as the late action;
 - (ii) the subject of an application under paragraph (4) which results in the Administrator extending the period for notifying the action (“the extended period”); and
 - (iii) notified after the original deadline and within the extended period by—

- (aa) the notifying supplier; or
 - (bb) any other supplier that is a member of the same group as the notifying supplier; and
 - (c) “C” is the greater of one or the number of qualifying actions which are—
 - (i) completed in the same calendar month as the late action; and
 - (ii) notified on or before the original deadline by—
 - (aa) the notifying supplier; or
 - (bb) any other supplier that is a member of the same group as the notifying supplier.”.
- (3) For articles 17(5) and (6) substitute—
- “(5) Following receipt of an application under paragraph (4), the Administrator may extend the period for notifying the late action for such period as it thinks fit provided that—
- (a) details of why the supplier is seeking an extension of time to notify the late action are provided in the application; and
 - (b) in the case of an action completed on or before 31st March 2017, the reason for the application is one other than an administrative oversight on the part of the supplier.
- (4) In article 17(8)—
- (a) before the definition of “overall obligation period” insert—
 - ““new supplier” means a new 2015 supplier or a new 2016 supplier;”;
 - (b) in the definition of “overall obligation period”—
 - (i) in paragraph (a) for “31st March 2017” substitute “30th September 2018”;
 - (ii) for paragraph (b) substitute—
 - “(b) for a new 2015 supplier, the period beginning with 1st April 2016 and ending with 30th September 2018;
 - (c) for a new 2016 supplier, the period beginning with 1st April 2017 and ending with 30th September 2018;”;
 - (c) in the definition of “relevant calendar month” for “April 2017” substitute “October 2018”.